

TOWNSHIP OF PEQUANNOCK

ORDINANCE No. 2021-16

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 360 "ZONING"
OF THE CODE OF THE TOWNSHIP OF PEQUANNOCK**

WHEREAS, the Township's Master Plan recommends several amendments to the Township's Zoning Code and has made certain recommendations for clarification of definitions and certain use permissions; and

WHEREAS, the Pequannock Township Council is charged with adopting zoning standards ordinances relating to the nature and extent of uses of the land and of buildings and structures thereon in order to protect the general health, safety, and welfare of the public. The Township Council of the Township of Pequannock believe it in the best interest of the Township to amend the Ordinance accordingly.

WHEREAS, the Township's Master Plan recommends several amendments to the Township's Zoning Code and has made certain recommendations for clarification of definitions and has made certain recommendations for clarifications of medical uses and definitions of commercial use types; and

WHEREAS, the Township's Master Plan recommends several amendments to the Township's Zoning Code and has made certain recommendations for certain amendments to the R-9, R-11, R-15, R-22, C-3 and C-4 Zone Districts and regulations pertaining to residential and non-residential districts; and

WHEREAS, the Township's Master Plan recommends several amendments to the Township's Zoning Code and has made certain recommendations for sign regulations; and

WHEREAS, the Township's Master Plan recommends several amendments to the Township's Zoning Code and has made certain recommendations for parking and loading regulations; and

WHEREAS, the Township's Master Plan recommends several amendments to the Township's Zoning Code and has made certain recommendations for the industrial zone districts; and

WHEREAS, the Township's Master Plan recommends several amendments to the Township's Zoning Code and has made certain recommendations for recycling standards; and

WHEREAS, the proposed ordinance would supplement the site plan/subdivision

ordinance, establishing facilities for the collection or storage of source separated recyclable material in new multifamily housing developments.

WHEREAS, the Township Council of the Township of Pequannock believe it in the best interest of the Township to amend the Ordinance accordingly.

BE IT ORDAINED, by the Township Council of the Township of Pequannock, in the County of Morris, State of New Jersey, that the code of the Township of Pequannock be and is hereby amended and supplemented to read as follows:

(Additional regulations or amended text indicated in **bold type**; deleted text is shown in ~~*strikethrough italics*~~.)

SECTION ONE:

§360-5 Definitions and Word Usage.

- A. Words used in the present tense include the future; the singular includes the plural; "person" includes an association, partnership and corporation as well as an individual; the word "shall" is always mandatory; and the term "occupied or used," as applied to any building, shall be construed to be followed by the words "or intended, arranged or designed to be occupied or used."
- B. Unless otherwise expressly stated, the following words and phrases shall be construed throughout this chapter to have the meanings herein indicated:

“ACCESSORY BUILDING OR USE”

A building or use subordinate in area, extent and purpose to the principal building or use on a lot and used for purposes customarily incidental to those of the principal building.

“ADMINISTRATIVE OFFICER”

The Zoning Officer or personnel as identified by ordinance.

“ADULT BOOK AND/OR GIFT STORE”

An establishment having as a substantial or significant portion of its stock-in-trade gifts, devices, books, magazines and other periodicals which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as hereafter defined, or an establishment with a segment or section devoted to the sale or display of such material.

“ADULT MINI MOTION-PICTURE THEATER”

An enclosed building with a capacity for fewer than 50 persons used for showing material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as hereafter defined, for observations by patrons therein.

“ADULT MOTION-PICTURE THEATER”

An enclosed building with a capacity of 50 or more persons used for showing material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as hereafter defined, for observations by patrons therein.

“AMUSEMENT PARLOR OR ARCADE”

Any place or premises where any machine or device is located, the primary purpose of which is to make said machines available to the public. If more than 10% of the floor area devoted to the public is utilized for machines or there are more than eight machines, whichever is more restrictive, the use or premises shall be considered an amusement parlor.

“BASEMENT (CELLAR)”

The portion of a building that is partly below the average finished grade of the ground adjoining the building.

“BIG BOX RETAIL”

Large retail establishment of over 50,000 square feet used for wholesale and retail purposes. ~~Large industrial-style buildings of over 75,000 square feet used for wholesale and retail purposes with interior space greater than 1 1/2 stories to allow for the palletizing and vertical bulk stacking of merchandise.~~

“BOARDINGHOUSE”

A dwelling in which rooms without cooking facilities may be leased to persons, principally nontransients.

“BREWERY/DISTILLERY”

An establishment that manufactures and sells alcoholic products in-house.

“BUILDING”

Any temporary or permanent structure having a roof supported by columns, piers, or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind. "Building" shall also be any unroofed platform. "Building" shall also include receiving and transmitting radio,

television and other communications equipment antennas, except for such antennas installed on the roof of a building and extending no more than 15 feet above the highest level of the roof of such building.

“BUILDING LINE”

The boundary line along a street beyond which buildings must not project. Pad site structures must adhere to building line regulations where all other structures adhere to setback regulations.

“BUILDING, TEMPORARY”

Any structure which is not intended to be used for more than four consecutive months of any calendar year and which is completely disassembled subsequent to each period of use.

“CANNABIS”

All parts of the plant Cannabis sativa L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with the New Jersey Cannabis Regulatory Enforcement Assistance, and Marketplace Modernization Act, P.L. 2021, c16 (the “Act”) for use in cannabis products as further defined in the Act.

“CANNABIS CULTIVATOR”

Any licensed person or entity that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

“CANNABIS ESTABLISHMENT”

A cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, a cannabis retailer or a cannabis distributor as defined in the New Jersey Cannabis Regulatory Enforcement Assistance, and Marketplace Modernization Act, P.L. 2021, c16 (the “Act”)

“CANTILEVERING (RESIDENTIAL)”

To allow for modest improvements of homes in the community without negatively impacting flooding or proportionality, a home may be cantilevered no more than two feet over the foundation. Such cantilever may occur on only two sides and must be opposite sides. Such a cantilever shall not be included in building coverage. The area of

the cantilever in excess of the permitted two feet on two parallel sides shall be included and counted as part of the building coverage.

“CLINIC”

Place used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons and those who are in need of psychiatric counseling or medical, dental or surgical attention but who are not provided with board or room or kept overnight on the premises.

“CLUB or LODGE”

A corporation, association or group of persons formed for social, educational or recreational purposes, not for profit.

“COMMERCIAL ENTERTAINMENT”

The rendering of entertainment, as opposed to products or services, to the general public. Commercial entertainment includes theaters and auditoriums, and indoor amusement/entertainment facilities such as arcades, pool and/or billiard rooms.

“COMMERCIAL RECREATION”

Sport type uses such as bowling, soccer, ice skating, wrestling, batting cages, golf driving ranges, trampoline or similar uses

“COMMUNITY CENTER”

Any building or buildings and the lot upon which they are located which are publicly owned or operated to serve the community in which they are located. Such a use may include indoor and outdoor recreational facilities, public meeting rooms, libraries and rooms for the dispensing of counseling, guidance or clinical services but may not include residential uses.

“COMPLETE APPLICATION”

An application form, completed as specified by ordinance and the rules and regulations of the Planning Board or Zoning Board of Adjustment, and accompanying documents required by ordinance for approval of the application for development, including but not limited to a site plan.

“CONTRACTOR SHOWROOM”

An establishment used to display and place orders for windows, doors, cabinets, countertops, carpets, recreational structures, and similar items that are delivered to the customer's home or business. A contractor showroom shall not include establishments wherein customers leave the site with merchandise

“COURT, INNER”

An open space enclosed on all sides by exterior walls of a building.

“COURT, OUTER”

An open space enclosed on three sides by exterior walls of a building. Its length shall be measured as the horizontal distance between the exit opening on a street or yard and the end opposite such street or yard.

“COVERAGE BY IMPERVIOUS SURFACES”

The portion of a lot covered by all buildings, asphalt or concrete paving, paver stone, tile or block, sidewalks, swimming pool, porches and exterior stairs or other impervious surfaces which prevent water absorption to the ground.

“COVERAGE, BUILDING”

The area covered by all buildings on a lot, expressed as a percentage of the total lot area.

“CULTIVATION”

The growing, cultivation, or production of cannabis. Cannabis cultivation may include limited cannabis processing provided that the cannabis cultivator possesses the required State cannabis manufacturers license and subject to the limitations contained within this Chapter.

“DECK”

An outdoor unroofed platform supported by columns, piers or walls or other supports that allow water to flow through and into the ground below.

“DRIVE-IN ESTABLISHMENT”

Premises constructed to dispense services to motorists without having to leave the vehicle and providing curb and/or window counter service.

“DRIVE-IN/DRIVE-THROUGH RESTAURANT”

A building or portion thereof where food or beverages are sold in a form ready for consumption and where a portion of the consumption takes place outside the building, as for example a motor vehicle on site.

“DWELLING”

A structure or portion of a structure on a lot which is arranged or used or intended to be used for one or more individuals living together as a single housekeeping unit. Every dwelling unit shall have, at a minimum, cooking, living, sanitary and sleeping facilities.

“DWELLING, DETACHED”

A building designed for and occupied by a single household which has no party walls in common with any other structure.

~~**“DWELLING, MULTIFAMILY**~~

~~A building or portion thereof containing three or more dwelling units, including condominium or cooperative ownership.~~

“DWELLING, PATIO HOME”

A single-family dwelling unit arranged on a lot of at least the minimum required size and dimension with no side yard on one side of the dwelling and in which the entire rear yard is fenced, walled or otherwise screened.

“DWELLING, SEMIDETACHED”

A one-family dwelling separated by a party wall from another contiguous dwelling.

~~**“DWELLING, TOWNHOUSE”**~~

~~A one family dwelling which has two party walls in common with contiguous buildings or one party wall in the case of the end building of a group of townhouse dwellings.~~

“DWELLING, TOWNHOUSE STACKED”

A townhome in which one unit is “stacked” on top of the other, up to two units total. Each of the units in a stacked townhome must have its own exterior entrance.”

“DWELLING, TWO-FAMILY DETACHED”

A structure on one lot which contains two separate and complete dwellings with common or separate entrances.

“DWELLING UNIT, TOWNHOUSE”

One of a series of single-family dwelling units attached by a common wall between it and the adjacent unit or units together with individual front and rear entrances and yards designed as an integral part of each unit and having been constructed in conformity with an approved subdivision and site development plan.

“ELEEMOSYNARY USE”

Use by a charitable nonprofit organization.

“ENGINEER”

The duly appointed Engineer of the Township of Pequannock.

“FAST-FOOD RESTAURANT”

An establishment whose principal business is the sale of pre-prepared or rapidly prepared food in a ready-to-consume state for consumption within the building or off premises.

“FENCE”

A barrier greater than 2 1/2 feet in height made of posts and wires, boards or other similar material.

“FLOOR AREA RATIO”

The aggregate floor area, in square feet, of all buildings on a lot divided by the square-foot area of such lot.

“FLOOR AREA, AGGREGATE”

The sum of the gross horizontal areas of the several floors of the building or buildings on a lot, measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings, excluding roof areas, terraces or balconies, and cellar and basement areas used only for storage or for the operation and maintenance of the building, and further excluding any areas devoted only to accessory off-street parking or loading.

“FRONT YARD SETBACK”

The area between the line parallel to the street line at a distance therefrom equal to the depth of the front yard required for the district in which the lot is located and the street line, which area shall be open and unoccupied.

“GARAGE”

A building accessory to the principal use on a lot for the storage of motor vehicles, either for or without compensation.

“GRADE PLANE”

The reference plane representing the average of finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the

area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building.

“HEIGHT OF BUILDING”

The vertical distance of a structure derived from the average finished grade at the foundation corners of the building or structure, including additional measurements at the center of all exterior side, front and rear building walls, to the highest point of the building or structure, excluding a chimney or other similar structures.

“HOME OCCUPATION”

An accessory use of a dwelling unit for gainful employment.

“HOSPITAL”

An institution providing health services and medical or surgical care of the sick or injured, both as inpatients and as outpatients, including, as an integral part of the institution, such related facilities as laboratories, training facilities, central service facilities and staff offices.

“HOTEL”

A building or part thereof which contains 48 or more rented rooms without cooking facilities, served by a common entrance.

“JUNKYARD”

A lot, land or structure or part thereof used primarily for the collecting, storage and sale of wastepaper, rags, scrap metal or other scrap or discarded material or for the collecting, dismantling, storage or salvaging of machinery or vehicles not in running condition and for the sale of parts thereof. An automobile junkyard shall consist of the storage of three or more unlicensed automobiles for the purpose of salvaging used parts therefrom or reducing said automobile to scrap, whether or not said use is accessory to a permitted use.

“LIMITED CANNABIS PROCESSING”

The drying, compounding, extraction, and/or conversion of usable cannabis into cannabis resins as an activity accessory to and performed in conjunction with a principle cannabis cultivation use on or at the same facility. It is recognized that Limited Cannabis Processing requires a State of New Jersey cannabis “manufacturing” license, however, Limited Cannabis Processing is the only “manufacturing” activity permitted in the Township.

“LOADING SPACE”

A portion of a lot contiguous to a building which is set aside for the parking of vehicles while materials or goods are being loaded or unloaded.

“LOT”

Any parcel of land which is occupied or intended to be occupied by a building or buildings and its accessory buildings, together with the required open spaces and accessory uses appurtenant to such building or group of buildings.

“LOT DEPTH”

The average horizontal distance between front and rear lot lines, measured in the general direction of its side lot lines. In the case of an irregularly shaped lot which comes to a point in the rear, the lot depth shall be the distance of the perpendicular line extending from the center of the rear lot line to the street.

“LOT FRONTAGE”

Shall be the same as lot width except in the case of flag lots where it shall be a minimum of 50 feet.

“LOT LINE”

Any boundary of a lot.

“LOT LINE, FRONT”

See definition of "street line."

“LOT LINE, REAR”

The lot line generally opposite to the street line; if the rear lot line is less than 10 feet in length or if the lot comes to a point in the rear, the rear lot line shall be deemed to be an imaginary line parallel to the street line not less than 10 feet long lying furthest from the street line.

“LOT LINE, SIDE”

The lot lines extending from the street line to the rear lot line.

“LOT WIDTH”

The lot width shall be measured at the front yard setback line.

“LOT, CORNER”

A lot abutting on two or more intersecting streets. A lot abutting a curved street shall be deemed to be a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of 135° or less.

“LOT, INTERIOR”

Any lot which is not a corner lot.

“LOT, THROUGH”

A lot having street frontage both in front and to the rear.

“MACHINE or DEVICE”

Any coin-operated automatic amusement game, including, but not to the exclusion of other devices, those devices known as "roulette," "baseball," "pinball," "shooting games," "video-type games or machines" or similar devices that use a display screen which, upon the insertion of a coin, slug, token, plate, disc or key into a slot, crevice or other opening, will commence operation, which is maintained or used within a public or quasi-public place. Each machine or device shall have an unobstructed perimeter zone or distance of five feet around the sides and front of said machine or device. Nothing herein contained shall be construed to refer to vending machines for cigarettes, food, confections, music or merchandise.

“MASTER PLAN”

The document or documents, as amended, which have been adopted by the Pequannock Township Planning Board as the Master Plan of the Township of Pequannock.

“MEDICAL OR DENTAL LAB”

A facility or office for performing diagnostic or medical test (such as but not limited to blood test, urinalysis, CT scan, x-ray, or other diagnostic test); and performing analysis of such tests.

“MEDICAL OFFICE”

An outpatient institution which may be directly affiliated with a hospital or medical complex, membership based, and open to the public as well as referred patients. Such building is used primarily by physicians to examine and consult with patients. The following facilities shall not be considered Medical Office: Ambulatory Surgery Centers, Imaging Centers, medical or dental laboratories, urgent care facilities, long term acute care hospitals or specialty hospitals.

“MOBILE HOME(S)”

A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

“MOTEL”

A building or group of buildings containing rented rooms which have direct outside access (the term "outside access" to include access to open or screened porches), including establishments designated as "motor inn," "tourist court," "tourist cabins" or "roadside hotel."

“NONCONFORMING USE”

A building or use, or both, which lawfully existed prior to the enactment of a zoning ordinance or any amendment thereto and which is continued after the effective date thereof although it does not conform to the use regulations of the district in which it is located.

“NURSING HOME”

A facility operated for the purpose of providing therein lodging, board and nursing care to sick, invalid, infirm, disabled or convalescent persons for compensation.

“OUTDOOR DINING”

The use of an adjacent, privately-owned outside area by a food or beverage establishment for the same eating and drinking activities that occur within the establishment.

“OUTDOOR DISPLAY”

The use of any portion of a lot outside the enclosed portions of a structure for purposes of display, sales or storage.

“PARKING SPACE”

An open space or a garage, on a lot, used for parking of motor vehicles and to which there is access from a street or aisle.

“PAD SITE STRUCTURE”

A stand-alone structure of less than 35,000 square feet, commonly located on an outparcel, and typically located in the front of a larger shopping center or strip mall.

“PET CARE ESTABLISHMENT”

An establishment used as veterinary clinic, veterinary hospital, animal boarding, kennel, or grooming business. A pet care establishment shall permit a maximum of 100 square feet of ancillary retail sales.

“PLANNER”

The Township Planner of the Township of Pequannock.

“PERSONAL SERVICES”

Services involving the care of a person or his or her personal goods or apparel.

“PLANNING BOARD”

The duly and legally appointed Planning Board of the Township of Pequannock.

“PRINCIPAL BUILDING”

A building in which is conducted the main or principal use of the lot on which the building is located.

“PROFESSION or PROFESSIONAL OCCUPATION”

Those businesses and offices which are licensed by the State of New Jersey.

“PROFESSIONAL OFFICE”

The office of a member of a recognized profession including only the office of a realtor, an insurance agent, an architect, a professional engineer, a lawyer or such similar professional occupation which may be so designated by the Planning Board upon finding by such Board that such occupation is truly professional in character, training and experience as a condition for the practice thereof. The practice of such occupation shall in no way adversely affect the safe and comfortable enjoyment of property rights in any zone in which it is located to a greater extent than for the professional activities listed herein. The issuance of a state or local license for regulation of any gainful occupation need not be deemed indicative of professional standing.

“RESTAURANT”

A building or portion thereof where food is commercially sold for on-premises consumption to patrons seated at tables or counters.

“RETAIL FOOD ESTABLISHMENT”

A building in which food or drink is offered for retail sale for consumption off premises.

“RETAIL SALES”

An establishment wherein goods, merchandise, produce, commodities or similar articles are offered for sale or sold to the general public or the ultimate consumer.

“RETAIL SERVICES”

The rendering of services, as opposed to products, to the general public. Retail services include recreation services and facilities, studios for the instruction of the arts, including dance studios, gymnastics, or martial arts, museums, and galleries.

“SERVICE STATION”

A premises used for the retail sale of gasoline and other fuels and oil and other lubricants for the operation of motor vehicles and accessory uses.

“SETBACK OR YARD REQUIREMENTS”

For the purpose of measuring the yard dimension, the location of the building wall closest to the property line shall constitute the location of the building. No architectural projections, such as a roof overhang or bay window, shall extend more than 1 1/2 feet beyond the required setback.

“SIDEWALK CAFES”

The extension of the services of an existing restaurant preparing and serving foods for consumption within an existing building, to the extent that food is permitted to be served and consumed at tables placed on the public sidewalk adjacent to and within the confines of the frontage of that portion of the building in which the restaurant is situated. A sidewalk cafe may contain readily removable tables, chairs, temporary railings and planters but shall be otherwise unenclosed by fixed walls and open to the air except for retractable awnings, umbrellas or other nonpermanent covers provided such covers do not interfere with pedestrian circulation.

“SINGLE AND SEPARATE OWNERSHIP”

The ownership of a lot by one or more persons, partnerships or corporations, which ownership is separate and distinct from that of any adjoining lot.

“SITE PLAN”

Plan for use and/or development of any lot, parcel or piece of land other than for a single one-family or single two-family residence and uses accessory thereto, prepared in accordance with the provisions of Article X of this chapter.

“SHOPPING CENTER”

One or more buildings or parts thereof designed or existing as a unit, occupied or to be occupied by one or more businesses for the conduct of retail sales, with parking space.

“SPECIFIED ANATOMICAL AREAS”

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks and female breasts below a point immediately above the top of the areola.
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

“SPECIFIED SEXUAL ACTIVITIES”

- (1) Human genitals in a state of sexual stimulation or arousal.
- (2) Acts of human masturbation, sexual intercourse or sodomy.
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

“STORY”

That part of any building, not including basements, comprised between the level of one finished floor and the level of the next higher finished floor or, if there is no higher finished floor, then that part of the building comprised between the level of the highest finished floor and the top of the roof beams.

“STORY, HALF”

Any space partially within the roof framing, where the clear height of not more than 50% of such space between the top of the floor beams and the structural ceiling level is seven feet or more.

“STREET”

A street, improved to Township standards, which is one of the following: an existing Township, county or state highway or street; a street shown on an approved subdivision final plat; or a street shown on the Official Map of the Township.

“STREET LINE”

The subdividing line between the street and the lot, across which there is a permanent access to the lot.

“STRUCTURE”

See definition of "building."

“STRUCTURE, MULTIFAMILY”

An exclusively residential building containing designed for occupancy by three or more families living independently of each other in units attached at one or more common roofs, walls, or floors. Typically the unit’s habitable area is provided on a single level with entrances provided from a common corridor. A common lobby with elevators are required when more than one story is built.

“STRUCTURE, TOWNHOUSE”

A series of adjoined one-family dwelling units that are separated from the adjacent dwelling unit by an approved wall extending from the foundation through the roof and structurally independent of the corresponding wall of the adjoining unit. They have a totally exposed front and rear wall to be used for access, light, and ventilation.

“YARD, FRONT”

An open, unoccupied space on the same lot with the building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of that lot.

“YARD, REAR”

A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of any building. The depth of a rear yard shall be measured at right angles to the rear line of the lot or, if the lot is not rectangular, then in the general direction of its side lot lines.

“YARD, SECONDARY FRONT”

- (1) On a corner lot, the open, unoccupied area facing the street that is not associated with the front or main entrance of the principal building.
- (2) An open, unoccupied space on the same lot with the building, extending the full width of the lot and situated between the street line and the non-principal side of the building projected to the side lines of that lot.

“YARD, SIDE”

An open, unoccupied space between the side line of the lot and the nearest point of the building and extending from the front yard to the rear yard or, in absence of

either of such yards, to the street or rear lot line, as the case may be. The width of a side yard shall be measured at right angles to the side lines of the lot.

“ZONING OFFICER”

The duly appointed Zoning Officer of the Township of Pequannock.

“ZONING PERMIT”

A document signed by the administrative officer which is required by ordinance as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building which complies with the provisions of this chapter or variance therefrom duly authorized by a municipal agency pursuant to N.J.S.A. 40:55D-60 and 40:55D-70.

SECTION TWO:

§360-6 Classes of Districts.

For the purposes of this chapter, the Township of Pequannock is hereby divided into these classes of districts which shall be designated as follows:

R-87	Residence District
R-45	Residence District
R-22	Residence District
R-15	Residence District
R-11	Residence District
R-9	Residence District
PRD	Planned Residential Development District
CCRCD	Continuing Care Retirement Community District
AG-1	Agricultural District 1
AG-2	Agricultural District 2
C-1	Community Business District
C-2	Highway Commercial District
C-3	Regional Commercial District
C-4	Regional Commercial District
CBD-1	Central Business District-1
CBD-2	Central Business District-2
H-C	Hybrid-Commercial District
H	Hospital District
I-1	Industrial District
I-2	Industrial District

I-3	Industrial District
I-1A	Industrial District
C-R	Conservation-Recreation District

SECTION FIVE:
§360-7 Zoning Map.

The Zoning Map of the Township of Pequannock, as referenced in §360-7, is hereby amended to reflect the changes recited herein and such Zoning Map as attached hereto as Exhibit A to this Ordinance.

“VARIOUS TO C/R”

This Ordinance hereby changes the zoning of certain properties from various zoning districts referenced in the Township Municipal Code to the zoning district known as C/R, denoted as “Conservation/Recreation District” referenced in section §360-45 of the Township Municipal Code. The properties being transferred from the various zoning districts to the C/R zoning district are identified as the following tax parcels.

<u>Block</u>	<u>Lot</u>	<u>Existing Zone</u>	<u>Block</u>	<u>Lot</u>	<u>Existing Zone</u>
57101	120	PUD	3709	1-3	R-9
57401	149	PUD	3710	1-12	R-9
1001	1-2	PRD	3711	1-6	R-9
101	4-8	PRD	3803	2	R-15
1501	1,4,7-11, 16, 29, 31-32	R-87	401	1	PRD
			401	2, 15	R-87
			4104	1, 3, 6-9	R-9
1602	15	R-15	4105	24	R-9
1602	17, 19	R-45	4106	3	R-9
1704	26	R-15	4107	1-6, 8	R-9
201	1	I-2		10, 18-	
201	2	R-87		19, 21,	
2202	1	R-11		23	
2303	1	R-9	4108	2, 5, 8	R-9
2306	5	R-9	4109	2	R-9
2401	4	R-15	4110	4-6	R-9
2601	3-4	R-11	4111	4-5, 7-8	R-9
2701	5, 7-8	R-9	4112	10,	R-9

305	2	C-3		16-17
307	1-2, 7-8	R-9	4114	9 R-9
308	2, 4, 6-8	R-9	4115	6-15 R-9
309	1-2	R-9	4116	1, 3- R-9
313	1	C-3		19, 21-
314	1	C-3		34
3315	12	R-9	4401	16, 18 C-1
353	7-11	R-9		20
3607	2	R-9	4403	1,3 R-9
3704	10, 27	R-9	4604	1-5, R-9
3708	2-6	R-9		8-9
			501	2 R-87
			902	1-3, 6 C-3

“VARIOUS TO AG-1”

This Ordinance hereby changes changes the zoning of certain properties from various zoning districts referenced in the Township Municipal Code to the zoning district known as AG-1, denoted as “Agricultural District-1” referenced in section §360-19. of the Township Municipal Code. The properties being transferred from the various zoning districts to the AG-1 zoning district are identified as the following tax parcels.

<u>Block</u>	<u>Lot</u>
1602	16.01, 16.02, 18.01
2402	12-13
2902	17-27
3001	1-6
4201	1, 2
3803	20-22

“R-22 TO AG-2”

This Ordinance hereby changes the zoning of certain properties from the zoning district known as R-22, denoted as “1/2 Acre Residential Zone District” referenced in section §360-17 of the Township Municipal Code to the zoning district known as AG-2, denoted as “Agricultural District-2” referenced in section §360-19. of the Township Municipal Code. The properties being transferred from the R-22 zoning district to the AG-2 zoning district are identified as the following tax parcels.

<u>Block</u>	<u>Lot</u>
3001	7 & 9
2402	11

“R-22 TO H”

This Ordinance hereby changes the zoning of certain properties from the zoning district known as R-22, denoted as “R-22 Residence District” referenced in section §360-11 of the Township Municipal Code to the zoning district known as H, denoted as “Hospital District” referenced in section §360-40 of the Township Municipal Code. The properties being transferred from the R-22 zoning district to the H zoning district are identified as the following tax parcels.

<u>Block</u>	<u>Lot</u>
2402	1-4
2401	15 & 16

“R-15 TO C-2”

This Ordinance hereby changes the zoning of certain properties from the zoning district known as R-15, denoted as “R-15 Residence District” referenced in section §360-12 of the Township Municipal Code to the zoning district known as C-2, denoted as “Highway Commercial District” referenced in section §360-34 of the Township Municipal Code. The properties being transferred from the R-15 zoning district to the C-2 zoning district are identified as the following tax parcels.

<u>Block</u>	<u>Lot</u>
304	1, 13-14, 21-22, 24-25
701	24

“R-11 TO C-1”

This Ordinance hereby changes the zoning of certain properties from the zoning district known as R-11, denoted as “R-11 Residence District” referenced in section §360-13 of the Township Municipal Code to the zoning district known as C-1, denoted as “Community Business” referenced in section §360-33 of the Township Municipal Code. The properties being transferred from the R-11 zoning district to the C-1 zoning district are identified as the following tax parcels.

<u>Block</u>	<u>Lot</u>
1401	4
1401	7
1401	14-17

“R-11 TO CBD-1”

This Ordinance hereby changes the zoning of certain properties from the zoning district known as R-11, denoted as “R-11 Residence District” referenced in section §360-13 of the Township Municipal Code to the zoning district known as CBD-1, denoted as “Central Business District - 1” referenced in section §360-37 of the Township Municipal Code. The properties being transferred from the R-11 zoning district to the CBD-1 zoning district are identified as the following tax parcels.

<u>Block</u>	<u>Lot</u>
1906	11
1908	7

“R-11 TO CBD-2”

This Ordinance hereby changes the zoning of certain properties from the zoning district known as R-11, denoted as “R-11 Residence District” referenced in section §360-13 of the Township Municipal Code to the zoning district known as CBD-2, denoted as “Central Business District - 2” referenced in section §360-38 of the Township Municipal Code. The properties being transferred from the R-11 zoning district to the CBD-2 zoning district are identified as the following tax parcels.

<u>Block</u>	<u>Lot</u>
1401	8-13
1412	2-5

“C-1 TO CBD-1”

This Ordinance hereby changes the zoning of certain properties from the zoning district known as C-1, denoted as “Community Business District” referenced in section §360-33 of the Township Municipal Code to the zoning district known as CBD-1, denoted as “Central Business District -1” referenced in section §360-37 of the Township Municipal Code. The properties being transferred from the C-1 zoning district to the CBD-1 zoning district are identified as the following tax parcels.

<u>Block</u>	<u>Lot</u>
1903	15-20
1904	1-6
1906	9-10
1908	8-9
4401	15-36
4011	1-8
(entire block)	
4008	1

(entire block)	
4009	7-10
4010	7-9
4101	8
4102	9-11

“C-1 TO CBD-2”

This Ordinance hereby changes the zoning of certain properties from the zoning district known as C-1, denoted as “Community Business District” referenced in section §360-33 of the Township Municipal Code to the zoning district known as CBD-2, denoted as “Central Business District -2” referenced in section §360-38 of the Township Municipal Code. The properties being transferred from the C-1 zoning district to the CBD-2 zoning district are identified as the following tax parcels.

<u>Block</u>	<u>Lot</u>
1412	1, 6-15
(entire block)	
1410	1
1411	1-5, 11-13
(entire block)	
1909	1-5, 11-13
1911	1

“I-2 TO C-1”

This Ordinance hereby changes the zoning of certain properties from the zoning district known as I-2, denoted as “I-2 Industrial District” referenced in section §360-42 of the Township Municipal Code to the zoning district known as C-1, denoted as “Community Business District” referenced in section §360-33 of the Township Municipal Code. The properties being transferred from the I-2 zoning district to the C-1 zoning district are identified as the following tax parcels.

<u>Block</u>	<u>Lot</u>
4401	9-13

“C-2 TO C-3”

This Ordinance hereby changes the zoning of certain properties from the zoning district known as C-2, denoted as “Highway Commercial District” referenced in section §360-34 of the Township Municipal Code to the zoning district known as C-3, denoted as “Regional Commercial District” referenced in section §360-35 of the Township Municipal

Code. The properties being transferred from the C-2 zoning district to the C-3 zoning district are identified as the following tax parcels.

<u>Block</u>	<u>Lot</u>
802	1

“I-1 to H-C”

This Ordinance hereby changes the zoning of certain properties from the zoning district known as I-1, denoted as “I-1 Industrial District” referenced in section §360-41 of the Township Municipal Code to the zoning district known as H-C, denoted as “Hybrid Commercial District” referenced in section §360-39 of the Township Municipal Code. The properties being transferred from the I-1 zoning district to the H-C zoning district are identified as the following tax parcels.

<u>Block</u>	<u>Lot</u>
2701	6
2705	1
3315	11

“I-2 TO C/R”

This Ordinance hereby changes the zoning of certain properties from the zoning district known as I-2, denoted as “I-2 Industrial District” referenced in section §360-42 of the Township Municipal Code to the zoning district known as C/R, denoted as “Conservation/Recreation District” referenced in section §360-46. of the Township Municipal Code. The properties being transferred from the I-2 zoning district to the C/R zoning district are identified as the following tax parcels.

<u>Block</u>	<u>Lot</u>
306	8
4401	7, 8, 39

“I-3 to AG-1”

This Ordinance hereby changes the zoning of certain properties from the zoning district known as I-3, denoted as “I-3 Industrial District” referenced in section §360-43 of the Township Municipal Code to the zoning district known as AG-1, denoted as “Agricultural District-1” referenced in section §360-19 of the Township Municipal Code. The properties being transferred from the I-3 zoning district to the AG-1 zoning district are identified as the following tax parcels.

<u>Block</u>	<u>Lot</u>
3803	20-22
4201	1-2

“I-2 to I-1”

This Ordinance hereby changes the zoning of certain properties from the zoning district known as I-2, denoted as “I-2 Industrial District” referenced in section §360-42 of the Township Municipal Code to the zoning district known as I-1, denoted as “I-1 Industrial District” referenced in section §360-41 of the Township Municipal Code. The properties being transferred from the I-2 zoning district to the I-1 zoning district are identified as the following tax parcels.

<u>Block</u>	<u>Lot</u>
4401	37-38, 40-42

SECTION THREE:

§360-11 R-22 Residence District.

In the R-22 Residence District the following regulations shall apply:

- A. Use regulations. A building may be erected or used and a lot may be used or occupied for the following purposes and no other:
 - (1) Permitted uses. Uses permitted in the R-87 Zone are permitted in the R-22 Zone.
 - (2) Accessory uses. Accessory uses permitted in the R-87 Zone are permitted in the R-22 Zone.
 - (3) Conditional uses. All conditional uses shall meet the requirements of Article VII of this chapter. Conditional uses permitted in the R-87 Zone are permitted in the R-22 Zone.
 - (4) Prohibited uses. Those uses which are not specifically permitted in the R-22 Zone are hereby prohibited.
- B. Bulk regulations.
 - (1) Lot area. A lot area of not less than 22,000 square feet shall be provided.
 - (2) Lot width. The minimum lot width shall be 110 feet.
 - (3) Height. No structure shall exceed 2 1/2 stories or 35 feet in height, whichever is less.
 - (4) Front yard. There shall be a front yard of a least 50 feet in depth; provided, however, that where the average setback is less than 50 feet, the average setback will apply.
 - (5) Rear yard. There shall be a rear yard which shall be 50 feet in depth.
 - (6) Side yard. There shall be two side yards, each not less than 15 feet, and the aggregate of the two side yards shall not be less than 40 feet.
 - (7) Coverage. No more than ~~42~~15% of the area of any lot shall be covered by buildings, and not more than 30% of any lot shall be covered by impervious surfaces, including building area.
 - (8) Lot frontage. Lot frontage shall be equal to lot width; provided, however, that for lots around the bulb of a cul-de-sac lot frontage shall be at least 50% of the lot width.
 - (9) Lot depth. There shall be a lot depth of at least 200 feet in length.

SECTION FOUR:

§360-12 R-15 Residence District.

In the R-15 Residence District the following regulations shall apply:

A. Use regulations. A building may be erected or used and a lot may be used or occupied for the following purposes and no other:

- (1) Permitted uses. ~~Uses~~ permitted in the R-87 Zone are permitted in the R-15 Zone.
- (2) Accessory uses. Accessory uses permitted in the R-87 Zone are permitted in the R-15 Zone.
- (3) Conditional uses. All conditional uses shall meet the requirements of Article VII of this chapter.

~~(a) Conditional uses permitted in the R-87 Zone are permitted in the R-15 Zone.~~

~~(b) Professional offices.~~

(a) Plant nurseries.

(b) Greenhouses.

(c) Propagating houses or other farming operations.

(d) Museums and historical sites.

(e) Schools.

(f) Churches and religious uses.

(g) Community centers.

(h) Nursery schools.

(i) Hospitals.

(j) Nursing homes.

(k) Professional Offices.

(l) Medical Offices.

- (4) Prohibited uses. Those uses which are not specifically permitted in the R-15 Zone are hereby prohibited.

B. Bulk regulations.

- (1) Lot area. A lot area of not less than 15,000 square feet shall be provided.
- (2) Lot width. The minimum lot width shall be 100 feet.
- (3) Height. No structure shall exceed 2 1/2 stories or 35 feet in height, whichever is less.
- (4) Front yard. There shall be a front yard of at least 50 feet in depth; provided, however, that where the average setback is less than 50 feet, the average setback will apply.
- (5) Rear yard. There shall be a rear yard which shall be 40 feet in depth.
- (6) Side yard. There shall be two side yards, each not less than 15 feet, and the aggregate of the two side yards shall be 35 feet.

- (7) Coverage. No more than ~~45~~**17**% of the area shall be covered by buildings, and not more than 35% of any lot shall be covered by impervious surfaces.
- (8) Lot frontage. Lot frontage shall be the same as lot width; provided, however, that for a lot around the bulb of a cul-de-sac lot frontage shall be at least 50% of the lot width.
- (9) Lot depth. There shall be a minimum lot depth of 150 feet.

SECTION FIVE:

§360-13 R-11 Residence District.

In the R-11 Residence District the following regulations shall apply:

- A. Use regulations. A building may be erected or used and a lot may be used or occupied for the following purposes and no other:
 - (1) Permitted uses. Uses permitted in the R-87 Zone are permitted in the R-11 Zone, except that private open space or recreation areas are not permitted since clustering is not permitted.
 - (2) Accessory uses. Accessory uses permitted in the R-87 Zone are permitted in the R-11 Zone.
 - (3) Conditional uses. All conditional uses shall meet the requirements of Article VII of this chapter.
 - (a) ~~Conditional uses permitted in the R-87 Zone are permitted in the R-15 Zone.~~
 - (b) ~~Professional offices.~~
 - (a) Plant nurseries.**
 - (b) Greenhouses.**
 - (c) Propagating houses or other farming operations.**
 - (d) Museums and historical sites.**
 - (e) Schools.**
 - (f) Churches and religious uses.**
 - (g) Community centers.**
 - (h) Nursery schools.**
 - (i) Hospitals.**
 - (j) Nursing homes.**
 - (k) Professional Offices.**
 - (l) Medical Offices.**
 - (4) Prohibited uses. Those uses which are not specifically permitted in the R-11 Zone are hereby prohibited.
- B. Bulk regulations.
 - (1) Lot area. A lot area of not less than 11,250 square feet shall be provided.
 - (2) Lot width. The minimum lot width shall be 90 feet.
 - (3) Height. No structure shall exceed 2 1/2 stories or 32 feet in height, whichever is less.
 - (4) Front yard. There shall be a front yard of at least 50 feet in depth; provided, however, that where the average setback is less than 50 feet, the average setback will apply.
 - (5) Rear yard. There shall be a rear yard which shall be 30 feet in depth.
 - (6) Side yard. There shall be two side yards, each not less than 10 feet, and the aggregate of the two side yards shall be 25 feet.

- (7) Coverage. No more than ~~46~~**18**% of the area shall be covered by buildings, and not more than 40% of any lot shall be covered by impervious surfaces, including structures.
- (8) Lot frontage. Lot frontage shall be the same as lot width; provided, however, that for lots around the bulb of a cul-de-sac lot frontage shall be at least 50% of the lot width.
- (9) Lot depth. There shall be a lot depth of at least 125 feet.

SECTION SIX:

§360-14 R-9 Residence District.

In the R-9 Residence District the following regulations shall apply:

A. Use regulations. A building may be erected or used and a lot may be used or occupied for the following purposes and no other:

- (1) Permitted uses. Uses permitted in the R-87 Zone are permitted in the R-9 Zone, except that private open space or recreational areas are not permitted since clustering is not permitted.
- (2) Accessory uses. Accessory uses permitted in the R-87 Zone are permitted in the R-9 Zone.
- (3) Conditional uses. All conditional uses shall meet the requirements of Article VII of this chapter.

(a) Conditional uses permitted in the R-87 Zone are permitted in the R-9 Zone.

(b) Professional offices.

(a) Plant nurseries.

(b) Greenhouses.

(c) Propagating houses or other farming operations.

(d) Museums and historical sites.

(e) Schools.

(f) Churches and religious uses.

(g) Community centers.

(h) Nursery schools.

(i) Hospitals.

(j) Nursing homes.

(k) Professional Offices.

(l) Medical Offices.

- (4) Prohibited uses. Those uses which are not specifically permitted in the R-9 Zone are hereby prohibited.

B. Bulk regulations.

- (1) Lot area. A lot area of not less than 9,375 square feet shall be provided.
- (2) Lot width. The minimum lot width shall be 75 feet.
- (3) Height. No structure shall exceed 2 1/2 stories or 32 feet in height, whichever is less, except that the height for residential structures located in the special flood hazard area may be increased to 2 1/2 stories or 35 feet, whichever is greater, provided the increased height, in excess of the underlying maximum permitted height, is necessary to raise the structure's first-floor elevation above the special flood hazard area.
- (4) Front yard setback. There shall be a front yard at least 35 feet in depth. The front yard setback of a residential structure located in the special flood hazard area

may be reduced to not less than 25 feet if the elevation of the structure has been raised above the special flood hazard area elevation and subject to the limitations contained in this subsection. The purpose of the decreased front yard setback is to provide additional area for that portion of the structure related to the entrance staircase, platform(s)/landings(s) and porch needed in the effort to raise an existing residential structure's first-floor elevation above the special flood hazard area. Such entrance staircase, platform(s)/landing(s) and porch shall not occupy more than 4% of the required front yard area of the residence, where the standard front yard setback is 35 feet. The entrance staircase structure shall not exceed a maximum of 10 risers to a platform/landing. Such a restriction will ensure that any proposed new entry will not result in a long, expansive staircase entrance to the home. The entrance shall be permitted to be covered by a roof both to provide protection from the elements and to provide aesthetic improvement. Such covered structure shall only be over the raised first-floor entrance, and its encroachment into the required front yard setback shall not exceed the permitted twenty-five-foot setback associated with the entrance staircase, platform(s)/landing(s) and porch. The area around the entrance staircase and platform(s)/landing(s) shall be landscaped with a variety of evergreen shrubs to provide screening and coverage of the base or underside of the entrance staircase, platform(s)/landing(s) and porch structure.

- (5) All new or elevated structures shall comply with the following requirements:
 - (a) Structures that are built on conventional concrete or concrete block foundations shall provide a maximum exposed foundation of 36 inches. Treatment is required for exposed foundations in excess of the thirty-six-inch limit and shall include treatments such as natural or faux stone facing, brick facing, wood batten, lattice or siding. Treatment shall not include a skim coat of mortar over concrete block work.
 - (b) Structures that are built on piling or pier type foundations shall enclose the entire foundation with a finished architectural treatment, such as stone, masonry, framed lattice, framed louvers or siding, to enclose the entire foundation, the same to be reviewed and approved by the Construction Official.
- (6) Rear yard. There shall be a rear yard which shall be 25 feet in depth.
- (7) Side yard. There shall be two side yards, each not less than 10 feet.
- (8) Coverage. No more than ~~47~~**20**% of the area shall be covered by buildings, and not more than 42% of any lot shall be covered by impervious surfaces.
- (9) Lot frontage. Lot frontage shall be the same as lot width; provided, however, that for lots around the bulb of a cul-de-sac lot frontage shall be at least 50% of the lot depth.
- (10) Lot depth. There shall be a minimum lot depth of 125 feet.

SECTION SEVEN:

§360-19 AG-1 Agricultural District

In the Agricultural District-1 (AG-1), the following regulations shall apply:

A. Use regulations. A building may be erected or used and a lot may be used or occupied for the following purposes and no other:

(1) Permitted uses.

- (a) Farm-based business.**
- (b) Plant nurseries.**
- (c) Greenhouses.**
- (d) Propagating houses or other farming operations.**
- (e) Nursery and garden centers**
- (f) One-family detached dwellings, not to exceed one dwelling per lot.**
- (g) Public recreation areas.**
- (h) Public parks and playgrounds.**

(2) Accessory uses.

- (a) Buildings for the keeping of animals, as regulated in Article VII of this chapter.**
- (b) Signs, as permitted by Article XIII, Signs, of this chapter.**
- (c) Off-street parking and loading as required by this chapter.**
- (d) Livestock and storage structures, provided that:**
 - [1] No building erected entirely or partially for the storage of hay or other flammable material shall be closer than 100 feet to any property line.**
 - [2] No building for the shelter of farm livestock shall be closer to any side or rear line or residential zone boundary line than 100 feet.**
- (e) Garages, tennis courts and swimming pools for one-family homes, and uses customarily associated with the above uses, provided that such accessory uses are subordinate to the principal use, do not change the character of the principal use and serve only the principal use.**

(3) Conditional uses. All conditional uses shall meet the requirements of Article VII of this chapter.

- (a) Pet care establishments.**
- (b) Schools.**
- (c) Cultivation of Cannabis shall be permitted only in the AG-1 Zone District Block 3803, Lots 20-22 and Block 4201 Lots 1 and 2 and only when each of the conditions for the cultivation of cannabis set forth in Section 360-47(V) for this use are met.**

- (4) Prohibited uses. Those uses which are not specifically permitted in the AG-1 Zone are hereby prohibited.

B. Bulk regulations.

- (1) Lot area. A lot area of not less than 87,120 square feet for each lot shall be provided.

(a) Any proposed residential lots within any Airport Hazard Restricted Zones may have additional lot area requirements.

- (2) Lot width. A minimum width of 200 feet shall be provided.

- (3) Height. No structure shall exceed 2 1/2 stories or 35 feet in height, whichever is less. In measuring height within this zone district, it shall be the average height of the gable, as opposed to the highest point of the ridge, that shall be the basis of this determination.

(a) Properties within any Airport Hazard Restricted Zones may have additional building height requirements

- (4) Front yard setback. There shall be a front yard setback of at least 75 feet.

- (5) Rear yard. There shall be a rear yard setback of at least 75 feet.

- (6) Side yard. There shall be two side yard setbacks, each not less than 25 feet, and the aggregate of the two side yards shall not be less than 70 feet.

- (7) Coverage. No more than ~~8%~~30% of the area shall be covered by commercial buildings, and no more than ~~15%~~35% of any lot shall be covered by impervious surfaces, including the building coverage.

(a) Any proposed residential lot would have building and lot coverage limitations in accordance with the R-87 bulk standards.

- (8) Lot frontage. Shall be equal to lot width provided, that for lots around the bulb of a cul-de-sac frontage shall be at least 50% of the lot width.

- (9) Proximity to residential zone or use.

(a) Notwithstanding any other provisions of this section, no structure in the AG-1 Zone shall be constructed closer than 100 feet to the nearest residentially zoned or used property or public parkland, and no parking area or access drive shall be located closer than 25 feet to any residentially zoned or used parcel of land or any public park.

(b) Lot Depth. There shall be a lot depth of at least 435 feet in length.

C. Undersized Lots.

- (1) Any lot of at least two acres located in the Agricultural ~~Zoning~~ District-1, which was lawfully created before -1 September 28, 2021, and which is used as a farm, may contain a farm building, located in accordance with requirements of Subsection B; any farm building on such lot may be enlarged, and any farm building thereon which shall accidentally be destroyed may be replaced in the same location as it occupied on the lot immediately prior to said accidental destruction, and shall not constitute a nonconforming structure.

- (2) Any lot containing a single-family dwelling and having a lot area of less than 2 acres but containing at least 22,000 square feet located in the Agricultural Zoning District-1, lawfully created before September 28, 2021, may continue to be used for one single-family dwelling as a principal use without such lot being deemed to have merged with any adjoining land in the same ownership. Any single-family dwelling or accessory structure on such lot may be enlarged, and any singlefamily dwelling or accessory structure thereon which shall accidentally be destroyed may be replaced in the same location as it occupied on the lot immediately prior to said accidental destruction, and shall not constitute a nonconforming use or structure, provided that the following shall apply:**
- (a) Where a lot has a lot area of at least 22,000 square feet, the R-22 Zone bulk standards shall apply.**

SECTION EIGHT:

AG-2 District.

In the AG-2 District the following regulations shall apply:

C. Use regulations. A building may be erected or used and a lot may be used or occupied for the following purposes and no other:

(5) Permitted uses.

- a. Farm-based business
- b. Plant Nurseries
- c. Greenhouses
- d. Propagating houses or other farming operations
- e. Nursery and garden centers
- f. Public recreation areas
- g. Public parks and playgrounds

(6) Accessory uses.

- a. Buildings for the keeping of animals, as regulated in Article VII of this chapter
- b. Signs, as permitted by Article XIII, Signs, of this chapter
- c. Livestock and storage structures, provided that:
 - i. No building erected entirely or partially for the storage of hay or other flammable material shall be closer than 100 feet to any property line
 - ii. No building for the shelter of farm livestock shall be closer to any side or rear line or residential boundary line than 100 feet
- d. Garages, tennis courts and swimming pools for single family homes, and uses customarily associated with the above uses, provided that such uses are subordinate to the principle use, do not change the character of the principle use and serve only the principle use.

(7) Conditional uses. Conditional uses shall meet the requirements of this chapter or Article VII of this chapter.

- a. Single family detached dwellings, not to exceed one dwelling per lot
- b. Pet care establishments
- c. Schools

(8) Prohibited uses. Those uses which are not specifically permitted in the AG-2 Zone are hereby prohibited.

D. Bulk regulations.

- (10) Lot area. A lot area of not less than 87,120 square feet shall be provided.
- (11) Lot width. The minimum lot width shall be 200 feet.

- (12) Height. No structure shall exceed 2 1/2 stories or 35 feet in height, whichever is less.
- (13) Front yard. There shall be a front yard of a least 75 feet in depth;
- (14) Rear yard. There shall be a rear yard which shall be 75 feet in depth.
- (15) Side yard. There shall be two side yards, each not less than 25 feet, and the aggregate of the two side yards shall not be less than 70 feet.
- (16) Coverage. No more than 30% of the area of any lot shall be covered by buildings, and not more than 35% of any lot shall be covered by impervious surfaces, including building area.
- (17) Lot frontage. Lot frontage shall be equal to lot width; provided, however, that for lots around the bulb of a cul-de-sac lot frontage shall be at least 50% of the lot width.
- (18) Proximity to residential zone or use.
 - (b) Notwithstanding any other provisions of this section, no structure in the AG-2 Zone shall be constructed closer than 100 feet to the nearest residentially zoned or used property or public parkland, and no parking area or access drive shall be located closer than 25 feet to any residentially zoned or used parcel of land or any public park.
 - (c) Lot Depth. There shall be a lot depth of at least 435 feet in length.

E. Single Family Detached Dwelling Conditional Use, Bulk Standards.

- (1) Lot area. A lot area of not less than 22,000 square feet shall be provided.
- (2) Lot width. The minimum lot width shall be 110 feet.
- (3) Height. No structure shall exceed 2 1/2 stories or 35 feet in height, whichever is less.
- (4) Front yard. There shall be a front yard of a least 50 feet in depth; provided, however, that where the average setback is less than 50 feet, the average setback will apply.
- (5) Rear yard. There shall be a rear yard which shall be 50 feet in depth.
- (6) Side yard. There shall be two side yards, each not less than 15 feet, and the aggregate of the two side yards shall not be less than 40 feet.
- (7) Coverage. No more than 15% of the area of any lot shall be covered by buildings, and not more than 30% of any lot shall be covered by impervious surfaces, including building area.
- (8) Lot frontage. Lot frontage shall be equal to lot width; provided, however, that for lots around the bulb of a cul-de-sac lot frontage shall be at least 50% of the lot width.
- (9) Lot depth. There shall be a lot depth of at least 200 feet in length.

SECTION NINE:

~~§360-19~~ **§360-20** Establishment; Purpose.

There is hereby established the Historic Landmark ~~District Zone~~ for the purpose of protecting and preserving sights or structures which are, because of age, association or architecture, of special historical and aesthetic interest or character and which, as such, have an impact upon the economic well-being and general welfare of the residents of the Township of Pequannock.

SECTION TEN:

~~§360-20~~ **§360-21** Initiation of Reclassification.

An amendment to reclassify property to a Historic Landmark ~~District Zone~~ may be initiated by the property owner, the Township Planning Board, the Township Council or the Historic District Commission.

SECTION ELEVEN:

~~§360-21~~ **§360-22** Designation Criteria.

For the purposes of this article, a "historical landmark or monument" may be any real property, such as a building, structure, ruins, foundation, route, trail or place, including but not limited to a cave, cemetery, burial ground, camp or village area or a natural configuration, geological formation or feature, which:

- A. Is of particular historical, cultural, scenic or aesthetic significance to the Township of Pequannock and in which the broad cultural, political, economic or social history of the nation, state or community is reflected or exemplified.
- B. Is identified with historic personages or with important events in the main current of national, state or local history.
- C. Shows evidence of habitation, activity or the culture of prehistoric or early man.
- D. Embodies a distinguishing characteristic or an architectural type valuable as representative of a period, style or method of construction.
- E. Represents a work of a builder, designer, artist or architect whose individual genius influenced his age.
- F. Is imbued with traditional or legendary lore.
- G. Is specifically identified within the ~~community facilities~~ **historic preservation plan** element of the Master Plan as recognized by the provisions of N.J.S.A. 40:55D-28b(6) **(10)**.

SECTION TWELVE:

~~§360-22~~ **§360-23** Application Procedure.

Any application for a Historic Landmark ~~District~~ classification hereunder shall first be referred to the Historic District Commission of the Township of Pequannock for a report and recommendation. In addition, the Commission may and, if requested by the Township Council, shall initiate studies of structures or sites within the Township for possible inclusion hereunder.

SECTION THIRTEEN:

~~§360-23~~ **§360-24** Standards.

In classifying a historical landmark or monument in a Historic Landmark ~~District Zone~~, the Township Council shall rely upon the following standards, in addition to those provided in § ~~360-24~~ **360-22**:

- A. The landmark designated shall have a historical, aesthetic or special character or interest for the general public.
- B. The designation of such landmark shall not infringe upon the rights of a private property owner hereof to make any and all uses of such landmark which are not in conflict with the purposes of this article.
- C. The designation of such landmarks shall not require expenditures by the Township of Pequannock of any amount, unless such designation results in a dedication of the building, structure, area or property for public purposes, in which case the property owner shall be entitled to just compensation within one year after the approval of the final plat or site plan pursuant to the provisions of N.J.S.A. 40:55D-44.
- D. Any historical landmark, monument, parcel or place as otherwise described in § ~~360-24~~ **360-22** which has been included in the historic register on either the county, state or federal level shall be included in the Historic Landmark ~~District Zone~~ of the Township of Pequannock.

SECTION FOURTEEN:

~~§360-24~~ **§360-25** Permit required for alterations.

A historical landmark, either as an individual structure or within a Historic Landmark ~~District Zone~~, shall not be altered, modified, relocated or demolished without a certificate of approval issued by the Township Planning Board after review and recommendation thereof by the Historic District Commission. A certificate of approval will declare that such alterations are consistent with the style and general design of the historic structure or district in question.

SECTION FIFTEEN:

~~§360-25~~ **§360-26** Application Procedure.

An application under § ~~360-24~~ **360-25** shall be made, in writing, to the Historic District Commission and shall indicate, in detail, the proposed alteration. Plans and drawings submitted pursuant to any other section of this chapter may be used in total or partial satisfaction of this requirement. Existing and proposed elevation drawings of the historic building alterations shall be supplied to the Commission for its review of the application. The Historic District Commission shall also consider the following criteria when reviewing an application and prior to any recommendation to issue or deny a certificate of approval:

- A. Architectural style. Any alterations or additions being considered shall not detract from the original architectural style of the structure.
- B. Design. Any modifications to the proposed structure regarding design, including but not limited to fenestration, rooflines and decorations, shall be consistent with the historical features of the original structure.
- C. Color, texture and materials. Use of color, texture and types of materials shall be judged in comparison to the original structure's historical features.
- D. Other exterior considerations. Lighting, landscaping, signs, utilities and parking shall not detract from the historical character of the structure or structures in question. Signs shall be in keeping with the historical character of the structure, and no illuminated signs shall be permitted on or near historic structures.

SECTION SIXTEEN:

~~§360-26~~ §360-27 Public Hearings.

The Township Planning Board, after review and recommendation of the Historic District Commission, shall hold a public hearing on any application under § ~~360-25~~ **360-26**, said hearing to be scheduled in accordance with the Open Public Meetings Act of 1975 of the State of New Jersey.

SECTION SEVENTEEN:

~~§360-27~~ §360-28 Demolition of Landmarks.

If an application under § ~~360-25~~ **360-26** is for demolition of a historical landmark hereunder, the Historic District Commission, with the concurrence of the Township Planning Board, may suspend for up to 60 days the granting of permits requisite to demolition in order to allow consideration by the Township of acquisition by the Township or any other public or private entity of the landmark for the purpose of preservation thereof.

SECTION EIGHTEEN:

~~§360-28~~ §360-29 Time limit for action on applications.

Within 45 days of the date the application was submitted, the Historic District Commission shall approve, conditionally approve, disapprove or request revision of the plans or drawings. Failure by the Commission to act within 45 days shall be deemed approval of the application, unless the applicant shall consent to an extension of time.

SECTION NINETEEN:

~~§360-29~~ **§360-30** Registration with state.

The Township Council or the Historic District Commission may register with the New Jersey Department of Environmental Protection, Office of Historic Sites, a landmark or site which has historical or architectural significance, where the registration would assist in the preservation thereof.

SECTION TWENTY:

~~§360-30~~ **§360-31** Appeals.

- A. From the governing body. A decision by the governing body regarding designation of any building, structure, area or property as a historic site, and thereby includable in the Historic Landmark ~~District Zone~~, may be appealed in accordance with N.J.S.A. 40:55D-1 et seq., otherwise known as the "Municipal Land Use Law."
- B. From the Planning Board. A decision by the Township Planning Board regarding any application for a permit as herein provided may be appealed to the governing body of the Township of Pequannock within 45 days after the day of the action of the Planning Board. A written petition of appeal should be filed with the Clerk of the Township of Pequannock within said forty-five-day period, after which the governing body shall set a date for hearing thereon, upon notice to all parties in interest, who shall be afforded an opportunity to be heard. After such hearing, the governing body may affirm or reverse the action of the Planning Board. The determination to affirm or reverse the action of the Planning Board shall be based on a majority vote of the total number of the governing body in attendance. The findings and reasons for the disposition of the appeal shall be stated on the records of the governing body, and a copy thereof shall be given to the appellant, with a brief description of the disposition to be published within 10 days after final hearing. Any appeal to the governing body shall be held within 45 days after notice of the appeal is filed with the Township Clerk, and the Township Clerk shall notify the appellant of said hearing date at least 20 days before said hearing, by certified or registered mail

SECTION TWENTY-ONE:

~~§360-31~~ **§360-32** Historic District Commission.

See Chapter 5, Administrative Code, § 5-35, Historic District Commission.

SECTION TWENTY-TWO:

~~§360-32~~ **§360-33** C-1 Community Business District.

In the C-1 Community Business District the following regulations shall apply:

A. Use regulations. A building may be erected or used and a lot may be used or occupied for the following purposes and no other:

(1) Permitted uses.

- (a) Retail sales of goods and services, in fully enclosed stores, serving primarily the residents of the surrounding neighborhoods. The following specific retail sales are permitted: bakeries; barbershops and beauty parlors; book and stationery stores; clothing and clothing accessory shops; drugstores; dry-cleaning establishments; dry goods and variety stores; florists; food stores; hardware stores; household appliance stores; locksmiths; newsstand; packaged liquor stores; pet shops; photographic studios; sporting and athletic goods stores; music and dancing studios; and other similar retail and service uses.
- (b) Business, professional and governmental offices and banks, including banks with drive-in facilities accessory to an office-bank type of facility.
- (c) Funeral or mortuary establishments.
- (d) Medical and dental clinics and medical diagnostic centers, provided that there are no facilities for keeping persons overnight.
- (e) Churches and houses of worship, parish houses and convents.
- (f) Community centers operated as an accessory use to churches and houses of worship.
- (g) Laundry and dry-cleaning establishments.
- (h) Public parks and playgrounds
- (i) Public and parochial schools, nursery schools and schools which teach special skills which are related to permitted uses in the C-1 Zone, such as dance schools, secretarial schools, etc.
- (j) Shopping centers for uses permitted in the C-1 Zone.

(2) Accessory uses.

- (a) Signs, as permitted by Article XIII, Signs, of this chapter.
- (b) Off-street parking and loading as required by this chapter, provided that parking shall not be conducted as the principal use of any lot.

(3) Conditional uses. All conditional uses shall meet the requirements of Article VII of this chapter.

- (a) ~~Two-family houses.~~ **Multifamily structure.**
- (b) ~~Multifamily dwelling units~~ **Townhouse structure.**
- (c) Clubs, lodges and similar establishments.
- (d) Apartment units above commercial uses.
- (e) Restaurants, exclusive of fast-food restaurants and drive-in restaurants.

- (f) Outdoor display of merchandise.
- (4) Prohibited uses. Those uses which are not specifically permitted in the C-1 Zone are hereby prohibited. The following uses are specifically prohibited:
 - (a) Adult book and/or gift stores.
 - (b) Adult mini motion-picture theaters.
 - (c) Adult motion-picture theaters.
 - (d) Hotels.
 - (e) Motels.
 - (f) Pawnshops.
 - (g) Pool and billiard halls.
 - (h) Dance halls distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for either observation or participation by patrons therein.
 - (i) Establishments offering live entertainment which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, either for observation or participation by patrons therein.
 - (j) Bars, taverns, inns, pubs, grog shops and other such similar establishments holding a Class C liquor license such that alcoholic beverages may be consumed or purchased on the premises.
 - (k) Gasoline, service and automobile, motorcycle and commercial vehicle sales and service establishments.
 - (l) Boardinghouses.
 - (m) Those uses prohibited in the I-1 Zone, except where otherwise permitted.
 - (n) Amusement parlors and arcades.
 - (o) Tattoo and body piercing parlors.

B. Bulk regulations.

- (1) Lot area. A lot area of not less than 4,000 square feet for each lot shall be provided.
- (2) Lot width. A minimum lot width shall be 40 feet.
- (3) Height. No structures shall exceed two stories or 30 feet in height, whichever is less.
- (4) Front yard. There shall be a front yard 25 feet in depth. No parking shall be permitted in the front yard.
- (5) Rear yard. There shall be a rear yard which shall be 10% of the depth of the lot, but not less than 10 feet.
- (6) Side yard. There shall be two side yards, each not less than three feet in width, and the aggregate of the two side yards shall not be less than 25% of the width of the lot.

- (7) Coverage. No more than 30% of the lot shall be covered by buildings, and not more than 90% of the lot shall be covered by impervious surfaces, including buildings.
- (8) Screening, landscaping and open space. Landscaping, as required by the approved site plan, shall be maintained for the life of the property to standards as approved in the site plan. Where a non-single-family residential use abuts a single-family residential zone or an area which is used as a single-family residence, a buffer of at least five feet in width shall be provided on the non-single-family residential lot. Said buffer area shall include a solid fence in conformance with other requirements of this chapter as approved by the Planning Board. This buffer may be located in the required yard area but shall not include parking or driveways and shall be planted and maintained in a manner acceptable to the Planning Board and approved as part of the site plan. The effect of such buffer shall be to screen the business use in the C-1 Zone from the adjacent residences. Special attention shall be paid to screening parking, loading and mechanical systems.
- (9) Lot frontage. There shall be a minimum lot frontage of 50 feet.

SECTION TWENTY-THREE:

~~§360-33~~ **§360-34** C-2 Highway Commercial District.

In the C-2 Highway Commercial District the following regulations shall apply:

A. Use regulations. A building may be erected or used and a lot may be used or occupied for the following purposes and no other:

(1) Permitted uses. Uses permitted in the C-1 Zone are permitted in the C-2 Zone. In addition, the following uses are permitted.

- (a) Job printers.
- (b) ~~Veterinarians or animal hospitals, provided that no kennels or boarding of animals is permitted.~~ **Pet care establishments.**
- (c) Establishments serving alcoholic beverages, provided that no live entertainment shall be offered.
- (d) Shopping centers consisting of uses permitted in the C-2 Zone.
- (e) Medical or Dental Lab**

(2) Accessory uses.

- (a) Signs, as permitted by Article XIII, Signs, of this chapter.
- (b) Off-street parking and loading as required by this chapter, provided that parking shall not be conducted as the principal use of any lot.

(3) Conditional uses. All conditional uses shall meet the requirements of Article VII of this chapter.

- (a) Clubs, lodges and similar establishments.
- (b) Gasoline service stations.
- (c) Businesses that service, repair or install automobile and motorcycle parts.
- (d) Restaurants, except restaurants of the drive-in type.
- (e) Commercial recreational uses.
- (f) Outdoor display of merchandise.

(4) Prohibited uses. Those uses not specifically permitted in the C-2 Zone are hereby prohibited. Specifically prohibited are:

- (a) Residential uses.
- (b) Those uses prohibited in the C-1 Zone, except where otherwise permitted.
- (c) "Big box" retail.

B. Bulk regulations.

- (1) Lot area. A lot area of not less than one acre shall be required.
- (2) Lot width. A minimum lot width of 200 feet shall be required.
- (3) Height. No structure shall exceed two stories or 30 feet in height, whichever is less.
- (4) Front yard. There shall be a front yard which shall be not less than 50 feet in average depth, but in no case shall any portion of the structure be constructed closer than 35 feet to the street line. A maximum of 70% of the front yard shall be used for parking and access drives.

- (5) Rear yard. There shall be a rear yard of not less than 20% of the depth of the lot, but in no case shall a rear yard be less than 12 feet, nor shall any rear yard be required to exceed 20 feet.
- (6) Side yard. No side yard shall be required. Where provided, however, the minimum side yard shall be six feet in width.
- (7) Coverage. No more than 30% of the lot shall be covered by buildings, and not more than 90% of the lot shall be covered by impervious surfaces, include buildings.
- (8) Screening, landscaping and open space.
 - (a) In each case when a lot abuts a residential zone or a park area there shall be a ten-foot buffer strip which consists of landscaping or natural vegetation as approved by the Planning Board. Said buffer area shall include a solid fence in conformance with other requirements of this chapter as approved by the Planning Board. Such a buffer shall not include the rear or side yard required or any parking or driveways. The object of said buffer shall be to screen year round the adjacent areas, with particular attention to parking, loading and service area.
 - (b) All landscaping as required by a site plan approval under the terms of this chapter shall be maintained for the life of the property to standards as approved in the site plan.
- (9) Lot frontage. There shall be a minimum lot frontage of 50 feet.

SECTION TWENTY-FOUR:

~~§360-34~~ **§360-35** C-3 Regional Commercial District.

In the C-3 Regional Commercial District the following regulations shall apply:

A. Use regulations. A building may be erected or used and a lot may be used or occupied for the following purposes and no other:

(1) Permitted uses. ~~Uses permitted in the C-1 Zone are permitted in the C-3 Zone. In addition, the following uses are permitted:~~

~~(a) Restaurants, excluding restaurants of the drive-in type.~~

~~(b) Establishments serving alcoholic beverages, including establishments which offer live entertainment.~~

~~(c) Telephone exchanges and utility buildings.~~

~~(d) Passenger rail stations and facilities customarily incidental thereto.~~

~~(e) Catering and banquet establishments.~~

~~(f) Hotels and motels of 50 or more rooms.~~

~~(g) Clubs, lodges and similar establishments.~~

~~(h) Any combination of the uses permitted in the C-3 Zone, including shopping centers and malls, hotel complexes, etc.~~

~~(i) Movie theaters (excluding drive-ins), public auditoriums and theaters for live performances.~~

~~(j) Tattoo and body piercing parlors.~~

(a) Retail sales, in fully enclosed stores.

(b) Retail services, in fully enclosed stores.

(c) Personal services.

(d) Business, professional and governmental offices and banks, including banks with drive-in facilities accessory to an office-bank type of facility.

(e) Medical office.

(f) Medical or Dental Lab.

(g) Churches and houses of worship, parish houses and convents.

(h) Community centers operated as an accessory of use to churches and houses of worship.

(i) Commercial entertainment, indoor.

(j) Public parks and playgrounds.

(k) Public and parochial schools, nursery schools and schools which teach special skills which are related to permitted uses in the C-3 Zone, such as dance schools.

(l) Shopping centers for uses permitted in the C-3 Zone.

(m) "Big Box" Retail.

(n) Restaurants, including outdoor dining as an accessory use.

- (o) Establishments serving alcoholic beverages, including establishments which offer live entertainment.
 - (p) Telephone exchanges and utility buildings.
 - (q) Catering and banquet establishments.
 - (r) Hotels and motels of 50 or more rooms.
 - (s) Clubs, lodges and similar establishments.
 - (t) Tattoo and body piercing parlors.
 - (u) Any combination of the uses permitted in the C-3 Zone, including shopping centers and malls, hotel complexes, etc.
- (2) Accessory uses.
- (a) Signs, as permitted by Article XIII, Signs, of this chapter.
 - (b) Off-street parking and loading, including parking garages, as may be required by this chapter.
- (3) Conditional uses. All conditional uses shall meet the requirements of Article VII of this chapter.
- (a) Gasoline service stations.
 - (b) Businesses that service, repair or install motor vehicle parts.
 - (c) Automobile, motorcycle and commercial vehicle sales.
 - (d) Fully enclosed sales and storage of building materials.
 - (e) Commercial recreational uses.
 - (f) Nursery and garden centers.
 - (g) Outdoor display of merchandise.
 - (h) Pet care establishments.**
- (4) Prohibited uses. Those uses not specifically permitted in the C-3 Zone are hereby prohibited. Specifically, those uses prohibited in the C-1 Zone are prohibited, unless otherwise permitted. Also prohibited are:
- (a) Carting, express hauling, or truck storage yards.
 - (b) Truck terminals or depots.
 - (c) Contractor's storage yards.
 - (d) Any kind of manufacture or treatment other than the manufacture or treatment of products clearly incidental to the conduct of a retail business conducted on the premises.
 - (e) Amusement parlors and arcades.
 - (f) ~~"Big-box" retail.~~ **Outdoor concerts.**
 - (g) ~~Outdoor concerts.~~ **Adult book and/or gift stores.**
 - (h) **Adult mini-motion-picture theaters.**
 - (i) **Adult motion-picture theaters.**
 - (j) **Hotels and motels of less than 50 rooms.**
 - (k) **Pawnshops.**

- (l) **Dance halls distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for either observation or participation by patrons therein.**
- (m) **Establishments offering live entertainment which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, either for observation or participation by patrons therein.**
- (n) **Boardinghouses.**

B. Bulk regulations.

- (1) Lot area. A lot area of not less than four acres shall be provided.
- (2) Lot width. A minimum lot width of 350 feet shall be provided.
- (3) Height. No structures shall exceed five stories or 70 feet in accordance with the Floor Area Ratio Schedule in this section.
- (4) Front yard. There shall be a front yard which shall be not less than 75 feet in depth. No more than 75% of the front yard shall be used for parking and access drives. **A minimum of 70% pad site structure shall be located within the front yard setback and the building line of a pad site structure shall be constructed no closer than 35 feet of the right-of-way line. Existing and approved pad sites as of the date of September 28, 2021 that do not comply can continue to remain.**
- (5) Rear yard. There shall be provided a rear yard at least equal to the height of the building, but no rear yard shall be less than 30 feet. At least five feet of the rear yard shall be planted and landscaped.
- (6) Side yard. There shall be provided two side yards which shall be at least as great as the height of the building, but in no case shall each side yard be less than 30 feet. At least five feet of the side yard shall be planted and landscaped.
- (7) Coverage. Building coverage and coverage by impervious surfaces shall be governed by the following Floor Area Ratio (FAR) Schedule:

Building Height (stories)	Building Coverage	Floor Area Ratio	Land Coverage by Impervious Surfaces
1	30%	0.30	80%
2	20%	0.40	75%
3	17%	0.51	70%
4	15%	0.60	65%
5	14%	0.70	60%

(8) Screening, landscaping and open space.

(a) All areas of the lot not devoted to use by structures, parking, loading and other functions on the lot shall be left in their natural state or they shall be landscaped in accordance with a site plan approved by the Planning Board. All landscaped areas or natural areas shall be maintained by the owner as approved by the Planning Board.

(b) All parking and service areas shall be screened with landscaping and/or fencing

(1) All parking areas should be landscaped with shade trees and shrubs and able to provide low-level screening of the view of the parking lot.

(2) At least one shade tree for each 40 feet of frontage shall be provided unless adequate evergreen screening is provided.

(3) Loading or service areas that are visible from the street or on-site parking area must be screened.

(4) No shade tree shall obstruct the view of any use or sign in close proximity to the street.

(5) No landscaping shall obstruct sight triangles

~~(b)~~ **(c)** Nothing in this section shall prevent an owner from donating to the Township, county, state or federal government or other agency or nonprofit organization any open space which results from the construction of a use in accordance with the FAR Schedule, even if this donation reduces the remaining area of the lot or other nonuse requirement of this chapter below the minimum required. Such donation, including the amount and location, shall be subject to review and approval by the Planning Board.

~~(c)~~ **(d)** The uses to which the open space which results from use of the FAR Schedule may be put shall be limited to open space related uses, including but not limited to parks, flood retention areas, natural areas, public or private golf courses, driving ranges, swim clubs, riding areas, etc., it being the general intention to preserve the open space so as to provide areas which will act as groundwater recharge areas and areas which will not be subject to flood damage.

(9) Proximity to residential zone or use.

(a) Notwithstanding any other provisions of this section, no structure in the C-3 Zone shall be constructed closer than 100 feet to the nearest residentially zoned or used property or public parkland, and no parking area or access drive shall be located closer than 50 feet to any residentially zoned or used parcel of land or any public park.

- (b) A fifty-foot buffer shall be established, which shall be extensively planted in accordance with the requirements of a site plan approved by the Planning Board, but the minimal effect will be to screen the bulk, parking, loading and service areas from adjacent existing or proposed residential or park uses. Said buffer area shall include a solid fence in conformance with other requirements of this chapter as approved by the Planning Board.
- (c) Buffering areas as required above will not be required when a park area meeting the minimum requirements of the FAR Schedule and open space provisions of this section, including the proximity to residential property, is donated by the developer to the Township, county, state or federal government.
- (10) Lot frontage. There shall be a minimum lot frontage of 50 feet.
- (11) Loading requirements.**
 - (a) No loading dock or service area may be directly located on or visible from any street frontage or within the front building line.**
 - (b) Loading and unloading areas shall be located and designed so that vehicles can maneuver safely without obstructing a public right-of-way or any parking space, parking lot aisle, fire lane, vehicular circulation lane, or pedestrian path or sidewalk or pedestrian crossing.**
 - (c) Where loading and unloading areas are needed, they must be of sufficient size and dimensions to accommodate the numbers and types of vehicles that are likely to use and maneuver the area.**
 - (d) Shared loading areas are encouraged. Pad site structures are not required to provide a designated loading area, provided that the use can demonstrate that none is needed and loading/unloading activities occur at off-peak hours of the business and/or the shopping center.**
 - (e) No loading or unloading shall occur between 11:00pm and 7:00am for any business/occupant located within a building abutting a residential zone**

(12) Pad Site Structure Design Guidelines

- (a) Any building or structure must be located at or behind the required building setback line, except:**
 - [1] Any unenclosed porch, deck, terrace, steps, or stoop, which may project a maximum of 9 feet. This encroachment includes an unenclosed roofed porch or terrace.**
 - [2] Any roofed and unenclosed steps or stoop may project a maximum of 9 feet. Any roof covering unenclosed steps or a stoop may project a maximum of 3 feet.**

[3] An unenclosed balcony may project a maximum of 6 feet.
(13) A drive-thru, drive aisle, queuing area, or parking area should be located no nearer than 35 feet to any property line, paved access drive or street right-of-way line.

(14) Parking Design.

- (a) For properties fronting Route 23, none of the required parking facilities shall be located between the building line and the street front.**
- (b) All parking and service areas shall be screened with landscaping and/or fencing in accordance with the zone district regulations.**
- (c) The interior of all surface parking lots shall be landscaped with at least one tree for every 25 parking spaces, which shall be planted in suitably prepared and protected landscape islands or medians**

SECTION TWENTY-FIVE:

~~§360-35~~ **§360-36** C-4 Regional Commercial District.

In the C-4 Regional Commercial District the following regulations shall apply:

- A. Use regulations. All use regulations of the C-3 Zone shall apply, except that the following uses shall be specifically prohibited:
 - (1) Gasoline service stations.
 - (2) Businesses that service, repair or install motor vehicle parts.
 - (3) Automobile, motorcycle, and commercial vehicle sales.
 - (4) Nursery and garden centers.
 - (5) Metal and wood fabricating facilities.
- B. Bulk regulations of the C-3 Zone shall apply.

SECTION TWENTY-SIX:

§360-37 CBD-1.

In the CBD-1 Central Business District-1, the following regulations shall apply:

A. Use regulations. A building may be erected or used and a lot may be used or occupied for the following purposes and no other:

(1) Permitted uses.

- (a) Retail sales.**
- (b) Retail services.**
- (c) Personal services.**
- (d) Restaurants.**
- (e) Bars, taverns, inns, pubs, grog shops and other such similar establishments holding a Class C liquor license such that alcoholic beverages may be consumed or purchased on the premises.**
- (f) Commercial Entertainment.**
- (g) Business, professional and governmental offices and banks, excluding banks with drive-in facilities accessory to an office-bank type of facility.**
- (h) Churches and houses of worship, parish houses and convents.**
- (i) Community centers operated as an accessory use to churches and houses of worship.**
- (j) Public parks and playgrounds.**

(2) Accessory uses.

(a) Apartments above commercial that meet the following criteria:

- [1] The habitable floor area devoted to residential use(s) shall not exceed 2/3 of total habitable floor area of the building or structure containing said residential use(s).**
- [2] Any dwelling unit shall have a minimum of 600 square feet of habitable floor area.**
- [3] Parking shall be provided for residential use in accordance with §360-59.**

(b) Signs, as permitted by the Township Sign Ordinance.

(c) Off-street parking and loading as required by this chapter, provided that parking shall not be conducted as the principal use of any lot.

(d) Outdoor Dining and Sidewalk Cafes incidental to restaurants.

(3) Conditional uses. All conditional uses shall meet the requirements of Article VII of this chapter.

(a) Brewery/Distillery.

(b) Clubs, lodges and similar establishments.

(c) Outdoor display of merchandise.

- (4) Prohibited uses.** Those uses which are not specifically permitted in the C-1 Zone are hereby prohibited. The following uses are specifically prohibited.
- (a) Adult book and/or gift stores.**
 - (b) Adult mini-motion-picture theaters.**
 - (c) Adult motion-picture theaters.**
 - (d) Hotels.**
 - (e) Motels.**
 - (f) Pawnshops.**
 - (g) Dance halls distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for either observation or participation by patrons therein.**
 - (h) Establishments offering live entertainment which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, either for observation or participation by patrons therein.**
 - (i) Gasoline, service and automobile, motorcycle and commercial vehicle sales and service establishments.**
 - (j) Boardinghouses.**
 - (k) Tattoo and body piercing parlors.**
 - (l) Funeral Homes or Mortuary Establishments.**
 - (m) Medical Office.**
 - (n) Shopping Centers.**
 - (o) Dog Kennels.**
 - (p) Light industrial uses.**
 - (q) Heavy industrial uses.**
 - (r) Any other trade or use that is noxious or offensive or extremely hazardous by reason of the emission of odor, dust, smoke or gas or explosive potential.**

B. Bulk regulations.

- (1) Lot area.** A lot area of not less than 4,000 square feet for each lot shall be provided.
- (2) Lot width.** A minimum width shall be 40 feet.
- (3) Height.** No structure shall exceed three stories or 35 feet in height, whichever is less.
- (4) Front yard.** There shall be a front yard maximum of 5 feet in depth. No parking shall be permitted in the front yard.
- (5) Rear yard.** There shall be a rear yard minimum of 50 feet in depth. Parking shall be permitted in the rear yard, but no closer than 10 feet of any property line.

- (6) Side yard.** There shall be a side yard minimum of 0 feet in depth.
- (7) Coverage.** No more than 60% of the lot shall be covered by buildings, and not more than 90% of the lot shall be covered by impervious surfaces, including buildings.
- (8) Screening, landscaping and open space.** Landscaping, as required by the approved site plan, shall be maintained for the life of the property to standards as approved in the site plan. Where a non-single-family residential use abuts a single-family residential zone or an area which is used as a single-family residence, a landscape buffer of at least fifteen feet in width shall be provided on the non-single-family residential lot. The buffer may be located in the required yard area but shall not include parking or driveways and shall be planted and maintained in a manner acceptable to the Planning Board and approved as part of the site plan. The effect of such buffer shall be to screen the business use in the CBD-1 Zone from the adjacent residences. Special attention shall be paid to screening parking, loading and mechanical systems. In lieu of said buffer area, the non-single-family residential lot shall include a solid 8-foot fence in conformance with other requirements of this chapter as approved by the Planning Board.
- (9) Lot frontage.** There shall be a minimum lot frontage of 50 feet.
- (10) Proximity to residential zone or use.**
 - (a)** Notwithstanding any other provisions of this section, no structure in the CBD-1 Zone shall be constructed closer than 50 feet to the nearest residentially zoned or used property or public parkland, and no parking area or access drive shall be located closer than 10 feet to any residentially zoned or used parcel of land or any public park.
 - (b)** A fifteen-foot buffer shall be established, which shall be extensively planted in accordance with the requirements of a site plan approved by the Planning Board, but the minimal effect will be to screen the bulk, parking, loading and service areas from adjacent existing or proposed residential or park uses. Said buffer area shall include a solid fence in conformance with other requirements of this chapter as approved by the Planning Board.
 - (c)** Buffering areas as required above will not be required when a park area meeting the minimum requirements of the F.A.R. Schedule and open space provisions of this section, including the proximity to residential property, is donated by the developer to the Township, County, State or Federal Government.

SECTION TWENTY-SEVEN:

§360-38 CBD-2.

In the CBD-2 Central Business District-2, the following regulations shall apply:

A. Use regulations. A building may be erected or used and a lot may be used or occupied for the following purposes and no other:

(1) Permitted uses.

- (a) Retail sales.**
- (b) Retail services.**
- (c) Personal services.**
- (d) Restaurants.**
- (e) Bars, taverns, inns, pubs, grog shops and other such similar establishments holding a Class C liquor license such that alcoholic beverages may be consumed or purchased on the premises.**
- (f) Commercial Entertainment.**
- (g) Business, professional and governmental offices and banks, excluding banks with drive-in facilities accessory to an office-bank type of facility.**
- (h) Churches and houses of worship, parish houses and convents.**
- (i) Community centers operated as an accessory use to churches and houses of worship.**
- (j) Public parks and playgrounds.**

(2) Accessory uses.

(a) Apartments above commercial that meet the following criteria:

- [1] The habitable floor area devoted to residential use(s) shall not exceed 3/4 of total habitable floor area of the building or structure containing said residential use(s).**
- [2] Any dwelling unit shall have a minimum of 600 square feet of habitable floor area.**
- [3] Parking shall be provided for residential use in accordance with §360-59.**

(b) Signs, as permitted by the Township Sign Ordinance.

(c) (Off-street parking and loading as required by this chapter, provided that parking shall not be conducted as the principal use of any lot.

(d) Outdoor Dining and Sidewalk Cafes incidental to restaurants.

(3) Conditional uses. All conditional uses shall meet the requirements of Article VII of this chapter.

- (a) Multifamily structure.**
- (b) Brewery/Distillery**
- (c) Clubs, lodges and similar establishments.**
- (d) Outdoor display of merchandise.**

(4) Prohibited uses. The following uses are specifically prohibited:

- (a) Adult book and/or gift stores.**
- (b) Adult mini-motion-picture theaters.**
- (c) Adult motion-picture theaters.**
- (d) Hotels.**
- (e) Motels.**
- (f) Pawnshops.**
- (g) Dance halls distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for either observation or participation by patrons therein.**
- (h) Establishments offering live entertainment which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, either for observation or participation by patrons therein.**
- (i) Gasoline, service and automobile, motorcycle and commercial vehicle sales and service establishments.**
- (j) Boardinghouses.**
- (k) Tattoo and body piercing parlors.**
- (l) Funeral Homes or Mortuary Establishments.**
- (m) Medical Office.**
- (n) Shopping Centers.**
- (o) Dog Kennels.**
- (p) Light industrial uses.**
- (q) Heavy industrial uses.**
- (r) Any other trade or use that is noxious or offensive or extremely hazardous by reason of the emission of odor, dust, smoke or gas or explosive potential**

B. Bulk regulations.

- (1) Lot area. A lot area of not less than 4,000 square feet for each lot shall be provided.**
- (2) Lot width. A minimum width shall be 40 feet.**
- (3) Height. No structure shall exceed four stories or 45 feet in height, whichever is less. For buildings that are within 100 feet of residential zones, no structure shall exceed three stories or 35 feet in height, whichever is less.**
- (4) Front yard. There shall be a front yard maximum of 10 feet in depth. No parking shall be permitted in the front yard.**
- (5) Rear yard. There shall be a rear yard minimum of 25 feet in depth. Parking shall be permitted in the rear yard, but no closer than 10 feet of any property line.**

- (6) Side yard.** There shall be a side yard minimum of 0 feet in depth.
- (7) Coverage.** No more than 60% of the lot shall be covered by buildings, and not more than 90% of the lot shall be covered by impervious surfaces, including buildings.
- (8) Screening, landscaping and open space.** Landscaping, as required by the approved site plan, shall be maintained for the life of the property to standards as approved in the site plan. Where a non-single-family residential use abuts a single-family residential zone or an area which is used as a single family residence, a landscape buffer of at least fifteen feet in width shall be provided on the non-single-family residential lot. The buffer may be located in the required yard area but shall not include parking or driveways and shall be planted and maintained in a manner acceptable to the Planning Board and approved as part of the site plan. The effect of such buffer shall be to screen the business use in the CBD-2 Zone from the adjacent residences. Special attention shall be paid to screening parking, loading and mechanical systems. In lieu of said buffer area, the non-single-family residential lot shall include a solid 8-foot fence in conformance with other requirements of this chapter as approved by the Planning Board.
- (9) Lot frontage.** There shall be a minimum lot frontage of 50 feet.
- (10) Proximity to residential zone or use.**
 - (a)** Notwithstanding any other provisions of this section, no structure in the CBD-2 Zone shall be constructed closer than 30 feet to the nearest residentially zoned or used property or public parkland, and no parking area or access drive shall be located closer than 10 feet to any residentially zoned or used parcel of land or any public park.
 - (b)** A fifteen-foot buffer shall be established, which shall be extensively planted in accordance with the requirements of a site plan approved by the Planning Board, but the minimal effect will be to screen the bulk, parking, loading and service areas from adjacent existing or proposed residential or park uses. Said buffer area shall include a solid fence in conformance with other requirements of this chapter as approved by the Planning Board.
 - (c)** Buffering areas as required above will not be required when a park area meeting the minimum requirements of the F.A.R. Schedule and open space provisions of this section, including the proximity to residential property, is donated by the developer to the Township, County, State or Federal Government.

SECTION TWENTY-EIGHT:

§360-39 Hybrid-Commercial Zone.

In the H-C Hybrid-Commercial district, the following regulations shall apply:

A. Use regulations. A building may be erected or used and a lot may be used or occupied for the following purposes and no other:

(1) Permitted uses.

- (a) Retail services.**
- (b) Offices.**
- (c) Medical Offices.**
- (d) Medical or Dental labs.**
- (e) Hotels.**
- (f) Public recreation areas.**
- (g) Public parks and playgrounds.**

(2) Accessory uses.

- (a) Signs, as permitted by the Township Sign Ordinance.**
- (b) Off-street parking and loading as required by this chapter.**
- (c) Restaurants accessory to hotels.**
- (d) Bars, taverns, inns, pubs, grog shops and other such similar establishments accessory to hotels.**

(3) Conditional uses. All conditional uses shall meet the requirements of Article VII of this chapter.

- (a) Brewery/Distillery.**
- (b) Clubs, lodges and similar establishments.**
- (c) Commercial recreation uses.**
- (d) Churches and religious uses.**
- (e) Community centers.**
- (f) Pet care establishments.**
- (g) Nursery schools.**

(4) Prohibited uses. Those uses which are not specifically permitted in the C-1 Zone are hereby prohibited. The following uses are specifically prohibited.

- (a) Residential.**
- (b) Adult book and/or gift stores.**
- (c) Adult mini-motion-picture theaters.**
- (d) Adult motion-picture theaters.**
- (e) Motels.**
- (f) Pawnshops.**
- (g) Dance halls distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or**

specified anatomical areas for either observation or participation by patrons therein.

- (h) Establishments offering live entertainment which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, either for observation or participation by patrons therein.
- (i) Gasoline, service and automobile, motorcycle and commercial vehicle sales and service establishments.
- (j) Boardinghouses.
- (k) Tattoo and body piercing parlors.
- (l) Funeral Homes or Mortuary Establishments.
- (m) Shopping Centers.
- (n) Light industrial uses.
- (o) Heavy industrial uses.
- (p) Any other trade or use that is noxious or offensive or extremely hazardous by reason of the emission of odor, dust, smoke or gas or explosive potential.

B. Bulk regulations.

- (1) Lot area. A lot area of not less than 2.5 acres for each lot shall be provided.
- (2) Lot width. A minimum width shall be 300 feet shall be provided.
- (3) Height. No structure shall exceed four stories or 40 feet in height, whichever is less.
- (4) Front yard. There shall be provided a front yard which shall have an average depth of not less than 50 feet, and in no case shall any part of a building project closer to the street than 35 feet. No more than 50% of the front yard shall be paved for parking and access drives.
- (5) Rear yard. There shall be a rear yard equal in depth to at least the height of the building, but in no case less than 30 feet. At least 10 feet of the rear yard shall be landscaped or planted in a manner acceptable to the Planning Board
- (6) Side yard. Two side yards shall be required, each of which shall be not less than the height of the building, but in no case less than 30 feet. At least 10 feet of each side yard shall be landscaped or planted.
- (7) Coverage. No more than 35% of the lot shall be covered by buildings, and no more than a total of 75% of the lot shall be covered by impervious material, including buildings.
- (8) Screening, landscaping and open space.
 - (a) Adjacent to a residentially zoned or used property and adjacent to public parkland, there shall be a planted buffer strip at least 25 feet in width which shall be maintained to screen and buffer the use in the H-C Zone from adjacent properties. Said buffer area may include a solid fence in

conformance with other requirements of this chapter as approved by the Planning Board. Said buffer strip may include the required side yard but shall not include parking or access drives.

(9) Lot frontage. There shall be a minimum lot frontage of 250 feet.

SECTION TWENTY-NINE:

§360-40 H Hospital.

In the H Hospital district, the following regulations shall apply:

A. Use regulations. A building may be erected or used and a lot may be used or occupied for the following purposes and no other:

(1) Permitted uses.

- (a) Hospitals, Health care facilities or institutions, whether public or private, engaged in providing services for health maintenance and the diagnosis, care and treatment of mental or physical conditions of human patients, licensed by the State of New Jersey.**
- (b) Medical Offices.**
- (c) Medical or Dental Lab.**
- (d) Nursing Homes.**
- (e) Staff residences and overnight accommodations for employees or patients' visitors.**
- (f) Public recreation areas.**
- (g) Public parks and playgrounds.**

(2) Accessory uses.

- (a) Any use that is customary and incidental to a hospital, health care facility, or institution including but not limited to the following uses:**
 - [1] Food and retail uses such as coffee shops, restaurants, florists, gift shops.**
 - [2] Chapels, prayer areas, and places of religious or clergy consultation.**
 - [3] Pharmacies, laboratories, laundries, offices, and other medical support uses.**
- (b) Signs, as permitted by the Township Sign Ordinance.**
- (c) Off-street parking and loading as required by this chapter.**

(3) Prohibited uses. Those uses which are not specifically permitted in the H Zone are hereby prohibited.

B. Bulk regulations.

- (1) Lot area. A lot area of not less than 22,000 square feet for each lot shall be provided.**
- (2) Lot width. A minimum width of 90 feet shall be provided.**
- (3) Height. No structure shall exceed 5 stories or 75 feet in height, whichever is less. For lots with fewer than 150 feet street frontage, no structure shall exceed 2 ½ stories or 35 feet in height, whichever is less.**
- (4) Front yard. There shall be provided a front yard of at least 100 feet in depth, however, that for lots with fewer than 150 feet street frontage, there shall be provided a front yard of at least 50 feet in depth.**

- (5) Rear yard.** There shall be a rear yard which shall be 100 feet in depth.
- (6) Side yard.** There shall be two side yards, each not less than 15 feet, and the aggregate of the two side yards shall not be less than 40 feet.
- (7) Coverage.** No more than 30% of the area of any lot shall be covered by buildings, and no more than 60% of any lot shall be covered by impervious surfaces, including building area.
- (8) Screening, landscaping and open space.**
 - (a)** Adjacent to a residentially zoned or used property and adjacent to public parkland, there shall be a planted buffer strip at least 25 feet in width which shall be maintained to screen and buffer the use in the H Zone from adjacent properties. Said buffer strip may include the required side yard. No parking area or access drive shall be located closer than 10 feet to any residentially zoned or used parcel of land or any public park.
- (9) Lot frontage.** Shall be equal to lot width, provided, however, that for lots around the bulb of a cul-de-sac lot frontage shall be at least 50% of the lot width.
- (10) Lot depth.** There shall be a lot depth of at least 200 feet in length.

SECTION THIRTY:

~~§360-36~~ **§360-41** I-1 Industrial District.

In the I-1 Industrial District the following regulations shall apply:

A. Use regulations. A building may be erected or used and a lot may be used or occupied for the following uses and no other:

(1) Permitted uses.

- (a) Offices.
- (b) ~~Veterinary hospitals.~~ **Contractor showrooms.**
- (c) Research laboratories.
- (d) Product development laboratories.
- (e) Warehousing.
- (f) Metal- and wood-fabricating facilities.
- (g) Wholesale distribution.
- (h) Assembly of parts manufactured elsewhere.
- (i) Packaging of products manufactured or assembled elsewhere.
- (j) Any combination of permitted uses, provided that each use occupies a minimum of 1,000 square feet of floor area.

(2) Accessory uses.

- (a) Off-street parking and loading as required by this chapter.
- (b) Signs, as permitted by Article XIII, Signs, of this chapter.
- (c) Buildings for the storage of trucks and other vehicles and equipment used for the principal use on the lot.

(3) Conditional uses. All conditional uses shall meet the requirements of Article VII of this chapter.

- (a) Retail sales of products manufactured, assembled or warehoused on the premises.
- (b) Buildings for the storage and maintenance of commercial vehicles which are owned and operated by a single operator.
- (c) **Brewery/Distillery.**
- (d) **Artisan industrial space/artisans' studios.**
- (e) **Pet care establishments.**
- (f) **Commercial recreation.**

(4) Prohibited uses.

- (a) Those uses which are not specifically permitted in the I-1 Zone are hereby prohibited.
- (b) Specifically, those uses prohibited include the following:
 - [1] Residences.
 - [2] Airports or aviation fields or heliports.
 - [3] Ammonia, chlorine or bleaching powder manufacture.

- [4] Disinfectant, insecticide or poison manufacture.
- [5] Fertilizer manufacture.
- [6] Commercial incineration, reduction storage, private or commercial dumps, sanitary landfill depots or depositories for disposal of solid or liquid waste material.
- [7] Sulphurous, sulfuric, nitric, picric, carbolic or hydrochloric acid manufacture.
- [8] Vinegar manufacture.
- [9] ~~Dog kennels.~~
- [9] ~~{10}~~ Stockyards.
- [10] ~~{11}~~ Slaughtering of animals.
- [11] ~~{12}~~ Animal black, lamp black or bone black manufacture.
- [12] ~~{13}~~ Rawhide or skin storage, cleaning, curing or tanning.
- [13] ~~{14}~~ Soap manufacture from animal fat.
- [14] ~~{15}~~ Glue, size or gelatin manufacture, where the processes include the refining or recovering of products from fish, animal refuse or offal.
- [15] ~~{16}~~ Grease, lard, fat or tallow rendering or refining.
- [16] ~~{17}~~ Wool pulling or scouring.
- [17] ~~{18}~~ Storage, sorting or baling of scrap paper, iron, bottles, rags or junk.
- [18] ~~{19}~~ Automobile junkyards. E
- [19] ~~{20}~~ Explosives manufacture or storage, except small arms ammunition.
- [20] ~~{21}~~ Pyroxylin plastic manufacture or the manufacture of articles therefrom.
- [21] ~~{22}~~ Rubber or gutta-percha manufacture or treatment.
- [22] ~~{23}~~ Smelting of iron, copper, tin, zinc or lead from ore.
- [23] ~~{24}~~ Starch, glucose or dextrin manufacture.
- [24] ~~{25}~~ Petroleum refining.
- [25] ~~{26}~~ Sand, gravel or clay pits and the washing or processing of sand, gravel or clay.
- [26] ~~{27}~~ Outdoor movies.
- [27] ~~{28}~~ Animal zoos.
- [28] ~~{29}~~ Trucking depots or storage yards.
- [29] ~~{30}~~ Stone yards or monument works.
- [30] ~~{31}~~ Retail merchandising.
- [31] ~~{32}~~ Mortuaries or funeral homes.
- [32] ~~{33}~~ Garages used primarily for either automobile or commercial vehicle service.

- [33] ~~{34}~~ Any other trade or use that is noxious or offensive or extremely hazardous by reason of the emission of odor, dust, smoke or gas or explosive potential.
- [34] ~~{35}~~ Open-front stores and outdoor displays or storage of food and merchandise.
- [35] ~~{36}~~ Dispensing of food, drink or merchandise through an opening of an exterior wall of a building or providing curb service.

B. Bulk regulations.

- (1) Lot area. A lot area of not less than one acre shall be provided.
- (2) Lot width. A minimum lot width of 150 feet shall be provided.
- (3) Height. No structure shall exceed two stories or 35 feet in height, whichever is less.
- (4) Front yard. There shall be provided a front yard which shall have an average depth of not less than 50 feet, and in no case shall any part of a building project closer to the street than 35 feet. No more than 50% of the front yard shall be paved for parking and access drives.
- (5) Rear yard. There shall be a rear yard equal in depth to at least the height of the building, but in no case less than 30 feet. At least 10 feet of the rear yard shall be landscaped or planted in a manner acceptable to the Planning Board.
- (6) Side yard. Two side yards shall be required, each of which shall be not less than the height of the building, but in no case less than 30 feet. At least 10 feet of each side yard shall be landscaped or planted.
- (7) Coverage. No more than 35% of the lot shall be covered by buildings, and no more than a total of 75% of the lot shall be covered by impervious material, including buildings.
- (8) Screening, landscaping and open space.
 - (a) Adjacent to a residentially zoned or used property and adjacent to public parkland there shall be a planted buffer strip at least 25 feet in width which shall be maintained to screen and buffer the use in the I-1 Zone from adjacent properties. Said buffer area shall include a solid fence in conformance with other requirements of this chapter as approved by the Planning Board. Said buffer strip may include the required side yard but shall not include parking or access drives.
 - (b) A five-foot planted buffer shall be required to be planted in each side and rear yard adjacent to the property line where the property abuts commercially or industrially zoned or used property.
- (9) Lot frontage. There shall be a minimum lot frontage of 50 feet.

SECTION THIRTY-ONE:

~~§360-37~~ **§360-42** I-2 Industrial District.

In the I-2 Industrial District the following regulations shall apply:

A. Use regulations. A building may be erected or used and a lot may be used or occupied for the following uses and no other:

(1) Permitted uses.

- (a) Offices.
- (b) Data processing center.
- (c) Warehousing.
- (d) Wholesale distribution.
- (e) Packaging of products manufactured or assembled elsewhere.
- (f) Any combination of permitted uses, provided that each use occupies a minimum of 2,000 square feet of floor area.
- (g) Assembly of a product that will not result in any contamination or use any hazardous chemicals.

(h) Contractor showrooms

(2) Accessory uses.

- (a) Off-street parking and loading as required by this chapter.
- (b) Signs, as permitted by Article XIII, Signs, of this chapter.
- (c) Buildings for the storage of trucks and other vehicles and equipment used for the principal use on the lot.
- (d) ~~Eating and clinic facilities for the sole use of employees and officers of the principal use on the lot.~~ **Office or employee lunchrooms/eating and clinic facilities for the sole use of employees and officers of the principal use on the lot.**

(3) Conditional uses. All conditional uses shall meet the requirements of Article VII of this chapter. ~~Conditional uses permitted in the I-1 Zone are permitted in the I-2 Zone.~~

- (a) **Brewery/Distillery.**
- (b) **Artisan industrial space/artisans' studios.**
- (c) **Pet care establishments.**
- (d) **Retail sales of products manufactured, assembled or warehoused on the premises.**
- (e) **Buildings for the storage and maintenance of commercial vehicles which are owned and operated by a single operator.**
- (f) **Commercial recreation.**

- (4) Prohibited uses. Those uses prohibited in the I-1 Zone are prohibited in the I-2 Zone. Also prohibited are mortuary establishments and funeral homes.

B. Bulk regulations.

- (1) Lot area. A lot area of not less than two acres shall be provided.
- (2) Lot width. A minimum lot width of 275 feet shall be provided.
- (3) Height. No structure shall exceed three stories or 35 feet in height, whichever is less.
- (4) Front yard. There shall be provided a front yard which shall have an average depth of not less than 50 feet, and in no case shall any building be constructed closer to the street than 35 feet. No more than 50% of the front yard shall be paved for parking and access drives.
- (5) Rear yard. There shall be provided a rear yard equal in depth to at least the height of the building, but in no case shall the rear yard be less than 30 feet. At least 10 feet of the rear yard shall be landscaped or planted.
- (6) Side yard. Two side yards shall be required, each of which shall be not less than the height of the building, but in no case shall the side yards be less than 30 feet. At least 10 feet of each side yard shall be landscaped or planted.
- (7) Coverage. No more than 40% of the lot shall be covered by buildings, and no more than 85% of the lot shall be covered by impervious surfaces, including buildings.
- (8) Screening, landscaping and open space.
 - (a) Adjacent to a residentially zoned or used property there shall be provided a planted buffer strip of at least 50 feet in depth which shall be maintained so as to screen and buffer the use in the I-2 Zone from adjacent properties. Said buffer area shall include a solid fence in conformance with other requirements of this chapter as approved by the Planning Board. Said buffer strip may include required side yards but shall not include any parking or access drives.
 - (b) Adjacent to any parkland a buffer strip of at least 25 feet shall be required, and this buffer may include the side yard.
 - (c) A five-foot planted buffer shall be located along all property lines where the adjacent property is industrially or commercially zoned or used.
- (9) Lot frontage. There shall be a minimum lot frontage of 50 feet.

C. General regulations.

- (1) Any permitted use in the I-2 Zone must utilize a closed septic system or provide sewerage connection to an off-site treatment facility, and the method of sewage disposal shall be approved by the Township Health Officer.
- (2) Before any site plan, building permit or certificate of occupancy can be approved, the applicant must submit a report indicating:
 - (a) Chemicals, oils, solvents or other materials used in its operation.

- (b) A general description of the proposed machinery operation and products.
- (c) Controls used to maintain the water quality of runoff from the site's impervious areas.

SECTION THIRTY-THREE:

~~§360-39~~ **§360-43** I-1A Industrial District.

In the I-1A Industrial District the following regulations shall apply:

- A. Use regulations. A building may be erected or used and a lot may be used or occupied for the following uses and no other:
 - (1) Permitted uses. Uses permitted in the I-1, **and I-2 zones.** ~~and I-3.~~ In addition, the following uses are permitted:
 - (a) Automobile, motorcycle and commercial vehicle sales.
 - (b) Nursery, garden center or tree farms
 - (c) Businesses that service, repair or install motor vehicle parts.
 - (d) Kennels and horse farms.
 - (e) Contractor's vehicles, equipment and/or materials storage yard. All vehicles and equipment shall be licensed and insured. A list of all stored vehicles, equipment and materials shall be provided to the Department of Construction and Land Use.
 - (f) Buildings for storage and maintenance of commercial vehicles which are owned and operated by a single operator.
 - (2) Accessory uses.
 - (a) Off-street parking and loading as required by this chapter.
 - (b) Signs, as permitted by Article XIII, Signs, of this chapter.
 - (c) Buildings for the storage of trucks and other vehicles and equipment used for the principal use on the lot.
 - (d) Servicing of vehicles and equipment permitted only within the building
 - (3) Conditional uses. All conditional uses shall meet the requirements of Article VII of this chapter.
 - (4) Prohibited uses. Those uses which are not specifically permitted in the I-1A Zone are hereby prohibited. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- B. Bulk regulations.
 - (1) Lot area. A lot area of not less than one acre shall be provided.
 - (2) Lot width. A minimum lot width of 150 feet shall be provided.
 - (3) Height. No structure shall exceed two stories or 35 feet in height, whichever is less.
 - (4) Front yard. There shall be provided a front yard which shall have an average depth of not less than 50 feet, and in no case shall any part of a building project closer to the street than 35 feet. No more than 50% of the front yard shall be paved for parking and access drives.
 - (5) Rear yard. There shall be a rear yard equal in depth to at least the height of the building, but in no case less than 30 feet. At least 10 feet of the rear yard shall be landscaped or planted in a manner acceptable to the Planning Board.

- (6) Side yard. Two side yards shall be required, each of which shall not be less than the height of the building, but in no case less than 30 feet. At least 10 feet of each side yard shall be landscaped or planted.
 - (7) Coverage. No more than 35% of the lot shall be covered by buildings, and no more than a total of 75% of the lot shall be covered by impervious material, including buildings.
 - (8) Screening, landscaping and open space.
 - a. Adjacent to residentially zoned or used property and adjacent to public parkland there shall be a planted buffer strip at least 25 feet in width which shall be maintained to screen and buffer the use in the I-1A Zone from adjacent properties. Said buffer area shall include a solid fence in conformance with other requirements of this chapter as approved by the Planning Board. Said buffer strip may include the required side yard but shall not include parking or access drives.
 - b. A ten-foot planted buffer shall be required to be planted in each side and rear yard adjacent to the property line where the property abuts commercially or industrially zoned or used property. Said buffer area shall include a solid fence in conformance with other requirements of this chapter as approved by the Planning Board.
 - (9) Lot frontage. There shall be a minimum lot frontage of 50 feet.
- C. Site plan in accordance with § ~~360-56~~ **360-61** is required

SECTION THIRTY-FOUR:

~~§360-40~~ §360-44 Airport Hazard Zone.

- A. This zone shall be applicable to all districts and shall consist of two parts:
 - (1) A Clear Zone which is equivalent to the clear zone established by N.J.A.C. 16.62; and
 - (2) An Airport Hazard Restricted Zone which is coincident with the remainder of the airport hazard area, established by N.J.A.C. 16.62.
- B. No structure shall be permitted in the Clear Zone.
- C. In the Airport Hazard Restricted Zone, overlay zoning regulations shall apply and alter or amend the underlying zoning as follows:
 - (1) Uses that attract birds are prohibited.
 - (2) Aboveground storage of hazardous or flammable materials in tanks is prohibited.
 - (3) Aboveground utility transmission lines and/or mains are prohibited.
 - (4) Residential density shall not exceed one dwelling unit per three acres, except that if a lot is situated so that a portion is within the airport hazard restricted area and a portion is outside this area and the proposed dwelling is located outside the restricted area, the minimum lot size shall be the same as that of the underlying zone.
 - (5) Vertical limits for structures in the Airport Hazard Restricted Zone shall be consistent with N.J.A.C. 16:62-4.2 et seq. or the underlying zone district requirement, whichever is less. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
 - (6) Variances from the airport hazard overlay zone restrictions shall be conditioned upon the approval of the Commissioner of the Department of Transportation.

SECTION THIRTY-FIVE

§360-45 C-R Conservation-Recreation.

A. Use regulations. A building may be erected or used and a lot may be used or occupied for the following purposes and no other:

(1) Permitted uses.

(a) Public recreation areas.

(b) Public parks and playgrounds.

(c) Outdoor noncommercial recreational uses.

(2) Accessory uses.

(a) Signs, as permitted by the Township Sign Ordinance.

(b) Off-street parking and loading as required by this chapter.

(c) Accessory uses and structures customarily incidental to the above uses and located on the same lot as the principal use to which they are accessory.

(3) Conditional uses. All conditional uses shall meet the requirements of Article VII of this chapter.

(a) Community centers.

(b) Governmental Offices.

(4) Prohibited uses. Those uses which are not specifically permitted in the C-R Zone are hereby prohibited.

SECTION THIRTY-SIX

~~§360-41~~ **§360-46** Regulations pertaining to residential districts.

The following regulations shall apply to all residential districts and, where stated, shall constitute conditions under which conditional use approval may be granted.

- A. Home occupations. Home occupations shall be permitted in all residence districts. ~~A home occupation is an accessory use of a dwelling unit for gainful employment involving the assembly, provision or sale of goods and/or services or the performance of an art.~~ The following standards shall control home occupations ~~and use by artists~~:
- (1) The home occupation shall be conducted only in the enclosed living area of the dwelling.
 - (2) No electrical or mechanical equipment is to be used in conjunction with the home occupation which creates visible or audible interference in radio or television or which creates fluctuation in line voltage outside the dwelling or which creates noise not normally associated with a residential use.
 - (3) The occupation permitted shall be on a limited scale so as not to interfere with the residential character of a district, and no employees other than full-time residents of the dwelling shall be employed in pursuance of the occupation.
 - (4) Products related to a home occupation shall not be sold on the premises, and services related to a permitted occupation shall be provided only within the residence.
 - (5) The establishment of a home occupation shall not be permitted to change the principal character of the use as a dwelling.
 - (6) No storage or display of goods, materials or supplies or equipment shall be visible from the outside of any structure located on the premises.
 - (7) There shall be permitted no more demand for parking than one vehicle at a time, in addition to the two parking spaces required for the dwelling.
 - (8) Only one floor of the dwelling shall be used for the home occupation. No more than 25% of that floor shall be devoted to the home occupation.
 - (9) The following are permitted home occupations:
 - (a) Dressmaker, seamstress or tailor.
 - (b) Music or dancing teacher for one pupil at a time.
 - (c) Artist, sculptor or author.
 - (d) Lawyer, architect, engineer, realtor, insurance agent or broker for consultation, provided that this is not the sole place of business.
 - (e) Physician, dentist or other licensed medical practitioner for consultation purposes, provided that this is not the sole place of business.
 - (f) Office use when the office is operated by or employs in the residence only a resident or residents who are permanent full-time residents of the dwelling unit and no other persons and where the office use does not require visits by customers or business invitees for business purposes.

(10) Specifically prohibited home occupations, unless permitted as a conditional use, shall be:

- (a) Animal hospitals, stables, kennels or livery stables.
- (b) Barbershops and beauty parlors.
- (c) Clinics or hospitals.
- (d) Dancing or music schools and nursery schools.
- (e) Rental businesses.
- (f) Repair shops.
- (g) Retail merchandising.
- (h) Restaurants.
- (i) Auto repair shops or body shops.
- (j) Private clubs.
- (k) Mortuaries and funeral homes.

B. Sale of farm products. In conjunction with a farm as a permitted use in the Township, produce and other products of the farm may be sold on the premises. Any sales of produce or farm products must take place from a structure located at least 35 feet from the street upon which the lot fronts. Parking shall be provided for at least one car for each acre of land or 5,000 square feet of greenhouse or propagating house under cultivation and shall be constructed of a dust-free material. Products sold shall be limited to the extent that at least 75% of the products sold at any time must be produced on the property. **Sale or advertisement of cannabis products shall not be permitted.**

C. Keeping animals.

- (1) A total of 10 female chickens are permitted in association with a residentially used property of up to three acres.
- (2) The keeping of chickens as accessory to a residential use shall comply with all requirements of Chapter 100, Animals, Article II, Chickens.
- (3) The keeping of animals shall be permitted in all residential districts as an accessory use.

Type of Animal	Minimum Lot Size (acres)	Number Permitted	Required Housing Space per Animal (square feet)
Horses	1	1/acre for the 1st 3 acres 2/acre for the 4th and 5th acres	80

Type of Animal	Minimum Lot Size (acres)	Number Permitted	Required Housing Space per Animal (square feet)
		3/acre for more than the 5th acre	
Ponies	1	1/acre for the 1st acre 1/2-acre for the 2nd, 3rd, 4th and 5th acres 3/acre for more than the 5th acre	80
Dairy cattle	3	1/acre	100
Beef cattle	3	1/acre	80
Sheep	3	5/acre	16
Goats	3	5/acre	16
Swine	3	1/acre	64
Poultry, excepting female chickens as specified in Subsection C(1) and (2) above and roosters	1	3/acre	
Roosters	3	1/acre	

- (4) A pony as regulated above shall not exceed 12 hands in height.
- (5) Any building for the keeping of animals shall be located at least 50 feet from any dwelling on an adjacent property and at least 50 feet from the required rear or side yard setback line on all adjacent residentially zoned or used properties. Any building for the keeping of animals shall be located at least 30 feet from the dwelling of the occupant of the lot.
- (6) Any outdoor area for keeping animals, including corrals, shall be located at least 30 feet from residential structures and at least 20 feet from side and rear lot lines. However, this distance to the lot line may be decreased to 10 feet if the Zoning Officer determines that an adequate buffer and screening have been provided in

accordance with good planning standards. No stable or outdoor area for the keeping of animals shall be located closer to the street line than the required front yard. All structures for the keeping of animals must be at least 50 feet from any stream, well, water body or watercourse. All septic and manure pits must also be 50 feet from any stream, well, water body or watercourse and 50 feet from all property lines. All animals on the property shall be owned by and for the sole and exclusive use of the residents of the lot upon which they are located, except that up to one animal for the first three acres and 25% of all other animals permitted by the quota above may be boarded for the animal's owner to be used only by the owner. When calculating the number of animals permitted, any lot area may only be used once, except that the number of poultry permitted shall not restrict the use of that property for the other animals as permitted in the above schedule.

- (7) Manure must be collected and maintained in a sanitary manner so as to prevent offensive odors, fly breeding or other nuisances. Failure to abide by these standards shall result in revocation by the Township of permission to keep animals. Those persons keeping animals must meet all requirements of state and local health regulations.
- D. Greenhouse, propagating house and nursery business. Greenhouse, propagating house and nursery businesses shall be permitted as a conditional use in all residential districts if the following conditions are met:
- (1) A minimum lot area of six acres shall be required.
 - (2) A front yard shall be a minimum of 50 feet in depth.
 - (3) Side and rear yards shall be equal in depth to the height of the buildings or 30 feet, whichever is greater.
 - (4) A lot width of 200 feet shall be required.
 - (5) A twenty-foot planted buffer, acceptable to the Planning Board, shall be required adjacent to any residentially zoned or used property.
 - (6) No driveways shall be located closer than 25 feet to any side or rear property line.
 - (7) A ten-foot planted buffer shall be located along all property lines adjacent to industrially or commercially zoned or used property.
 - (8) Nursery stock shall be located no closer than 10 feet to any side or rear property line and no closer than 20 feet to any street.
 - (9) The maximum building coverage permitted for both temporary and permanent buildings shall be 30%.
 - (10) All permanent structures shall require a building permit and site plan approval.
 - (11) No structures may exceed 35 feet in height.
 - (12) Where there are wholesale or retail sales of products, only items that have been grown on the premises for at least 1/2 of their life may be sold on the premises.
 - (13) Where there are retail sales, at least one parking space shall be provided for each acre under cultivation or for each 5,000 square feet of area within the greenhouse.

(14) Greenhouses shall be restricted in size as follows:

District	Maximum Size (square feet)
R-45	1,500
R-22	1,200
R-15	1,200
R-11	900
R-9	900

E. **Medical and Professional offices.** In zones where **medical and** professional offices are permitted as a conditional use, the following conditions shall be met:

~~(1) The office of a member of a recognized profession, when conducted on a residential property, shall be permitted to be conducted by a single member of the family residing on that property and shall include only the office of a doctor or a physician, a dentist, a realtor, an insurance agent, a minister, an architect, a professional engineer, a lawyer or such similar professional occupation which may be so designated by the Planning Board upon finding by such Board that such occupation is truly professional in character, training and experience as a condition for the practice thereof. The practice of such occupation shall in no way adversely affect the safe and comfortable enjoyment of property rights in any zone in which it is located to a greater extent than for the professional activities listed herein. The issuance of a state or local license for regulation of any gainful occupation need not be deemed indicative of professional standing.~~

~~(2)~~ (1) In addition, the following conditions shall be met:

- (a) The property shall front on either Route 23 or the Newark-Pompton Turnpike.
- (b) The minimum lot size shall be 45,000 square feet with a minimum lot width of 200 feet.
- (c) There shall be a fifteen-foot planted buffer adjacent to all rear and side yards which shall be maintained at least six feet in height.
- (d) The front yard shall be a minimum of 50 feet in depth.
- (e) Building coverage shall be limited to 25% of the lot, and total coverage by impervious materials to 60% of the lot.
- (f) All other bulk regulations in the zone shall apply.
- (g) Site plan approval shall apply.

~~(3)~~ (2) In addition, the following shall apply:

- (a) The use shall be conducted only in the enclosed ~~living-area~~ **structure**, exclusive of porches and garages, of the dwelling.
- (b) No electrical or mechanical equipment is to be used in conjunction with the professional office which creates visible or audible interference in radio or

television or which creates fluctuation in line voltage outside the dwelling or which creates noise not normally associated with a residential use.

- (c) Products related to a professional office shall not be sold on the premises, and services related to a permitted occupation shall be provided only within the *residence structure*.

- (d) ~~The establishment of a professional office shall not be permitted to change the principal character of the use as a dwelling.~~ **Residential appearance**

regulations. All buildings, including new, converted or existing structures shall be residential in exterior appearance. For the purpose of administering this subsection, “residential in exterior appearance” shall mean a building which complies with all of the following requirements:

- [1] No building elevation along an abutting street shall have an overall dimension that is greater than 76 feet.**
- [2] No building shall have a pitched roof that is less than 33.33%**
- [3] Not more than one window in each building elevation shall be wider than four feet.**
- [4] Exterior building materials shall be limited to wood, metal or vinyl clapboard; wood shingle, stone, brick or stucco. This limitation shall not apply to roofs, windows or doors.**
- [5] Every building elevation that fronts on an abutting street shall have at least one offset of not less than 18 inches between wall planes facing on said street.**
- [6] No building shall contain more than one exterior doorway for each building elevation, except where needed to provide access for persons with disabilities.**
- [7] The habitable floor area of the second floor shall not exceed the habitable floor area of the first floor by more than 10%.**

- (e) No storage or display of goods, materials, supplies or equipment shall be visible from the outside of any structure located on the premises.

- (f) Parking shall comply with the requirements of Article IX.

- (g) No more than one professional who resides on the premises and two support personnel who are not required to reside on the property may be engaged in the professional office use.

- (h) No more than 50% of the ground floor area and no area on any other floor may be dedicated to the professional office use.

- (i) In no event shall surface parking be permitted in the front yard.**

F. Nursing homes, hospitals and intermediary care centers.

- (1) Nursing homes and hospitals shall be permitted as a conditional use in the R-87, R-45, R-22, R-15, R-11 and R-9 Zones.

- (2) The minimum required lot size shall be five acres. The minimum lot width is 300 feet on a street with a right-of-way of 60 feet or more and a pavement width of 40 feet or more.
 - (3) The front yard for nursing homes, **and** intermediary care centers ~~and hospitals~~ shall be twice the minimum front yard required in the zone in which they are located. ~~The maximum building height for hospitals shall be five stories or 75 feet, whichever is less, and for nursing homes, three stories or 40 feet, whichever is less.~~ **The maximum building height for nursing homes, three stories or 40 feet, whichever is less.** Rear yards and side yards shall be 100 feet each, at least 25 feet of which shall consist of a planted buffer strip. Maximum building coverage shall be 30% and the maximum coverage by impervious surfaces shall be 60%.
 - (4) Prior to the issuance of a building permit, nursing homes, hospitals and intermediary care centers in the Airport Hazard Restricted Zone shall obtain the approval of the Commissioner of Transportation.
- G. Schools. Schools shall be permitted as a conditional use in all residence zones, and each school shall be located on a lot with a minimum lot size of five acres and frontage on an improved road of at least 50 feet in width. The minimum lot width shall be 300 feet, and the maximum height of any structure shall be 35 feet or two stories, whichever is less. Side and rear yards of at least 50 feet shall be provided, and at least 25 feet of the side and rear yard adjacent to the property lines shall be planted as a buffer. This buffer may include the side or rear yard, but shall not include parking areas or access drives. Prior to the issuance of a building permit, schools in the Airport Hazard Restricted Zone shall obtain the approval of the Commissioner of the Department of Transportation.
- H. Churches and houses of worship. Churches and houses of worship shall be permitted as a conditional use in all residences zones on a minimum lot size of five times the permitted lot size in the zone in which it is to be located. The minimum lot width shall be twice the minimum lot width permitted in the zone which it is to be located, and the lot shall be located on an improved street with a right-of-way of at least 50 feet. The maximum building height shall be two stories or 50 feet, whichever is less, exclusive of steeples and bell towers, which shall not exceed 75 feet. The minimum side and rear yard shall be 35 feet, at least 20 feet of which shall consist of a planted buffer strip.
- I. Museums and historic sites. Museums and historic sites open to the general public shall be permitted in all residential districts as a conditional use, provided that said museum or historic site is of such significance that it appears on the National and/or State Register of Historic Places or on the Township's Official Map. Said use shall be permitted only upon the finding that traffic congestion will not result from the use and that the use will not have a deleterious impact on the neighborhood in which it is located. Retail sales of souvenirs shall be permitted as an accessory use only if located within a structure on the property.

- J. Community centers. Community centers shall be permitted in all residential zones as an accessory use to a conditionally permitted church or religious use. The community center may consist of an auditorium and meeting rooms and must be located with direct access to an improved street with a right-of-way of at least 60 feet in width. In order for a community center to be permitted, the lot area must be a minimum of 10 times the minimum permitted lot size in the zone in which it is to be located.
- K. Libraries. Libraries shall be regulated in the same manner as community centers.
- L. Courts. The minimum dimension of any interior or inner court shall be not less than one foot for every foot of height of the tallest portion of the building surrounding the court. In no case shall an inner court have a dimension of less than 12 feet.
- M. Rear dwellings. No building to the rear of and on the same lot with a primary use shall be erected or used for dwelling purposes.
- N. Swimming pools. Swimming pools are permitted in all residential zones in conformance with the requirements of Chapter 320, Swimming and Bathing, Article I, Swimming Pools, of the Code of the Township of Pequannock. Said pools shall be limited to a use accessory to a permitted residential use and shall be solely for the use and enjoyment of the occupants of the lot, plus their guests. There shall be not more than one swimming pool on any single lot, except in a Planned Residential District. In the Planned Residential District there shall not be more than one pool for every 100 dwelling units. Screening at least six feet in height by fence or planted materials shall be provided in each case where the pool is within 15 feet of an adjacent property line, except that in the Planned Residential District this buffer shall be at least 50 feet.
- O. Tennis courts.
- (1) Where permitted by applicable sections of this chapter, tennis courts shall be fenced by a suitable material no more than 12 feet in height. The tennis court and its fence shall be located at least 12 feet from the nearest adjacent property line for an unlighted court and 25 feet for a lighted court, except that in a Planned Residential District the required distance shall be no less than 50 feet. All lighting shall be shaded so as not to create glare or more than 0.25 footcandle of illumination at the property lines.
 - (2) There shall be no more than one tennis court on any lot, except that in a Planned Residential District up to one tennis court per 100 dwelling units may be constructed.
 - (3) Tennis courts shall be for the sole use of occupants of the premises and their guests and shall not be operated as a commercial venture. No tennis court shall encroach within the front yard setback.
- P. Fences.
- (1) The following fence height and setback regulations apply in all residential zones:
 - (a) Front yard. For purposes of these fence requirements, for lots with two or more front yards, the established front yard of a residential structure

shall be defined as the space between the street and the front/main entrance of the principal building. In addition, the following standards shall apply:

- [1] Fences located in the established front yard shall have a maximum height of three feet, a minimum of 50% of the fence open to the air, and a minimum setback of five feet from the property line.
 - [2] Fences located in the secondary front yard shall have a maximum height of four feet, shall have a minimum setback of five feet from the property line and may be solid in construction.
 - [3] A fence in excess of four feet but not to exceed six feet in height shall be permitted in the secondary front yard, provided that the fence has a minimum setback of the required front yard setback for the zone in which the site is located or the fence has a setback at the prevailing building setback and runs parallel to the street right-of-way.
 - [4] As of the date of passage of this amendment, fences that have received formal approval either from the Department of Construction and Land Use or the appropriate Township board that are in excess of four feet but not greater than six feet are permitted. Replacement of said fences is permitted, at their present location or at a five-foot setback from the property line, whichever is greater. All other fence requirements are applicable.
- (b) Rear or side yard. Fences with a maximum height of six feet shall be permitted in all residential zones. No setback for fences shall be required, provided that any fence which is installed shall be entirely on the property of the party who installs the fence and must be maintainable from that property.
- (2) Measurement of fence height. In determining the height of fences for the purpose of compliance, the following shall apply:
- (a) For fences that are not uniform in height along the top of the fence, the height shall be measured to the highest point of the fence, except as provided otherwise below.
 - (b) Notwithstanding the maximum height limitations applicable to fences above, fence posts may exceed the maximum permitted fence height by up to one foot.
 - (c) For fences located on sloping ground, the height shall be measured from the grade directly below the point of measurement.
 - (d) Fence height shall be measured from normal grade. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, beaming, mounding, excavating or curbing

which alters the grade at the base of the fence from the grade in the general vicinity of the fence.

- (3) Fence orientation. Fences shall be constructed in such a manner that the dressed side of the fence, where applicable, shall face the adjacent property or the public right-of-way excluding railroad property. All supports for the fence shall be on the interior of the fence and property. This provision shall not preclude the construction and maintenance of a shadowbox-type fence, provided that the dressed side of the fence material shall face the adjacent property or public right-of-way and shall be of the same texture, material, and color.
- (4) Fence composition. No electrified fences or other fences consisting of or incorporating similar hazards shall be permitted in a residential zone. Barbed wire fences are permissible when used to contain horses and cattle, as regulated by this chapter, on the property.

Q. Accessory buildings.

- (1) No accessory building in a residential district shall be located closer than five feet to any property line when such accessory building does not exceed 15 feet. An accessory building that has a height of 15 feet to 18 feet shall not be closer than 10 feet to any property line.
- (2) Accessory buildings in residential zones may occupy the required rear yard up to a height of 18 feet, as long as they are 10 feet away from the principal building on the same lot. The height of the accessory building shall be defined as the vertical distance of the structure derived from the grade plane to the highest point of the structure. The rear yard area occupied by such an accessory building shall, however, be included in computing the maximum percentage of the lot which may be built upon in any given case.
- (3) In the case of an interior lot fronting upon only one street, no accessory building shall be erected or altered so as to encroach upon that half of the lot depth nearest the street. In the case of an interior lot fronting upon two or more streets, no accessory building shall be erected or altered so as to encroach upon that fourth of the lot depth nearest each and every street.
- (4) In the case of a corner lot fronting upon two streets, no accessory building shall be erected or altered so as to encroach upon that area between each respective street and a line drawn parallel to such street in a manner to divide the lot into two equal parts. In the case of a corner lot fronting on three or more streets, no accessory building shall be erected or altered so as to encroach upon that fourth of the lot depth nearest each and every street.
- (5) The limitations imposed by this subsection upon the location of an accessory building shall be waived when the accessory building is incorporated as an

integral part of or enclosed by the same closing walls as the building to which it is an accessory.

- (6) There shall be no more than one such structure on any lot in the R-9, R-11, R-15 and R-22 Districts, exclusive of a detached garage, or two such structures on any lot in the R-45 and R-87 Districts, exclusive of a detached garage.
- (7) An accessory structure shall not be utilized for the storage of flammable or hazardous material or for materials utilized in conjunction with a home occupation.
- (8) Accessory structures in addition to sheds shall include detached garages, personal/decorative greenhouses, and personal/decorative gazebos.
- (9) Decorative and/or personal greenhouses shall be permitted as accessory structures in all single-family residential districts. Such greenhouses shall not exceed 900 square feet, shall be located in the rear yard and shall meet all accessory structure setback requirements.

R. Design of dwellings.

- (1) No more than one building permit shall hereafter be issued for any dwelling to be erected in a subdivision consisting of two or more houses if it is substantially alike in exterior design and appearance with any neighboring dwelling situated on the same or opposite side of the street within 300 feet of said proposed dwelling.
- (2) Houses within such specified distance from each other shall be considered uniform in exterior design and appearance if they have any one or more of the following characteristics:
 - (a) The same basic dimensions and floor plans are used without substantial differentiation of one or more exterior elevations.
 - (b) The same basic dimensions and floor plans are used without substantial change in orientation of the house on the lot.
 - (c) The height and design of the roofs are without substantial change in design and appearance.
 - (d) The appearance and arrangement of the windows and other openings in the front elevation, including the appearance and arrangement of the porch and garage, are not substantially different from adjoining dwellings.

S. Additions and expansions. The intent of this subsection is to recognize existing conditions, footprints and established general setbacks of residential neighborhoods throughout the Township. This would permit the expansion of existing residential structures to meet the needs of today's households without requiring variances. Therefore, notwithstanding any other provisions of this chapter, in a residential district for residential uses where a dwelling unit is considered nonconforming due to a front and/or side yard setback a variance is not required if the following conditions are met:

- (1) The proposed addition or expansion relates to the front and/or side yards.
- (2) The limits of the proposed addition or expansion are less than or equal to the existing setback conditions footprint or the proposed setbacks are consistent with the average setbacks on the block with the height not to exceed 35 feet.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- (3) In no case shall the side yard be permitted to be less than five feet, including architectural projections, without variance relief.
- (4) The property has not been the subject of any previous action of the Zoning Board of Adjustment.

T. Central air-conditioning equipment/unit and generators.

- (1) ~~Central air conditioning equipment/unit and generators shall be permitted in the front, side and rear yards.~~ **No central air conditioning equipment/units or generators shall hereafter be permanently installed to serve an existing dwelling erected on a lot located in any residential district of the Township of Pequannock, unless such air conditioning equipment and/or generator meets the requirements of this chapter and a permit to do so is first obtained by the Zoning Department. The Zoning Permit shall be accompanied by a survey prepared by a licensed land surveyor of the State of New Jersey, showing the property lines of the lot, the location of the building or structure, the front, side and rear yard dimensions and the proposed location, drawn to scale, of the central air conditioning equipment/unit or generator.**
- (2) ~~Such air conditioning equipment and generators shall not extend more than four feet from the building foundation and shall meet the front and side yard setback requirements of the district in which the site is located.~~ **All central air conditioning equipment/units or generators must be at least 5 feet from any window or opening into the building. This measurement is from any part of the generator. There are no exceptions from this requirement.**
- (3) ~~Such equipment/unit and/or generator shall be properly screened with an evergreen hedge, at a minimum, equal to the height of the proposed equipment/unit and/or generator and which shall consist of two staggered rows of evergreen shrubs.~~ **All central air conditioning equipment/units or generators must be located in the side and rear yards.**
- (4) **All central air conditioning equipment/units or generators shall be setback at least ½ of the required side yard and rear yard setback of the principal building.**
- (5) **Air conditioning equipment/units or generators shall not be permitted in the front yard. Corner lots have two front yards.**
- (6) **All central air conditioning equipment/units or generators must be entirely shielded from view, from the street, by an existing or proposed evergreen**

buffer with a minimum planted buffer that is equal to or greater than the height of the central air conditioning equipment/unit or generator. Such buffer shall include two staggered rows of evergreen shrubs. Fences, pools, sheds, etc. shall not be considered valid evergreen buffers. The buffer must be shown on the plan submitted and include the type and size of trees.

- (7) The generator shall be installed in accordance with the most current editions of the National Fire Protection Association, the National Electric Code, the International Fire Code New Jersey Edition, the International Plumbing Code New Jersey Edition and the International Residential Code New Jersey Edition.
- (8) The exhaust of the generator shall, as much as practically feasible, be vented upwards or directed away from neighboring properties.
- (9) Generators shall be operated for routine testing and maintenance purposes not more than one time in any seven-day period and no test shall exceed 30 minutes. Testing of generators is permitted Monday through Thursday only (excluding holidays) between the hours of 11:00 a.m. and 3:00 p.m.
- (10) Testing, generators may be conducted when the unit is being repaired, provided that such testing period shall not exceed 30 minutes and shall be conducted only between the hours of 10:00 a.m. and 5:00 p.m. Monday through Saturday, excluding holidays.

U. Pool equipment. All pool equipment shall be located in the rear yard or side yard and shall be no closer than 10 feet to the property line.

V. Temporary storage units.

- (1) Definitions. As used in this subsection, the following terms shall have the meanings indicated:

“TEMPORARY STORAGE UNIT”

A unit greater than three feet in length by three feet in width by three feet in height rented or owned for use by the property owner for storage of personal, business or commercial items or used for the packing or storage of items for permanently moving to or from the residence or temporarily storing items during a renovation of the main residence.

- (2) Application required. No temporary storage unit shall be placed on or at a residential property without obtaining a zoning permit. To obtain a permit, the property owner(s) or property manager, in the case of rental units, shall obtain approval from the Zoning Officer.

- (a) Applications shall include the following:

- [1] The names, addresses and telephone numbers of the owner or manager of the property on or at which the temporary storage unit is to be placed.

[2] The names and addresses and telephone numbers of the individual company which owns the temporary storage unit.

[3] A copy of a survey.

[4] The required fees.

[5] Copy of the Department of Construction and Land Use permit, where applicable.

[6] Any other information the Zoning Officer may require to determine the full compliance with other applicable ordinances of the Township.

(b) In the case of a tenant or property owner using the same temporary storage unit for the purposes of moving between properties within the Township, only one permit will be required; however, a survey shall be submitted for both locations.

(3) Size of temporary storage unit. Temporary storage units shall be no greater than eight feet in height, 18 feet in length and eight feet in width or no greater than a total of 1,200 cubic feet.

(4) Number of temporary storage units. One temporary storage unit shall be permitted per residential property.

(5) Location of temporary storage units. The placement of temporary storage units shall meet all of the following provisions:

(a) The storage unit shall be placed either in the driveway or in an approved paved parking area at the furthest accessible point from the street at least 10 feet from the curb.

(b) The storage unit shall not be placed within any public right-of-way or roadway including sidewalks.

(c) In a multifamily residential complex, the storage unit shall be placed as close as possible to the dwelling utilizing the storage unit.

(d) At the discretion of the Zoning Officer, the storage unit may be placed in an alternative location provided that the alternative location does not create an unsafe location.

(6) Duration.

(a) During any twelve-month period commencing from the date of issuance of a permit, one temporary storage unit may be placed on or at a residential property for a period not to exceed 30 total days to load and 30 days total days to unload. The temporary storage unit must be removed within 14 days of the issuance of any final certificate of occupancy related to any building permit or one month, whichever is less.

(b) During any twelve-month period commencing from the date of issuance of a permit, one temporary storage unit may be placed on or at a residential property for up to one month for interior

renovations/construction that does not require any building permit from the Department of Construction and Land Use.

- (c) Properties subject to flood elevation shall be exempt from the durational limitations during the period in which elevation construction is being conducted but shall not exceed eight months from delivery date of the temporary storage unit.

(7) Fees.

- (a) The fee for a temporary storage unit permit shall be as provided in Chapter 152, Fees.
- (b) The Township of Pequannock shall not prorate the temporary storage unit fee if the unit is removed prior to the end of the fee period.

(8) Guidelines.

- (a) No temporary storage unit shall be used to store solid waste, construction debris, demolition materials, recyclable materials, business inventory, commercial goods or goods for property other than at the residential property where the storage unit is located.
 - (b) Storage of hazardous materials within the temporary storage unit is prohibited.
 - (c) Temporary storage units shall be locked and secured by the property owner, tenant or property manager at all times when loading or unloading is not taking place.
 - (d) The property owner, tenant or property manager or user of the temporary storage unit must secure it in a manner that does not endanger the safety of person or property in the vicinity of the temporary storage unit. In the event of severe weather conditions in which the unit may become a physical danger to persons or property, the Township of Pequannock may require the removal of the storage unit.
- (9) Occupancy of container prohibited. No human or animal shall occupy the temporary storage unit except for the express purpose of loading or unloading the container. No heat or electric source of any kind shall be placed in a container.
- (10) Separate violations. Each and every day that a temporary storage unit remains on the property beyond the applicable permitted time shall be considered as a new and separate violation. Each and every temporary storage unit more than the quantity of one located on the property shall be considered a new and separate violation.
- (11) Violations and penalties. Any person who shall violate any provision of this Subsection V shall, upon conviction, be punished by a fine not to exceed \$200 for each violation or by imprisonment for not more than 90 days, or by an

order to perform community service, or a combination thereof, in the discretion of the Municipal Judge.[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

W. Decks.

- (1) Decks will not be counted toward building coverage if the following conditions are met:
 - (a) The deck is less than or equal to six feet in height as measured from its lowest corner.
 - (b) The deck area is less than or equal to 15% of the footprint of the residence or 400 square feet, whichever is less, and does not conflict with Subsection W(1)(a) above.
- (2) Any deck that is greater than six feet in height shall be counted toward building coverage.
- (3) The area of the deck that is greater than 15% or 400 square feet and does not meet the requirements of Subsection W(1)(a) above shall be counted toward building coverage.

X. Cultivation of Cannabis.

- (1) **Cultivation of Cannabis shall be permitted only in the AG Zone District and only when each of the conditions for the cultivation of cannabis set forth in Section 360-47(U) for this use are met.**

SECTION THIRTY-SEVEN:

~~§360-42~~ **§360-47** Regulations pertaining to nonresidential districts.

The following regulations shall apply to all nonresidential districts and, where stated, shall constitute the conditions under which conditional use approval may be granted.

- A. Performance standards. No nonresidential use shall be permitted unless the applicant shall conform to all of the applicable Township health ordinances.
- B. ~~Multifamily dwelling units. Multifamily dwelling units shall be permitted in the C-1 Zone as a conditional use, provided that all of the following conditions are met:~~ **Townhouse and Multifamily Structures. Townhouse structures shall be permitted in the C-1 Zone and multifamily structures shall be permitted in the C-1 and CBD-2 Zones as a conditional use, provided that all of the following conditions are met:**
 - ~~(1) Maximum density: 12 units per acre.~~
 - ~~(2) Minimum lot size: 2.5 acres.~~
 - ~~(3) Minimum lot width: 200 feet.~~
 - ~~(4) Minimum front yard depth: 50 feet, not including parking area.~~
 - ~~(5) Minimum side yard depth: 35 feet, not including parking area or driveways.~~
 - ~~(6) Minimum rear yard depth: 35 feet, not including parking area or driveways.~~

~~(7) Minimum buffer: a buffer at least 10 feet in width shall be planted along side and rear property lines. This buffer shall be planted and maintained in a manner acceptable to the Planning Board.~~

~~(8) Minimum open space: 25 square feet of usable open space per dwelling unit in addition to required front, side and rear yards.~~

~~(9) Maximum building coverage: 20%.~~

~~(10) Maximum coverage by impervious surfaces: 70%.~~

~~(11) Parking requirements.~~

~~(1) Dwelling units under 650 square feet in size: 1 1/2 spaces per unit.~~

~~(2) Dwelling units over 650 square feet: two spaces per unit.~~

~~(12) Maximum building height: 2 1/2 stories or 35 feet, whichever is less.~~

~~(13) Maximum number of units per building: eight.~~

~~(14) Minimum number of units per building: four.~~

~~(15) All exterior walls of all buildings shall have windows.~~

~~(16) Minimum distance between buildings: 50 feet.~~

(1) Townhouse and Multifamily structures in the C-1 Zone:

(a) Maximum density: 12 units per acre.

(b) Minimum lot size: 2.5 acres.

(c) Minimum lot width: 200 feet.

(d) Minimum front yard setback: 50 feet, not including parking area.

(e) Minimum side yard setback: 35 feet, not including parking area or driveways.

(f) Minimum rear yard setback: 35 feet, not including parking area or driveways.

(g) Minimum buffer: a buffer at least 10 feet in width shall be planted along side and rear property lines. This buffer shall be planted and maintained in a manner acceptable to the Planning Board.

(h) Minimum open space: 25 square feet of usable open space per dwelling unit in addition to required front, side and rear yards.

(i) Maximum building coverage: 20%.

(j) Maximum lot coverage: 70%.

(k) Parking requirements.

[1] Dwelling units under 650 square feet in size: 1 1/2 spaces per unit.

[2] Dwelling units over 650 square feet: two spaces per unit.

(l) Maximum building height: 2 1/2 stories or 35 feet, whichever is less.

- (m) Maximum number of units per building: eight.
- (n) Minimum number of units per building: four.
- (o) All exterior walls of all buildings shall have windows.
- (p) Minimum distance between buildings: 50 feet.

(2) Multifamily structures in the CBD-2 Zone:

- (a) Maximum density: 45 units per acre.
- (b) Minimum lot size: 18,000 square feet.
- (c) Minimum lot width: 100 feet.
- (d) Maximum front yard depth: 10 feet.
- (e) Minimum side yard depth: 0 feet.
- (f) Minimum rear yard depth: 25 feet, where parking and driveways are permitted in the rear yard, but no closer than 10 feet to any property line.
- (g) Minimum buffer: Where a non-single-family residential use abuts a single-family residential zone or an area which is used as a single-family residence, a landscape a buffer at least 15 feet in width shall be planted. This buffer shall be planted and maintained in a manner acceptable to the Planning Board.
- (h) Maximum building coverage: 60%.
- (i) Maximum lot coverage: 90%.
- (j) Parking requirements. 0.8 spaces for 1-bedroom, 1.3 for 2-bedroom, 1.9 for 3- bedroom.
- (k) Maximum building height: 4 stories or 45 feet, whichever is less. For buildings that are within 100 feet of residential zones, no structure shall exceed three stories or 35 feet in height, whichever is less.
- (l) No structure shall have residential units on the ground floor.
- (m) All exterior walls of all buildings shall have windows.

~~C. Two family houses. In the C-1 Zone, two family houses shall be permitted as a conditional use, provided that all the bulk regulations for the R-15 Zone shall be met, and further provided that no home occupation or other use shall be permitted on the lot.~~

C. D. Restaurants. Restaurants shall be permitted in the C-1 and C-2 Zones as a conditional use, provided that the following specific zone conditions shall be met:

(1) C-1 Zone conditions.

- (a) It must be demonstrated, based on a seating plan and a site plan, that sufficient parking is available. The Planning Board in making this determination shall consider the following standards:
 - [1] One space for every three seats.
 - [2] One space for every employee at maximum shift.
 - [3] One space for every 200 square feet of retail space.

- (b) Trash facilities shall be located so as not to present a nuisance to nearby residents or interfere with pedestrian or vehicular traffic. Trash receptacles shall be screened and the area shall be landscaped.
- (c) All exhaust fans from restaurant kitchens shall be vented externally above the roof of the building to which the vent is attached.
- (d) Areas void of impervious cover shall be landscaped to the greatest extent feasible respecting access and visibility constraints.
- (e) Site plan approval shall be required to insure parking, trash disposal, access, lighting, signage and landscaping are adequate and properly designed.
- (f) Hours of operation shall be subject to Planning Board review and approval.
- (g) All restaurants are subject to state and local health codes and these codes shall be a condition of approval.

(2) C-2 Zone conditions.

- (a) ~~No restaurant shall be of the drive-in type, and no curb service shall be provided, nor shall any food be distributed through an open door or window.~~ **Drive-thrus incidental to restaurants are conditionally permitted and must adhere to the following:**

[1] The drive-thru lane shall be used exclusively for drive-thru vehicles.

[2] The drive-thru lane shall not be located between the front building façade and the street right-of-way.

[3] The drive-thru lane shall not be located adjacent to a residential property.

- (b) Site plan approval shall be required to ensure that parking areas, access, trash disposal, lighting, signage, and landscaping are adequate and properly designed.
- (c) No fumes or other odors shall be allowed to migrate off site.

D. ~~E.~~ Clubs, lodges and similar establishments. Clubs, lodges and similar establishments shall be permitted as a conditional use in the C-1 and C-2 Zones, provided that they shall:

- (1) Have off-street parking in accordance with the requirements of this chapter.
- (2) Show to the satisfaction of the Planning Board that they shall not create a nuisance by reason of noise, traffic or other characteristics which will be a detriment to the surrounding properties.

E. ~~F.~~ Commercial recreation uses. No commercial recreational uses involving operation of motorized vehicles, discharge of firearms or the keeping of animals shall be permitted. Amusement parks and arcades are prohibited. Commercial recreational uses are permitted as conditional uses and the following conditions shall apply:

- (1) A buffer of 50 feet shall be required between any outdoor activity and the nearest residentially zoned or used property or public parkland.
- (2) The requirements of all health ordinances particularly related to noise and glare shall be complied with.
- (3) Parking requirements shall be determined by the Planning Board relative to the proposed uses.
- (4) Commercial recreational uses in the C-2 Zone shall only be permitted south of Jackson Avenue adjacent to Route 23.
- ~~(5) The following commercial recreational uses are permitted along Route 23 in the C-2 Zone south of Jackson Avenue and in the C-3 and C-4 Zones:~~

- ~~(a) Pools.~~
- ~~(b) Indoor tennis courts.~~
- ~~(c) Indoor racquetball.~~
- ~~(d) Indoor paddleball.~~
- ~~(e) Skateboard parks.~~
- ~~(f) Miniature golf.~~
- ~~(g) Driving ranges.~~
- ~~(h) Golf courses.~~
- ~~(i) Spas or health and exercise clubs.~~
- ~~(j) Boat/canoe rentals.~~
- ~~(k) Pay and fish.~~
- ~~(l) Skating rinks (roller and ice).~~
- ~~(m) Theaters.~~
- ~~(n) Movies.~~
- ~~(o) Bowling.~~
- ~~(p) Trampolines.~~
- ~~(q) Bicycle trails.~~
- ~~(r) Gymnasiums.~~
- ~~(s) Planetariums.~~
- ~~(t) Picnic grounds.~~
- ~~(u) Model boat sailing.~~
- ~~(v) Scuba rentals.~~
- ~~(w) Shuffleboard.~~
- ~~(x) Bocce courts.~~
- ~~(y) Indoor/outdoor soccer fields and customary accessory uses such as, but not limited to, field houses, locker rooms, dressing rooms, licensed physical therapy/rehabilitation facilities and offices in accordance with Township ordinances. No indoor/outdoor soccer field shall be located closer than 150 feet to an existing residence or residential district.~~

- ~~[1]—Outdoor soccer fields may be artificially lighted as follows:~~
 - ~~[a] No lighting fixtures may be located closer than 150 feet to any existing residence.~~
 - ~~[b] Hours of operation shall be 9:00 a.m. to 10:00 p.m. Monday through Saturday.~~
 - ~~[c] Height of the lighting fixtures shall not exceed 60 feet.~~
- ~~[2]—Where an outdoor field abuts an existing residence or residential zone a planted buffer of 50 feet in width shall be required. Such buffer shall include, as a minimum, a bermed double staggered row, 10 feet on center, of evergreen trees. The minimum tree planting height shall be eight feet, exclusive of the required berm. In addition, perimeter fencing, at the discretion of the Planning Board, may be required. In the event berms are not permitted the height of trees shall be 12 feet.~~
- ~~[3]—No sound amplification systems may be utilized at the outdoor fields.~~
- ~~(z) Indoor ice hockey and customary accessory uses such as, but not limited to, field houses, locker rooms, dressing rooms, licensed physical therapy/rehabilitation facilities and offices in accordance with Township ordinances.~~

(5) For commercial recreation uses sharing a building with other tenants, the following conditions shall apply:

- (a) Parking areas shall be designated to enhance the safety of patrons as they arrive at and leave the facility.**
- (b) Establishments shall include a designated pickup and delivery area for all patrons in such a way that provides safe and clearly designated access to enter or exit the facility.**

F. ~~G.~~ Building materials. The sale of building materials is permitted as a conditional use in the C-3 Zone, provided that all materials shall be stored indoors, and provided that all yard areas shall be paved of a material and in a manner so as to reduce or eliminate dust, noise or other obnoxious characteristics.

G. ~~H.~~ Commercial vehicle storage.

- (1) The storage and maintenance of commercial vehicles as a primary use shall be permitted as a conditional use in the I-1 Zone, provided that the following criteria are met:**
 - (a) All maintenance of vehicles shall take place within a completely enclosed building.**
 - (b) All parking and storage of vehicles shall take place within a completely enclosed building.**

(c) A plan, approved by the Township Engineer, for the filtration of grease, oil, detergent and all other noxious substances from entering the groundwater or drainage system shall be required.

(2) Commercial vehicles are defined, for terms of this section, as buses, vans, limousines, ambulances, trucks and similar vehicles.

H. ~~F~~ Parking of commercial vehicles.

(1) Commercial vehicles, recreational vehicles, buses, ambulances, vans, limousines, trucks and construction equipment and similar vehicles shall not be permitted to be stored in any nonresidential district unless owned by the occupant of a permitted use in the zoning district and used as an integral part of the business. No vehicle shall be used for the permanent or temporary storage of materials in connection with a permitted use.

(2) The only exception to the above shall be that a license may be granted by the Zoning Officer for the parking of commercial vehicles in a gasoline service station in the C-2 and C-3 Zones, provided that a fee as provided in Chapter 152, Fees, shall be paid annually, on July 1 of each year, for each vehicle to be so parked or stored, and provided that the following conditions are met:

(a) No more than five vehicles shall be parked or stored on any one lot.

(b) Parking and storage area shall not be permitted to encroach or replace areas required for side yard, rear yard or buffer areas.

(c) Parking shall not be permitted within 25 feet of a residential district or parkland.

(d) Parking and storage areas shall not detract from required parking and loading areas.

(e) Paving or other surfacing of the parking area shall be required so as to render the area dust-free and free of potholes.

I. ~~F~~ Outdoor display or storage. Outdoor display or storage shall be prohibited in all commercial or industrially zoned or used property unless otherwise permitted.

J. ~~K~~ Nurseries and garden centers. Nurseries and garden centers shall be permitted as a conditional use in the C-3 Zone under the following conditions:

(1) Outdoor storage of live plant material shall be permitted, provided that it is kept within an enclosed area in a manner acceptable to the Planning Board.

(2) Outdoor storage of fertilizer, chemicals, pesticides and other hazardous materials shall be prohibited.

(3) Outdoor storage of all merchandise other than plant material or structural stone is strictly prohibited.

K. ~~L~~ Gasoline service stations.

(1) A gasoline service station, for purposes of this chapter, shall be defined as a building and premises used for the retail sale or dispensing of gasoline and other

fuels and oil and other lubricants for the operation of motor vehicles and minor servicing of such vehicles. Such stations may include the sale of accessories for motor vehicles.

- (2) Gasoline service stations shall be permitted as a conditional use in the C-2 and C-3 Zones under the following conditions:
- (a) All repairs and service to motor vehicles other than minor items, such as changing tires and the sale of gas and oil, shall be conducted within a fully enclosed building.
 - (b) No coin-operated or commercial car wash business shall be permitted on the premises of a gasoline service station.
 - (c) No outdoor display or storage of any merchandise, including rental vehicles or trailers, motor vehicles for sale or lease, house trailers, recreational vehicles, tires and like items, shall be permitted, except for oil racks containing oil for the servicing of vehicles. This restriction shall not include vehicles parked in conformance with ~~§ 360-42I~~ **360-47H** regulating the parking of commercial vehicles.
 - (d) In the C-2 and C-3 Zones, there shall be a total of no more than six service stations, no more than three of which may be located on the easterly side of Route 23 and no more than three of which shall be located on the westerly side of Route 23. No service station shall be located closer than 2,500 feet to another service station on the same side of Route 23.
 - (e) Towing service may be provided by gasoline service stations, but no more than five disabled vehicles shall be permitted on the premises of a gasoline service station at any one time, and all such vehicles shall remain on the premises a maximum of 30 days. Said vehicles shall not be stored within 25 feet of a residentially zoned or used property or parkland.
 - (f) No auto body repair work shall take place on the premises of a gasoline service station.

L. ~~M.~~ Business providing service, repair or the installation of automobile parts.

Businesses which provide for the service or installation of automobile parts, exclusive of gasoline service stations regulated by this section, shall be permitted as a conditional use in the C-2 and C-3 Zones, provided that they meet the following conditions.

- (1) All aspects of the business shall be carried on within a fully enclosed structure.
- (2) Storage of parts, both new and used, as well as parts which are removed to be discarded, shall be inside a fully enclosed building.
- (3) No vehicles shall be parked on the premises overnight, unless they are kept within a fully enclosed structure.
- (4) No auto body repair work shall be permitted.

(5) No unlicensed vehicles may be kept for parts.

M. ~~N.~~ Motor vehicle sales. Automobile and motor vehicle sales shall be permitted in the C-3 Zone under the following conditions.

- (1) Used vehicle sales shall be permitted as an accessory to the permitted new vehicle sales use.
- (2) No more than 25% of the outdoor display shall be devoted to used vehicles.
- (3) A minimum building size of 5,000 square feet shall be required.
- (4) At least 20% of said building shall be devoted to new car display.
- (5) The area devoted to outdoor display of both new and used vehicles shall not exceed 1 1/2 times the area of the building.
- (6) All outdoor display and service areas, including driveways, shall be paved in a dust-free manner acceptable to the Planning Board.
- (7) Display lighting shall be shielded and located and maintained so as not to reflect glare onto surrounding or neighboring properties or public roads. Strings of exposed lights and lights of intermittent intensity are prohibited.
- (8) Vehicle service, excluding body work, shall be permitted as an accessory use and shall be located entirely within a structure.

N. ~~O.~~ Motorcycle sales. Motorcycle and moped sales shall be permitted in the C-3 Zone under the following conditions:

- (1) Outdoor display of the vehicles is permitted in a manner and location acceptable to the Planning Board.
- (2) Vehicle service shall be permitted as an accessory use and shall be located entirely within a structure.

O. ~~P.~~ Retail sales. Within the I-1 and I-2 Zones, retail sales facilities for the sale of products manufactured, assembled or warehoused on the same premises shall be permitted under the following conditions.

- (1) The area devoted to retail sales shall not be more than 10% of the floor area of the structure or 5,000 square feet, whichever is less.
- (2) Adequate provision for traffic flow and parking as required by this chapter shall be provided.

P. ~~Q.~~ Lighting.

- (1) Lighting of the exterior of all properties in all nonresidential zones shall be provided so as to ensure visibility and public safety.
- (2) No light in the C-1 and C-2 Zones shall be mounted higher than 12 feet from the ground elevation. Lights shall be shielded to prevent glare onto adjacent residential zones and parklands and so as to provide no more than 0.25 footcandle of illumination at the property line.
- (3) In the C-3 and C-4 Zones and the I-1 and I-2 Zones, any light within 100 feet of a residential district or parkland shall be mounted no higher than 12 feet from the ground elevation. No more than 0.25 footcandle of illumination shall exist at the

residential or parkland property line. Any light further than 100 feet from parkland or residentially used or zoned property shall be mounted no higher than 20 feet above the ground level, and no illumination greater than 0.5 footcandle at the property line shall be permitted.

Q. R. Fences. In any nonresidential district, no fence shall be erected or installed which is greater than eight feet in height. No barbed wire, electrified fence or other similar material shall be permitted.

R. S. Apartment units above commercial uses. Within the **CBD-1, CBD-2, and C-1** Zones, living and sleeping accommodations for households in conjunction with a permitted use shall be permitted under the following conditions:

(3) The property must front on the Newark-Pompton Turnpike.

(4) ~~Parking requirements shall be determined by the Planning Board relative to the number of units and the hours of operation of the commercial use.~~

(2) (3) The residential portion shall have a separate and direct entrance upon a street via an unobstructed passageway.

(3) (4) ~~The residential use is incidental to the business use, is located within the principal building and is only available above the ground floor of the permitted commercial use.~~ **The residential use is located within the principal building and is only available above the ground floor of the permitted commercial use.**

(4) (5) Landscaping and buffers shall be provided.

(a) A landscaped area comprising at least 10% of the site or an area the size of which is approved by the Planning Board shall be installed to:

- [1] Provide landscaping that is associated with the entrance to the residential use or uses on the second story;
- [2] Screen solid waste storage areas; and
- [3] Buffer the parking and commercial use from any adjacent residential uses.

(b) The approved landscaping plan or an approved equivalent shall be maintained in perpetuity.

S. T. Outside display of merchandise. Outside display, except display associated with motor vehicle sales or garden centers regulated in § ~~360-42K~~ **360-47J** and ~~N M~~, shall be permitted where the following conditions are met:

(1) Outside display of merchandise must be in conjunction with an enclosed retail use.

(2) The area devoted to outside display shall not exceed 5% of the area of the enclosed retail use; however, the Planning Board may further limit the amount of display space permitted where site size and conditions create particular constraints.

- (3) This area shall be contiguous with an outside wall of the enclosed retail space unless the Planning Board finds that an alternative location is appropriate.
- (4) The display shall not interfere with pedestrian or vehicular access, visibility and safety.
- (5) The Planning Board may require fencing and landscaping to promote security and to buffer visual impacts.

T. ~~U~~. Outdoor go-kart track. Outdoor go-kart tracks shall be permitted where the following conditions are met:

- (1) The minimum property setback shall be 20 feet.
- (2) There shall be a minimum of 10 feet of landscape buffer between the go-kart track and the property boundaries.
- (3) The use shall be no closer than 500 feet to a residential zone.
- (4) The go-karts must be electric.
- (5) The setback from Route 23 for the go-kart track shall be 500 feet.

U. Cultivation of Cannabis. Cultivation of cannabis shall be permitted in pre-existing farm uses in the AG Zone District and only where the following conditions are met:

(1) Bulk Regulations.

- (a) **Lot Size.** A lot area of no less than 4 acres
- (b) **Lot Width.** The minimum lot width shall be 200'
- (c) **Front Yard Setback.** All cultivating structures shall have a minimum front yard setback of 175'
- (d) **Side Yard Setback.** All cultivating structures shall have a minimum side yard setback of 50'
- (e) **Rear Yard Setback.** All cultivating structures shall have a minimum rear yard setback of 50'
- (f) **Building Coverage.** The maximum building coverage for permanent buildings shall be 75%
- (g) **Impervious Coverage.** The maximum impervious coverage shall be 80%
- (h) **Fencing.** All structures used for the cultivating of cannabis shall be enclosed by a chain link fence that is at least 7' in height.
- (i) **Maximum Building Height.** The maximum permitted cultivating/growing building height shall not exceed 35'

(2) Security. All structures shall be designed, using safety and security barriers to prevent the unlawful and unauthorized entry into the cultivating/growing structures in accordance with the licensee's State issued permit requirements.

(3) Eligible Locations.

- (a) Cultivating facilities shall be located at least 1000' from the property line of any schools as depicted on the Township's most current Drug Free School Zones maps.
 - (b) Cannabis cultivation shall take place and be restricted to permanent structures including greenhouses. The use of temporary structures shall not be permitted for the cultivation of cannabis.
- (4) **Odor Control.** The cultivating facility shall provide an air treatment system with sufficient odor absorbing ventilation and exhaust system such that any odor generated inside the facility is not detectable by a person or reasonable sensitivity at the property line of the subject property. The operator of any cannabis facility shall submit an annual odor monitoring report for the life of their applicable State permit.
- (5) **Noise Control.** All cannabis cultivating operations shall operate in compliance with State and local noise laws and regulations.
- (6) **Generator.** All cannabis cultivating operations shall have a back-up generator which shall be sufficient in output to maintain all operating and electronic security systems in the event of a power failure.
- (7) **Lighting.** No light generated by any cannabis cultivating/growing structures shall result in measurable light changes at the nearest property boundary to each structure. Interior light shades may be required by the Board on greenhouse structures to manage potential light impacts. On-site security lighting, whether or not indoor or outdoor, and hydroponic or other lighting used in indoor cultivation areas shall be exempt from this provision.
- (8) **Site Plan Approval.** Site Plan approval shall be requires as per §360-61. In addition to the general site plan submission requirements, the applicant shall submit, including but not limited to, a safety and security plan, emergency service access plan, hazardous material inventory, environmental impact statement and waste control plan.
- (9) **Limited cannabis processing** shall be permitted as accessory to cannabis cultivation provided that no more than 20% of the cultivation facility may be used for processing.

V. Brewery/Distillery

- (1) **For establishments in the CBD-1 and CBD-2 Zones:**
 - (a) Breweries are permitted to produce and sell beer on-site.
 - (b) Distilleries are permitted to produce and sell alcoholic beverages on-site.
 - (c) Tasting rooms or restaurant areas for dine-in use are required.
 - (d) Loading/unloading shall not occur on any public street.

- (2) For establishments in the I-1 and I-2 Zones:
- (a) Establishments must sell a minimum of 75% of its product off-site.
 - (b) Tasting rooms permitted.
 - (c) Parking areas shall be designated to enhance the safety of patrons as they arrive at and leave the facility.
 - (d) For breweries or distilleries sharing a building with other tenants, the use shall be located a minimum of 100 feet from all required loading spaces as described in Section 360-57. of this Chapter.
 - (e) All activities shall take place within the building.
- (3) Establishments shall include a designated pickup and delivery area for all patrons in such a way that provides safe and clearly designated access to enter or exit the facility.

W. Artisan industrial space/artisans' studios.

- (1) All activities shall take place within the building.

X. Pet Care Establishments.

- (1) Any outside pens or exercise runs shall be maintained in the I-1 and I-2 Zones only, provided that such runs are located at least 100 feet from all property lines and at least 200 feet from any residence district. Such runs shall be enclosed on all sides by a wall or solid fence between six and eight feet in height.
- (2) In the H-C, C-3 and C-4 Districts, all treatment rooms, cages, pens, runs and kennels shall be maintained within a completely enclosed soundproof building.
- (3) Any pet care establishment with enclosed pens, runs and kennels shall provide structural plans and specifications bearing the certification of an acoustical engineer verifying that the proposed structure will achieve the required sound transmission loss.
- (4) Appropriate equipment shall be provided to absorb odors and adequate service provided for the removal of refuse.
- (5) For pet care establishments sharing a building with other tenants, the use shall be located a minimum of 100 feet from all required loading spaces as described in Section 360-57 of this Chapter.

SECTION THIRTY-EIGHT:

~~§360-43~~ **§360-48** Regulations pertaining to all districts.

- A. Soil removal. No person, firm or corporation shall strip, excavate or mine soil, sand or gravel in any zone for sale or for use other than on the premises from which the same

shall be taken, except in connection with the construction or alteration of a building on such premises and excavation or grading incidental thereto, and only in accordance with Chapter 290, Soil Removal, as amended.

- B. Location on an improved street. No building permit shall be issued unless the lot fronts on an improved and accepted public street.
- C. Flood regulations. All provisions of Chapter 171, Flood Damage Prevention, and amendments thereto shall be complied with.
- D. Drainage regulations. No cellar or basement or other structure to be located wholly or partially below the finished grade line shall be permitted on any lot where the water table is within six feet of the proposed lowest level of such structure, unless the applicant for such structure shall certify, in writing, to the Construction Official that the structure will be so constructed to be waterproof. No lot shall be filled or graded so as to create a ponding condition. All provisions of Chapter 307, Stormwater Management, and amendments thereto shall be complied with.
- E. Front yards.
 - (1) Alterations and reconstructions that are behind the prevailing setback line on the same side of the street within the same block, although in the front of the front yard setback line as established by district regulations for the zone, shall be permitted. The prevailing setbacks on the block shall be established by utilizing one existing principal structure on either side of the subject site, on the same side of the street. The front yard setback for corner lots shall be that setback associated with the main front entrance to that structure.
 - (2) The limits of the proposed addition or expansion shall be less than or equal to the existing setback conditions footprint or the proposed setbacks shall be consistent with the prevailing setbacks on the block with the height not to exceed 35 feet. The prevailing setbacks on the block shall be established by averaging the existing home on either side of the residence, on the same side of the street. The front yard setback for corner lots shall be that setback associated with the main front entrance to the residence.
 - (3) Where there is no existing building on a side of a street within a block, no new building shall be erected with its street wall, walls or covered porches nearer the street line than the minimum depth of the front yard indicated for each respective zone in the district regulations.
 - (4) In applying the foregoing requirements, any block which is improved to an extent of less than 20% of its frontage shall, for the purposes of this subsection, be considered as if it were entirely unimproved.
- F. Corner lots.
 - (1) The front yard setback on a corner lot shall be measured from all streets on which the property abuts.

- (2) On corner lots, the principal building may be placed diagonally, and yards shall then be located and measured as follows:
 - (a) The front yard shall be all that space between the street and the front line of the principal building extended to intersect the street line. The front setback shall be as set forth in the zone regulations, measured from the outside front corners along a line perpendicular to the street lines.
 - (b) The rear yard shall be all that space between the rear line of the principal building extended to intersect the lot lines and said lot lines. The rear yard shall be as set forth in the zone regulations and shall be the distance between the rear line of the principal building and the lot lines, measured along the side lines of the building extended.
 - (c) The side yard shall be all that space adjoining the side of the principal building and between the front and rear yards. At no point shall such building be closer to the lot lines than the minimum width set forth in the zone regulations which shall be measured along a line perpendicular to the lot line from the nearest point of said building.
- (3) An attached garage shall be considered an integral part of the principal building, and the above setbacks shall be maintained from the outside corners of said garage.
- G. Through lot. The front yard setback on a through lot shall be measured from all streets on which the property abuts.
- H. Distance from a river or water body.
 - (1) To preserve natural areas that contribute to the quality of stormwater entering streams, no structure shall be built and no fill shall be placed within the following distances of the nearest bank of the various watercourses within the Township:
 - (a) Pompton, Pequannock and Ramapo Rivers: 100 feet.
 - (b) East ditch: 75 feet.
 - (c) West ditch: 50 feet.
 - (d) All other streams, ditches and watercourses: 50 feet.
 - (e) Hidden Cove Lake, Woodland Lake, Pequannock Valley Park, Crestmere Lake and MacDonald's Lake: 50 feet.
 - (2) These distances shall be minimums. Any state standards in excess of these distances shall be complied with.
- I. Vision obstruction. On any corner lot, no wall, fence or other structure shall be erected and no hedge, tree, shrub or other growth shall be maintained at a height in excess of 2 1/2 feet, measured from the height of the gutter line or base of curb of the adjacent streets, within the triangular area formed by lines along the street in accordance with 1990 AASHTO street standards. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- J. Environmental impact. For all development, except for one- and/or two-family homes and structures accessory thereto, an environmental impact report may be required in accordance with Chapter 144, Environmental Impact Reports, as amended, and in accordance with any guidelines or other criteria which may be set forth by the Planning Board, the Zoning Board of Adjustment or any other person, board or agency which has the authority to require an environmental impact report in accordance with good engineering and planning practice.
- K. Mobile homes. No mobile home shall be permitted in the Township of Pequannock except for a six-month interim period that can be extended administratively in situations created by the destruction of a residential structure.
- L. Decks.
 - (1) All decks shall be permitted in the side and rear yards. No deck shall be permitted in the front yard.
 - (2) Attached and detached decks shall meet all required side and rear yard setbacks of the district within which they are located. However, decks associated with pools may have a minimum side and rear yard setback of 10 feet.
 - (3) A deck shall be defined as a level surfaced area, generally constructed of wood, directly adjacent or separated from the principal building at 30 inches or more above finished grade. Such structure, if attached to the principal structure, shall be considered part of the principal structure.
- M. Cannabis establishments prohibited. The operation of all classes of cannabis establishments as defined by P.L. 2021, c. 16, including but not limited to, cannabis retailers, cultivators, manufactures, distributors, wholesalers, testing facilities, delivery services, medical cannabis dispensaries, alternative cannabis treatment centers, including such operators holding a medical cannabis dispensary permit pursuant to P.L. 2009, c.307 (C. 24:61-7), are expressly prohibited uses within the jurisdictional boundaries of the Township of Pequannock except that the cultivation of cannabis products and related limited cannabis processing activities shall be permitted as conditional uses pursuant to N.J.S.A. 55D-67 in the AG Zone District subject to the express conditions and limitations provided in this Chapter.**

SECTION THIRTY-NINE:

~~§360-44~~ **§360-49** Affordability Control; Fair Housing Committee.

- A. Purpose. The purpose of this section is to ensure that low- and moderate-income housing units constructed pursuant to set-aside regulations in this chapter remain a low- and moderate-income housing resource and to provide affordability control procedures and implementing mechanisms.
- B. Definitions. As used in this section, the following terms shall have the meanings indicated:

AFFORDABLE

- (1) Ownership expenses for principal, interest, taxes and insurance and condominium fees, if any, excluding, however, maintenance, heating and utility costs, shall not exceed (without the express written consent of the New Jersey Office of Public Interest Advocacy) 25% of the upper income limit for low- or moderate-income households, as the case may be. In determining ownership expenses in terms of qualifying household size:
- (2) One bedroom equals a two-person household.
- (3) Two bedrooms equal a four-person household.
- (4) Three bedrooms equal a six-person household.
- (5) Rental expenses for monthly contract rent, excluding utility charges, if any, shall not exceed 25% of the upper income limit for low- or moderate-income households, as the case may be.

“ASSOCIATION”

An organization for the private ownership and maintenance of any open space, community buildings, amenities and improvements, including utilities, for the benefit of owners or residents of the development, whether or not such organization shall be controlled by the developer or homeowners.

“ECONOMIC ANALYSIS MODEL”

A financial analysis of housing cost components and development costs, modeling the effect of set-asides and other inclusionary zoning devices upon the delivery of affordable (low- to moderate-income) housing:

- (1) In developments where mandatory set-aside regulations apply.
- (2) Where a developer seeks a density bonus or other inclusionary relief.
- (3) Where a developer seeks a density bonus or other inclusionary relief by means of a zoning variance.

“INTEREST RATE (for the purpose of calculating affordability)”

The average of the national mortgage contract rate blend of fixed and adjusted mortgages and the federal mortgage bank published averages, not to currently exceed a mortgage interest rate of 10%, but subject to subsequent annual adjustment by the Fair Housing Committee, based upon a survey of prevailing mortgage interest rates.

“LOW-INCOME HOUSEHOLDS”

Those whose income falls below 50% of the area's median household income, adjusted for household size, as established periodically by the Department of Housing and Urban Development (HUD).

“MANDATORY SET-ASIDE”

An inclusionary zoning device providing internally subsidized dwelling units for low- and moderate-income households for rent or sale as part of a development proposal.

“MODERATE INCOME HOUSEHOLDS”

Those whose income falls between 50% and 80% of the area's median household income, adjusted for household size, as established periodically by HUD.

“SALES PRICE”

A stabilized sale price for low- to moderate-income units, fixed as a condition of final development approval and thereafter adjusted with the written approval of the Fair Housing Committee, based on changes in the consumer price index subsequent to the date of final approval.

C. Fair Housing Committee.

(1) A Fair Housing Committee (FHC) is hereby established, consisting of five regular members, citizens of the Township, and shall also have two alternate members, citizens of the Township, to be appointed by the Township Council. The regular members shall serve for initial, staggered terms as follows: two members for one year, two members for two years and one member for three years. Thereafter, each member shall serve for a three-year term. Alternate members shall be designated at the time of their appointment as Alternate No. 1 and Alternate No. 2. The term of each alternate member shall be two years. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

(2) The FHC shall be charged with the following responsibilities:

- (a) To assist the developer, owner or tenant association in establishing procedures and standards, in accordance with this section, for implementing the affordability control mechanism.
- (b) To monitor affordability control compliance by developers, owners or tenant associations, fee owners and other parties in interest, including compliance with deed restrictions and disposition covenants.
- (c) In connection with the first and subsequent occupancy of all set-aside sale and rental units, to review and amend the approved price stabilization plan, to review implementation of affordability control

standards and procedures and, in its sole discretion, to make binding recommendations for changes in procedures or to exercise the right to disapprove occupancy for any and all set-aside sale or rental units in instances where eligibility is in question.

- (d) Thereafter, to review and approve annual set-aside occupancy reports prepared and filed by the developer, association or any party in interest as may be required by its practices and procedures or as contained in its rules and regulations.
- (e) To promulgate rules and regulations subject to approval by the Township Council and implementation in ordinance form.
- (f) To file periodic reports with the Township Council concerning the discharge of its responsibilities and immediately report noncompliance with affordability control standards and procedures for such action as the Council may deem appropriate.
- (g) To monitor all governmental subsidy programs and make recommendations to the Township Council and the Planning Board in connection therewith.

D. Affordability control standards. Deed restrictions or disposition covenants in recordable form, satisfactory to the Township Attorney, shall restrict fee or leasehold disposition of all set-aside units for a term of 30 years. Restrictions or covenants shall provide that sale price or rent may not exceed original price or rent as inflated by 75% of the consumer price index, plus documented capital improvements, unless the owner or landlord can demonstrate to a court of law that such limitations are confiscatory with respect to the income stream for the entire project.

E. Economic analysis. Each development application in any zoning district having low- and moderate-income set-aside units shall provide an economic analysis of the effect of the proposed number of set-aside units upon the economic feasibility of the development. The economic analysis shall provide the information required and shall otherwise be generally in accordance with the sample project development models hereto annexed as Schedule A

F. Application procedures.

- (1) Fair marketing program. The Fair Housing Committee shall establish procedures in connection with the initial sales or rentals of all set-aside units, and the developer shall be required to submit to the Fair Housing Committee, for its approval, an approved affirmative fair marketing program in accordance with such established procedures.
- (2) Forms. Application forms and procedures for initial or first occupancy shall be subject to the approval of the FHC, provided that the same shall be submitted to the FHC for its review not later than 120 days in advance of the estimated first occupancy date of any unit within a project. Applications shall provide

information respecting the applicant's most recent federal income tax return for the immediate past two annual filing periods and data as to family size and age and a certification as to income from any other source.

(3) Review; summary report.

(a) The developer shall review all applications for set-aside dwelling unit occupancy in accordance with the standards and procedures in this section. The developer shall file with the FHC a summary report containing a compilation of data taken from application forms for all units' occupants and pending and rejected applicants, together with the reason for any rejection. Action on all applications shall, at all times, comply with the applicable fair housing law and practices. The names and addresses of applicants shall not be divulged in summary reports, provided that the FHC may, under appropriate safeguards so as to avoid public disclosure, require production of such information.

(b) Notwithstanding the foregoing, the FHC, in its discretion, shall have the right to disapprove occupancy as provided in Subsection C(2)(c).

(4) Certification. Each developer shall certify to the FHC the eligibility of all applicants for sale and rental units not less than 10 days after execution of a sales contract or binder or lease application or agreement; however, not less than 30 days prior to occupancy. The certification shall provide information respecting the applicant's compliance with all applicable affordability control standards, including a statement that price or rent shall not exceed original or amended price or rent as annually inflated by 75% of the consumer price index, plus documented capital improvements. Certification shall be made in affidavit form, subject to penalty for perjury, and personally signed by the developer or, in the case of a partnership, the general or principal partner. Association certification shall be made by the president or chair of the board of trustees. Rental occupants shall be periodically recertified, provided that all certifications shall lapse within the period of three years.

(5) Low-to-moderate ratio. In acting upon applications, the Fair Housing Committee shall maintain a one-to-one low-to-moderate-income ratio within each development project and through the Township.

(6) Phasing schedule. The developer shall submit a phasing schedule for the construction of the low- and moderate-income units. The developer may construct the first 20% of the development without constructing any low- or moderate-income units. Not more than 40% of the units in the development shall be constructed until at least 20% of the low- and moderate-income units shall have been constructed and sold to or reserved for eligible purchasers. Not more than 60% of the units in the development shall be constructed until at least 45% of the low- and moderate-income units shall have been constructed and sold to or

reserved for eligible persons. Not more than 80% of the units in the development shall be occupied until at least 70% of the low- and moderate-income units shall have been constructed and sold to or reserved for eligible persons. No certificate of occupancy shall be issued for a unit other than units affordable to low- or moderate-income households until all low- and moderate-income units in the previous phase have been completed. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

G. Resale and rental controls.

(1) Sales.

(a) The developer shall submit a plan for resale or rental controls to ensure that the units remain affordable to low- and moderate-income households for at least 30 years. Where a low- and moderate-income unit remains unsold for a period of six months, the developer shall be at liberty to rent such unit for a period not to exceed one year, and, thereupon, the resale limitations in this section shall automatically reapply. The purchaser of a unit shall be entitled to resell the unit for:

- [1] The original sales price, plus the original sales price multiplied by 75% of the increase in the consumer price index between the date of purchase and the date of resale.
- [2] Reimbursement of documented monetary outlays for reasonable improvements.
- [3] Any reasonable costs incurred in selling the unit.

(b) The low-income units, upon resale, may be sold only to low-income persons, and the moderate-income units may be sold to low- or moderate-income purchasers. If, however, no low-income purchaser is found within six months, the low-income unit may be sold to a moderate-income purchaser or, if none is available, to any interested purchaser. If no moderate-income purchaser is found for a moderate-income unit within six months, the unit may be sold to any purchaser. Regardless of the income of the purchaser, the resale controls shall remain in effect for subsequent resales.

(2) Rentals. Where units are offered as rental units, they shall continue to be offered as rental units for 15 years. After 15 years, they may be sold at prices affordable to moderate-income households, subject to such resale price controls as may be necessary to ensure that the units continue to be affordable to moderate-income households for the remainder of the thirty-year period commencing from the date of initial rental.

H. Other inclusionary relief.

- (1) To the extent that a developer may prove, by an economic feasibility study (economic analysis), that additional inclusionary relief may be required so as to develop a project with the required 20% low- to moderate-income housing, then such developer may request the Planning Board or the Township Council to further increase unit density, to waive condominium fees for set-aside units or to modify cost-generating ordinance standards or to grant tax abatement to qualifying units, where authorized by law.
- (2) Additionally, following satisfaction of the Township's Mount Laurel obligations on a community-wide basis, the developer may request the Planning Board or the Township Council to further increase fair market unit density and allow set-aside unit apportionment at a ratio of two moderate units for one low unit.

I. Rules and regulations.

- (1) The FHC shall be authorized to adopt bylaws and other rules and procedures and to hire a Secretary or to provide clerical assistance and legal counsel, as may be required, subject to budgetary limitations. The FHC shall also provide a mechanism for ensuring that waiting lists of certified eligible occupants shall not be less than 10% of the total number of set-aside units in the Township.
- (2) All FHC bylaws and other rules and procedures shall be subject to the prior approval of the Township Council, by resolution or ordinance, as may be appropriate.

J. Penalty.

- (1) Any person, firm, corporation, partnership or association violating the provisions of any subsection of this section or any rule, regulation or order promulgated pursuant hereto shall be punished by a fine of not less than \$100 nor more than \$1,000 or by imprisonment for a period not exceeding 90 days or community service for up to 90 days. The violation of this section or any rule, regulation or order promulgated pursuant hereto shall constitute a separate offense during each day that it continues, unless otherwise provided. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- (2) Whenever any such fine is imposed, such fine and costs and charges incident thereto may be collected in an action of debt or in such manner as may be provided by law.

SECTION FORTY:

~~§360-45~~ **§360-50** Wireless communication towers and antennas.

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:

“ANTENNA”

Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analogue signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

“APPROVING AUTHORITY”

The Planning Board or Zoning Board of Adjustment of the Township of Pequannock.

“CO-LOCATION”

The use of a common wireless telecommunications tower or a common structure for more than one antenna or the placement of a wireless telecommunication tower or antenna on a structure owned or operated by a utility or other public entity.

“HEIGHT”

When referring to a tower or lawful structure shall mean the distance measured from the lowest existing grade within 10 feet of the tower to the highest point on the tower or any antennas attached to the tower, whichever is higher. The height of the tower shall not include a lightning rod.

“PREEXISTING TOWERS and PREEXISTING ANTENNAS”

Any tower or antenna for which a building permit has been properly issued prior to the effective date of this section, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

“STEALTH TECHNOLOGY”

Artificial trees, clock towers, bell steeples, flagpoles, light poles and similar alternative design-mounting structures that camouflage or conceal the presence of antennas or towers.

“WIRELESS TELECOMMUNICATIONS FACILITY (FACILITY)”

All the structures or equipment serving the wireless telecommunications site, such as towers, equipment sheds, telecommunications antennas and fences.

“WIRELESS TELECOMMUNICATIONS SITE (SITE)”

The enclosed area in which a tower, facility and its appurtenances are located.

“WIRELESS TELECOMMUNICATIONS TOWER (TOWER)”

- A. freestanding vertical structure designed to support one or more wireless telecommunications antennas. When utilized, this term shall also include any antennas attached to the tower.
- B. Prohibited uses in residential zone or adjacent to residential use. Wireless telecommunication towers, antennas and related facilities are prohibited uses within all residential zones or adjacent to a residential use.
- C. Conditional uses. Wireless telecommunication towers, antennas and facilities are conditional uses and are only permitted in zoned districts as described in the following Subsection C(2) and where they meet the following requirements described in the following Subsection C(1), (3) and (4):
 - (1) The applicant must demonstrate the following:
 - a. The applicant demonstrates that there is a significant gap in the availability of wireless service for all carriers which the proposed new tower will satisfy; and
 - b. The applicant demonstrates that the existing significant gap described in Subsection C(1)(a) above cannot be satisfied through the utilization of existing towers, antennas or structures.
 - c. Sites for wireless telecommunications facilities must demonstrate that they provide the least visual impact on residential areas and public ways. All potential visual impacts must be analyzed to illustrate that the selected site provides the best opportunity to minimize the visual impact of the proposed facility.
 - [1] Wireless telecommunications equipment facilities should be located to avoid being visually solitary or prominent when viewed from residential areas and the public way. The facility should be obscured by vegetation, tree cover, topographic features and/or other structures to the maximum extent feasible.
 - [2] Wireless telecommunications facilities shall be placed to ensure that historically significant structures, views, streetscapes and landscapes are protected. The views from architecturally and/or historically significant structures should not be impaired or diminished by the placement of telecommunications facilities.
 - (2) Locations permitted. Where a proposed tower meets the requirements set forth in Subsection C(1), said tower, antennas and related facilities shall only be permitted on properties or in the following zone districts according to their location priority. If a wireless telecommunications provider seeks to place a wireless telecommunications facility on a lot that is located in a priority level other than the first priority location, the provider must establish that the location prioritized ahead of the location

in which the building or lot is located is either not available or not suitable for the provision of adequate wireless telecommunications services within the Township as provided in the Telecommunications Act of 1996 (47 U.S.C. § 332). The priority of the locations is as follows:

- (a) First priority: on existing wireless communication towers.
 - (b) Second priority: properties located in the C-3 and C-4 Districts.
 - (c) Third priority: land and/or structures owned by the Township of Pequannock with the consent of the Township Council prior to hearing by a board.
 - (d) Fourth priority: properties located in the I-2 and ~~I-3~~ **AG** Districts and the I-1 District as follows: Block 4402, Lots 6, 7, 8, 9 and 10. These specific properties provide adequate setback from residential properties that make them reasonable and viable candidates for future cell tower construction.
- (3) Bulk, area and setback requirements applicable to property owned by the Township of Pequannock or located in the C-3, C-4, I-1, I-2 and/or ~~I-3~~ **AG** District. Where the proposed use has met all the requirements described in Subsection C(1) and (2) above, the following additional requirements shall apply:
- (a) Location of tower on property shall be approved by the approving authority so as to minimize the aesthetic impact after a review of those locations on the property which will satisfy the applicant's reasonable communication needs; however, the minimum requirements are as follows:
 - [1] Minimum front yard setback: 50 feet or adjacent or behind the existing use and away from any residential use or zone to the greatest extent possible.
 - [2] Minimum rear yard setback: 50 feet or away from any residential use or zone to the greatest extent possible.
 - [3] Minimum side yard setback: 50 feet or away from any residential use or zone to the greatest extent possible.
 - [4] Maximum height of structure. The structure shall not be any higher than the applicant demonstrates is necessary to meet reasonable communication needs and in no event shall the tower be higher than 100 feet, except that where greater height is necessary because more than one set of commercial transmitting/receiving antennas is co-located on a tower, the total height of the tower shall not be greater than 130 feet inclusive of antennas as measured to the top of the antennas.

- [5] Distance of tower, antennas and facility from residential zone or use. No tower, antennas or facility shall be located within 200 feet of a residential zone or use except as otherwise permitted under this section.

(4) Requirements applicable to all towers.

- (a) Fencing. All towers, antennas and related facilities shall be suitably secured and enclosed within chain-link security fencing, said fence to be six feet in height and enclosing the tower, antennas and the facilities in a maximum enclosed area of 1,500 square feet for each carrier located on the tower. (A carrier is a telecommunication company with an antenna on the tower.) The perimeter of the enclosure shall be landscaped with evergreen shrubs. The shrub plantings shall have a minimum height of five feet and be three feet on center. Such landscaping shall be provided where appropriate as determined by the approving agency.
- (b) Access roadways. Any access to the facility shall be by utilization of existing roadways without the creation of any additional curb cuts.
- (c) Equipment/generator. Any equipment and/or generator located on the site shall be located within an existing structure to the extent feasible. If this is not feasible, the applicant shall demonstrate the lack of feasibility. If feasibility is demonstrated, the equipment shall be located within an attractively designed structure which is the minimal size necessary to accommodate said equipment. This structure should be designed to be neutral in color, complement the existing use and/or aesthetically benign to any adjacent residential uses or zones.
- (d) Site clearing. Site clearing shall be minimized to preclude the removal of vegetation beyond that necessary to install and maintain the facility. Removal of any trees of a caliper of eight inches or greater will require replacement with as many trees as needed to replace the sum of the caliper lost.
- (e) Co-location. All applicants must agree to allow the co-location of additional antennas on the tower where it is demonstrated that these antennas are necessary to satisfy a reasonable communication need subject to reasonable lease terms. In the event that there is a reasonable additional communication need for a proposed antenna, it shall be considered a structure and may not be erected until a site plan has been submitted to the approving authority and a determination has been made by the approving authority that it meets all of the requirements of this chapter.

- (f) Monopole and stealth construction. Whenever the approving authority concludes that stealth construction will minimize aesthetic detriment to surrounding properties it shall require it. All towers shall provide verification of structural integrity and be of monopole construction, unless stealth or camouflage towers are required by the approving authority. Lattice-type structures and/or guy wires are prohibited.
- (g) Noise level. Noise levels at any property line shall not be more than 20 decibels.
- (h) Abandonment. In the event a wireless telecommunications facility proposes to abandon its facility, it shall notify the Township, in writing, at least 90 days before the planned abandonment. Once the telecommunications facility is abandoned or not operated for the use as approved for a period of 120 days, the same shall be removed at the sole expense of the operator and/or property owner. A demolition/removal permit shall be required from the Township Department of Construction and Land Use. In no event may a wireless telecommunications facility be used for a purpose other than its initial approved use.
- (i) Signs. No signs shall be permitted on any tower, equipment or related facilities, except for those signs required by law or which are safety related, such as owner contact information, warnings, equipment information and safety instructions. These signs shall not exceed two square feet in total area. Commercial signs shall be prohibited on all wireless telecommunications towers, facilities and equipment.
- (j) Lighting. There shall be no lighting associated with the cell tower except to the extent that regulatory lights are required by federal regulations; where emergency temporary lighting is required it shall be oriented inward and downward to minimize off-site impact and shall at a minimum meet the requirements of all other lighting ordinances applicable in residential zones.
- (k) RF radiation. The applicant shall comply with the New Jersey Radiation Protection Act and regulations and any other federal or local regulations or laws which are applicable. The applicant shall demonstrate compliance with such standards through the presentation of reports or certifications from an appropriate electrical engineer.
- (l) Multiple uses. Any prohibition contained in any ordinance restricting the number of principal uses per lot shall not apply to the construction of wireless telecommunications towers, facilities and equipment when the conditions contained in this chapter are met. The minimum

setback distance between structures shall not apply to wireless telecommunications towers, facilities and equipment.

- (m) Site location analysis. In order for the approving authority to determine that the proposed tower and facilities are required because of an existing gap in service as described herein and to determine the minimum height necessary to meet reasonable communications requirements, every applicant for a wireless telecommunications tower, facility or equipment shall include a site location alternative analysis. The analysis shall address the following issues:
- [1] How the proposed location of the wireless telecommunications tower, facility or equipment will accomplish the objective of providing full wireless communications services within the Township of Pequannock.
 - [2] The applicant shall provide testimony and documentation demonstrating that a search of all of the locations according to the priority listing identified the proposed site and how the determination was made as to how the proposed site is either the best suited or only available site to satisfy the reasonable communication needs of the applicant or, in the event there is more than one site available, that the proposed site is the site best suited to minimize the impacts to the residential neighbors, aesthetic detriment or environmental damage caused by the erection of the proposed tower. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
 - [3] How the proposed location of the wireless telecommunications tower, facilities or equipment relates to the anticipated needs for additional towers, facilities or equipment within and near the Pequannock area by the applicant and by other providers.
- (n) Site plan approval. All wireless telecommunication towers and facilities must receive site plan approval from the appropriate municipal boards, except that an application for development to co-locate wireless communications equipment on a wireless communications support structure or in an existing equipment compound shall not be subject to site plan review, provided the application meets the requirements of N.J.S.A. 40:55D-46.2. In addition to the applicable documentation and information required for major site plans in this chapter, the following additional documentation and information shall be required as part of any personal wireless telecommunications facility application: [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- [1] A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking and other information deemed necessary to assess compliance with this chapter.
 - [2] The setback between the proposed facility and the nearest residential unit.
 - [3] Documentation by a qualified expert regarding the capacity for and type of additional future antennas.
 - [4] Documentation by a qualified expert demonstrating the need for the facility.
 - [5] Documentation by a qualified expert that any proposed tower will have sufficient structural integrity to support the proposed antennas and the anticipated future co-located antennas and that the structural standards developed for antennas by the Electronic Industries Association and the Telecommunications Industry Association have been met.
 - [6] A letter of intent by the applicant, in a form acceptable to the Township Council, indicating that the applicant will share the use of any tower with other approved wireless telecommunications services subject to reasonable lease terms.
 - [7] A visual sight distance analysis, graphically simulating the appearance of any proposed tower and indicating its view from at least five locations around and within one mile of the proposed tower where the tower will be most visible.
 - [8] Applicant will demonstrate that the tower does not constitute a risk for individuals near the facility from falling ice or other debris.
- (o) Experts. The approving authority reserves the right to retain, at the applicant's expense, any technical consultants as it deems necessary to provide assistance in the review of site location alternatives analysis and specifications. By submitting an application for a personal wireless telecommunications tower, facility or equipment, the applicant is aware of this procedure.
 - (p) Off-street parking. The applicant shall demonstrate that adequate parking exists for both the existing use as well as the location of

equipment or vehicles serving said tower so as to not obstruct traffic or interfere with ingress, egress or use on the property.

SECTION FORTY-ONE:

~~§360-46~~ **§360-51** Applicability.

The provisions of this article shall apply to all buildings and uses existing on the effective date of this chapter which do not conform to the requirements set forth in this chapter and to all buildings and uses that become nonconforming by reason of any subsequent amendment to this chapter or any variance granted from this chapter.

SECTION FORTY-TWO:

~~§360-47~~ **§360-52** Continuation of Nonconforming Uses and Buildings.

Any nonconforming use of buildings or open land and any nonconforming buildings may be continued indefinitely, but:

- A. Shall not be enlarged, altered, extended, reconstructed or restored or placed on a different portion of the lot or parcel of land occupied by such use on the effective date of this chapter. An alteration may be permitted to a nonconforming building if the alteration does not enlarge or expand the nonconformance or in any way violate any other sections of this chapter.
- B. Shall not be reestablished if such use has been discontinued for any reason for a period of one year or more or has been changed to or replaced by a conforming use.
- C. Shall require site plan approval prior to being restored or repaired in the event of partial destruction.

SECTION FORTY-THREE:

~~§360-48~~ **§360-53** Reduction of Lot Size.

No lot shall be so reduced that the area of the lot or any of the dimensions of the yards and open space shall be smaller than herein prescribed.

SECTION FORTY-FOUR:

~~§360-49~~ **§360-54** Spaces Required.

In all zones, there shall be provided, at the time any building or structure is erected, enlarged, increased in capacity or changed in use, off-street parking spaces and loading and unloading areas in accordance with the requirements set forth herein in this article. Such facilities shall be completed prior to the issuance of a certificate of occupancy.

SECTION FORTY-FIVE:

~~§360-50~~ **§360-56** Design standards for off-street parking areas.

- A. Size. Each off-street parking space shall measure not less than nine feet by 18 feet, exclusive of access drives and aisles, unless carts for transporting merchandise are to be utilized within the parking area, in which case each parking space shall measure not less than 10 feet by 18 feet, and except that parallel curb parking spaces shall be eight feet by 23 feet. ~~When this chapter requires more than 50 parking spaces for any use or combination of uses in single and separate ownership, the design standard established in Subsection D below shall be met.~~
- B. Access, aisles and driveways.
- (1) Different zone. No access drive, driveway, pathway or other means of egress or ingress shall be located in any residential zone to provide access to uses other than those permitted in any such residential zone.
 - (2) Crossing sidewalks. All driveways shall cross sidewalk areas at grade.
 - (3) Distance from intersection. No driveway to or from a parking area shall be located closer than 25 feet to the nearest right-of-way line of any intersecting street.
 - (4) Driveway widths. Driveways shall have a minimum width of 14 feet for one-way traffic and 24 feet for two-way traffic.
 - (5) Aisle widths. Aisles from which cars directly enter or leave parking spaces shall not be less than:
 - (a) Twenty-four feet wide for perpendicular parking or two-way aisles.
 - (b) Eighteen feet wide for angle parking of 60°.
 - (c) Fourteen feet wide for angle parking of 30° and 45°.
- C. Sidewalks and curbing. Sidewalks with a minimum width of four feet shall be provided in all parking areas for four or more vehicles between parking areas and principal structures. Sidewalks must be raised six inches above the adjacent paved area, except where crossing streets or driveways, and shall be curbed as a protection to pedestrians using the walks. Sidewalks and parking areas must be arranged to prevent cars from overhanging or extending over the required four-foot sidewalk area. Use of wheel bumpers is prohibited. No asphalt curbing shall be used.
- D. General standards for parking areas. The following design and maintenance standards shall apply to all accessory commercial parking facilities:
- (1) There shall be an adequate, safe, and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking, and loading space.
 - (2) Roadways, pedestrian walks, and handicapped areas shall be designed as integral parts of an overall site design. They shall be properly related to existing and proposed buildings and the public right-of-way.

- (3) Buildings, vehicular circulation, and pedestrian walks shall be arranged so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic.^[1]
- (4) Ramps and parking spaces specially designed for handicapped persons using wheelchairs shall be provided, giving access from parking areas to the building served in accordance with N.J.S.A. 39:4-197, 39:4-197.5 and 39:4-138.
- (5) All open off-street parking areas, except those accessory to one- or two-family dwellings, should be improved with a compacted select gravel base surfaced with an all-weather, dustless material suitably designed for the intended use to a standard approved by the Township Engineer. Parking and loading facilities shall be provided with adequate stormwater drainage facilities to prevent damage or inconvenience to abutting property and/or public streets and alleys. Parking and loading areas shall be maintained in a clean, orderly, and dust-free condition at the expense of the owner or lessee. The retention of stormwater runoff shall be subject to further regulations in accordance with Chapter 307, Stormwater Management.
- (6) All parking spaces shall be marked by durable painted lines at least four inches wide and extending the length of the space or by curbs or other means to indicate individual spaces. Signs or markers located on the surface within a parking lot shall be used as necessary to ensure efficient and safe traffic operation of the lot.
- (7) Lighting shall be provided to illuminate any off-street parking or loading spaces to be used at night in accordance with ~~§360-42Q~~ **360-47Q**. If provided, lighting shall be arranged and maintained to deflect and focus lights away from adjacent properties. The height, type, spacing and degree of cutoff of a light standard may be further regulated by the Planning Board in relation to specific site conditions or types of development.
- (8) All parking and loading areas shall be properly screened and landscaped as hereinafter set forth. It is the purpose and intent of this subsection to require adequate protection for contiguous property against any undesirable effects from the creation and operation of parking or loading areas, to reduce the amount of reflected heat, and to eliminate monotony and unsightliness due to concentrations of parked cars.
 - (a) The landscaping shall include, to the extent necessary to further the intent of this subsection, shrubs, bushes, hedges, trees, decorative walls, or fencing as set forth below.
 - (b) The frontage along the entire parking or loading area adjacent to any public or private street shall be provided with an eight-foot-wide landscaped area planted with shade or ornamental trees and a hedge or wall so as to separate and screen any parking area from the adjacent street or streets.

- (c) Interior landscaping shall include landscaped strips between rows of parking or parking islands to the extent that landscaped areas amount to 5% of the total parking area. All interior landscaped areas shall be raised and curbed or provided with alternative protection and delineation as approved by the Township Engineer and shall include shrubbery, deciduous shade trees and ground cover as approved by the Planning Board. All trees shall have a minimum caliper of 2.5 inches measured four feet above the ground ~~The number of such trees shall be determined by the application of the following formula: one tree for each five parking spaces. Shrubs and hedging shall not be less than three feet in height, except no shrub or hedge shall exceed 2.5 feet in height within a sight triangle.~~ **The number of such trees shall be determined by the application of the following formula: one tree for each five parking spaces. Shrubs and hedging shall not be less than three feet in height, except no shrub or hedge shall exceed 2.5 feet in height within a sight triangle.**
- (d) When off-street parking or loading areas are located adjacent to a residential zone or residentially used property, a solid fence or masonry wall shall be provided along the property line. The fence or wall shall be a minimum of four feet high but shall not exceed six feet in height and shall be limited so as not to obscure the vision of motorists entering the public right-of-way.
- (e) All landscaping shall be permanently maintained in good condition such that the same quality and quantity of landscaping as initially approved is sustained.
- (9) Joint facilities. Any two or more nonresidential establishments may collectively join in providing required off-street parking spaces, provided that they are within 400 feet of the entrance of the use or structure requiring the parking, and the total of such parking facilities shall equal the sum of the required parking for each participating establishment. Cross-easements or cross-licensing agreements shall be required. These shall be prepared by the applicant and approved by the appropriate board attorney and recorded in the Morris County Courthouse at the expense of the applicant. **For uses in the CBD-1 and CBD-2 zones, follow the shared parking standards at 360-58J.**

E. Location of parking facilities.

- (1) Separate lot. Parking facilities shall be located on the same lot as the principal structure, except that space for the required off-street parking may be provided within 400 feet of the entrance of the use or structure requiring the parking, provided that a legal agreement ensuring that the parking will be available shall run with the land. These agreements shall be prepared by the applicant and approved by the appropriate board attorney and recorded in the Morris County Courthouse at the expense of the applicant. **This shall differ from the requirements of a parking study identified in Section 350-58G.**

- (2) Parking in rear. Whenever parking is provided in the rear of any nonresidential structure or use, a suitable rear entrance to the structure or use shall be provided and clearly marked by a sign approved by the Planning Board.
- (3) Enclosed facilities. Required parking may be constructed within or under any portion of a main building or in an accessory structure constructed for parking purposes, provided that the access driveway does not, at any point, have a grade in excess of 10%.
- (4) Parking in floodplain. Where parking is provided in a structure within a flood hazard area, at least 30% of all parking spaces shall be located at least one foot above the flood level.
- (5) Parking in residential front yards. No parking facilities for conditional uses permitted in residential zones may be established within the front yard setback in the zone.

SECTION FORTY-SIX:

~~§360-51~~ **§360-56** Responsibility of Owner.

It shall be the responsibility of the owner of the property to maintain all off-street parking, loading and unloading areas, driveways, aisles and accessways in good condition, free of sagging conditions, potholes and cracked pavement. All lighting, bumpers, marking, signs, drainage and landscaping shall be similarly kept in workable, safe and good condition. If the owner fails to undertake repairs, after proper notification by the Zoning Officer, the governing body may authorize repairs to be made at the owner's expense if, in the governing body's opinion, conditions constitute a hazard to the safety and welfare of the Township residents and visitors. The costs incurred by these repairs shall be added to the property owner's taxes and shall be paid in the same manner.

SECTION FORTY-SEVEN:

~~§360-52~~ **§360-57** Off-Street Loading and Unloading.

All commercial and industrial uses shall have provisions for off-street loading and unloading adjacent to the building or as approved by the Board. All such spaces shall be designed and planned in accordance with generally accepted engineering principles and as required by the Township Engineer. Each loading space shall be at least 10 feet in width and 35 feet in length and shall have a minimum height clearance of 14 feet and may not occupy the front yard. The equivalent of one loading space shall be provided for each 12,000 square feet of gross area or part thereof.

SECTION FORTY-EIGHT:

~~§360-53~~ **§360-58** Minimum required off-street parking spaces.

- A. Except in the case of one-family houses, no parking areas shall be established for fewer than four spaces.
- B. Required spaces.

Institutional Land Uses	Required Off-Street Parking Spaces Per Indicated Area
Animal hospital / kennel	1 per 200 square feet GFA
<i>Assembly operations,</i> manufacturing, fabrication, or uses which package, treat or convert products	1 per 800 square feet GFA
Bar	1 per 2 seats
Bowling alley	4 2 per alley plus 1 per employee at maximum staff
Brewery/Distillery	1 per 1,100 square feet GFA or one for every two customers allowed based upon the number of seats in the tasting room, whichever is greater, plus one per employee
Car wash	10 per washing lane 5 employee spaces plus off-street storage (stacking) space equal to at least five times the number of cars that can be in the wash process at one time. For self-wash or self-service car washes, the requirement for employee parking shall be eliminated.
<i>Church/synagogue</i>	1 per 3 seats
Commercial entertainment	1 per 75 square feet of usable visitor floor space
Commercial recreation	1 per 100 square feet of building
Data processing, warehousing, and wholesale distribution centers	1 per 5,000 square feet GFA
Dealership	1 per 1,000 square feet of showroom and 1.5 per service bay
Dwellings	
Up to 6 units	2 per unit

Institutional Land Uses	Required Off-Street Parking Spaces Per Indicated Area
Over 6 units	1 1/2 per unit
Fiduciary institutions	1 per 300 500 square feet GFA
Finishing operations	1 per 800 square feet GFA
Fitness Centers	1 per 100 square feet GFA
Funeral home	1 per 100 square feet GFA
Hospital	1 per 3 beds plus 1 per employee on maximum shift.
Hotel	1 per guest room plus 1 per 1,000 square feet of GFA related to hotel operations exclusive of restaurant or catering facilities which must meet separate parking requirements listed herein employee on maximum shift; 1 per 200 square feet for meeting rooms and commercial use (Up to 50% of spaces for commercial use can be counted from guest room parking spaces per Board's discretion)
Houses of Worship	1 per 4 seats¹
Industrial	1 per 800 square feet GFA
Laboratories and Research Facilities	1 per 1,000 square feet GFA
Library	1 per 300 square feet GFA
Manufacturing	1 per 800 square feet GFA
Medical center	1 per 250 square feet GFA
Medical office	1 per 200 square feet GFA
Neighborhood convenience center less than 400,000 square feet GFA	4 per 1,000 square feet GFA

¹ For a prayer hall/sanctuary without seating, the number of persons shall be calculated at one person per 11 square feet of gross hall/sanctuary area.

Institutional Land Uses	Required Off-Street Parking Spaces Per Indicated Area
Nightclub	1 per 3 seats
Offices	3 per 1,000 GFA
Under 49,999 square feet GFA	4.5 per 1,000 GFA
50,000 to 99,999 square feet GFA	4 per 1,000 square feet GFA
100,000+ square feet GFA	3.5 per 1,000 square feet GFA
Quick-food establishment	1 per 30 square feet GFA
Receiving	1 per 5,000 square feet GFA
Research	1 per 1,000 square feet GFA
Restaurant	1 per 3 seats
Retail store shops & services	1 per 200 300 square feet GFA
Schools	
Elementary	2 per classroom; but not less than 1 per teacher and staff plus 1 per staff
Intermediate	1.5 per classroom, but not less than 1 per teacher and staff plus 1 per staff
Secondary	2.5 per classroom, but not less than 1 per teacher and staff plus 1 per 10 students
Service station	4 per bay and work area plus 1 per 2 employees
Shipping	1 per 5,000 square feet GFA
Shopping center	3 per 1,000 square feet GLA
Less than 400,000 square feet GFA	4 per 1,000 square feet GFA
400,000 to 599,999 square feet GFA	4.5 per 1,000 square feet GFA
600,000+ square feet GFA	5 per 1,000 square feet GFA
Storage areas	1 per 5,000 square feet GFA

Institutional Land Uses	Required Off-Street Parking Spaces Per Indicated Area
Theater	1 per 3 seats 5 seats, based on maximum seating capacity
<i>In shopping center</i>	<i>1 per 4 seats</i>
Warehouse	1 per 5,000 square feet GFA

***GFA = Gross floor area ; GLA = Gross Leasable Area**

- (1) There shall be no additional parking requirement for any square footage devoted solely to ancillary storage, office or employee lunchrooms/eating clinic facilities on any mezzanine space within that portion of a building occupied by the individual use to which the storage, office and/or employee lunchroom/eating clinic facility is ancillary.
 - (2) For any building that meets the definition of flex-space as defined in these regulations and that exceeds a 10% office cap, there shall be an additional parking requirement for any square footage devoted above the 10% office cap.
- C. In the event that the number of parking spaces results in a fraction of a space, one more parking space shall be provided.
 - D. In cases of uses not specifically mentioned, the requirements for off-street parking facilities of similar uses shall apply. If no use can be described as similar to the proposed use, parking shall be required in accordance with the judgment of the Planning Board or the Zoning Board of Adjustment.
 - E. In the event of a mixed use, the required off-street parking shall be the sum of the required off-street parking for each use.
 - F. The gross floor area shall mean the total floor area at all floors and levels.
 - G. ~~If the applicant can clearly demonstrate to the Planning Board or Zoning Board of Adjustment that, because of the nature of the operation of the permitted use, the above parking requirements are unnecessary and excessive, the Board may approve parking plans showing less parking area than required, in which event a landscaped area shall be reserved than can readily be converted to off-street parking if the conditions for allowing lesser parking ever change. If, in the opinion of the Board, because of the unusual nature of the applicant's business, the set forth parking standards are insufficient, the Board may require a greater number of parking spaces.~~ **Variance**
 - (1) If the applicant can clearly demonstrate to the Planning Board or Board of Adjustment that, because of local conditions and factors such as the nature of the operation of the permitted use, household characteristics, mass transit options, downtown versus suburban location, and off-street parking

resources, the above parking requirements are unnecessary and excessive, the Board may approve parking plans showing less parking area than required. In this case, the Planning Board or Zoning Board of Adjustment may require a landscaped area be reserved that can readily be converted to off-street parking if the conditions for allowing lesser parking ever change.

- (2) Where the applicant can demonstrate there is an adequate supply of publicly available parking to meet the business' needs, the applicant for preliminary site plan approval may request the Planning Board or Zoning Board of Adjustment to waive the requirement for the parking spaces, for businesses located in the CBD-1 and CBD-2 zones. The applicant must show publicly available parking through a parking study detailing the number of open parking spaces within the CBD-1 and CBD-2 zone districts only and within 300 feet of the building entrance. Any area where on-street parking is not permitted shall not be counted. The parking study submission shall include existing utilization of applicable parking spaces during the following times:

- (a) Weekday afternoon (1pm-3pm)
- (b) Weekday night (7pm-9pm)
- (c) Weekend afternoon (1pm-3pm)

- (3) If, in the opinion of the Board, because of the unusual nature of the applicant's business, the set forth parking standards are insufficient, the Board may require a greater number of parking spaces.

H. On-street parking shall not be counted towards the parking requirements.

I. (~~H~~) Required spaces. Single-family, two-family and duplex residence shall provide two spaces one of which must be provided in an enclosed garage.

J. Shared Parking. Shared parking is encouraged within the CBD-1 and CBD-2 zone districts. The parking spaces required in the above standards may be reduced when two or more establishments share the same parking area, whether on the same lot or on abutting lots, subject to the following conditions:

- (1) That some portion of the shared off-street parking area lies within 300 feet of an entrance, regularly used by patrons, into the buildings served by the shared parking facilities.
- (2) That access and parking easements are prepared and recorded for each property affected by the shared parking.
- (3) The minimum amount of shared parking required shall be calculated according to the following formula:
 - (a) Calculate the minimum amount of parking required for each land use as if it were a separate use.
 - (b) To determine peak parking requirements, multiply the minimum parking required for each proposed land use by the

corresponding percentage in the table below for each of the five time periods.

- (c) Calculate the column total for each of the five time periods.
- (d) The column (time period) with the highest value shall be the minimum shared parking requirement.

Shared Parking Requirements						
Use	Weekdays			Weekends		
	8 am - 6 pm	6 pm - Midnight	Midnight 8 am	8 am - 6 pm	6 pm - Midnight	Midnight 8 am
Office	100%	10%	5%	10%	5%	5%
Retail	70%	90%	5%	100%	5%	5%
Hotel/Motel	75%	100%	100%	75%	70%	100%
Restaurant	60%	100%	10%	60%	100%	20%
Entertainment/ Recreation	40%	100%	10%	80%	100%	50%
Residential	60%	100%	100%	80%	100%	100%

SECTION FORTY-NINE:

~~§360-54~~ **§360-59** Intent.

The procedures as spelled out in this article and other sections of this chapter shall be the procedures for the various approvals required by this chapter and by applicable state law.

SECTION FIFTY:

~~§360-55~~ **§360-60** General Procedures.

- A. Application required. When approval of a site plan, conditional use, appeal of the decision of an administrative officer, use variance, bulk variance, variance from floodplain elevation, statutory referral or planned residential development is required by the terms of this chapter or other applicable ordinances of the Township, application shall be made to the administrative officer of the Township on forms supplied by the administrative officer. The administrative officer shall provide necessary guidance to the applicant in completing the forms, but the applicant bears the responsibility for the contents of the completed form.
- B. Completeness of application.
 - (1) Within 45 days of the receipt of the forms and other required materials by the administrative officer, the administrative officer shall determine completeness of the application and shall notify the applicant, in writing, as to whether the

application is complete. No application shall be deemed to be complete until the following information has been submitted:

- (a) All information requested on the form.
 - (b) The required prints of the site plan or other development proposal.
 - (c) The required fees.
 - (d) Soil erosion, sediment control and stormwater management plan.
 - (e) Environmental impact forms, if required.
 - (f) Any other data required by this chapter or other applicable ordinances.
- (2) If the administrative officer does not notify the applicant, in writing, of the completeness of the application within 45 days of its submission, the application shall be deemed to be complete on the 45th day from submission.
- (3) The time period for determination of completeness of the application may be extended by mutual consent of the administrative officer and the applicant.
- C. Submission of application to state agencies. The applicant is responsible for submitting the application to appropriate state agencies as required by statute, including the State Planning Commission, where the application for development exceeds 150 acres or 500 dwellings, and the Department of Environmental Protection for a stream encroachment permit. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- D. Additional information. The Board may require such additional information not specified in this chapter or any revisions in the accompanying documents. The application shall not be deemed incomplete for lack of any such additional information or revisions. An application shall be deemed complete immediately upon meeting all requirements and shall be so certified by the administrative officer. The time period for action by the Board shall begin upon his certification.
- E. Combined applications.
 - (1) Applications which require more than one approval may be and are encouraged to be made as one submission. In such case, the information required and time periods to act shall be the maximum of any single approval requested. The fees to be paid will be the combination of the fees for all approvals requested.
 - (2) When a variance and site plan, conditional use or subdivision approval are required, the board which has jurisdiction over the preliminary application by reason of other sections of this chapter shall continue jurisdiction over the application for final approval and any extension of preliminary or final approval as may be requested by the applicant.
- F. Payment of taxes. Every application submitted to the Planning Board, the Zoning Board of Adjustment or the Zoning Officer for approval or for the issuance of a permit shall require proof that all taxes or assessments for local improvements have been paid to date.
- G. Hearings required.

- (1) Hearings shall be required by this chapter for preliminary and final site plan approval, appeal from the decision of an administrative officer, use variance, bulk variance, variance from floodplain elevation, statutory referral, conditional use, planned residential development and development permits for new-single family detached dwelling units in the flood hazard zone. Hearings shall be conducted in accordance with the applicable state laws, Chapter 36, Land Use Procedures, and any other applicable local ordinances and bylaws of the relevant board.
 - (2) Whenever a hearing is required on an application for development, pursuant to the provisions of N.J.S.A. 40:55D-1 et seq., notice shall be served by the applicant as required by applicable statute.
 - (3) In addition, all applicants for rezoning, subdivision approval, site plan approval, use variances or conditional uses shall post in plain view on the property which is the subject of such application a sign six square feet in size detailing the date, time, place and general subject matter of the hearing on said application. The sign shall be posted at least 10 days before the hearing and shall be removed within five days following the hearing.
- H. List of property owners furnished. See Chapter 36, Land Use Procedures, § 36-20. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- I. Period to act. The following shall be the periods available to the Planning Board and the Zoning Board of Adjustment to act on an application before them. Where two or more applications are combined, the longest period to act shall prevail, except as otherwise provided. The tolling of the time periods stated begins on the date that the application is deemed by the administrative officer to be complete.
- (1) Appeals from the decision of the administrative officer: 120 days.
 - (2) Preliminary site plan, 10 acres or 10 dwelling units or fewer: 45 days.
 - (3) Final site plan, 10 acres or 10 dwelling units or fewer: 45 days.
 - (4) Combined preliminary and final site plan, 10 acres or 10 dwelling units or fewer: 45 days.
 - (5) Preliminary site plan, more than 10 acres or 10 dwelling units: 95 days.
 - (6) Final site plan, more than 10 acres or 10 dwelling units: 45 days.
 - (7) Combined preliminary and final site plan, more than 10 acres or 10 dwelling units: 95 days.
 - (8) Conditional use: 95 days.
 - (9) Zoning Board of Adjustment variances.
 - (a) Bulk: 120 days.
 - (b) Combined use and subdivision or site plan: 120 days.
 - (c) Separate use variance: 120 days.
 - (d) Separate subdivision, site plan or conditional use: as listed above.

- (10) Planning Board combined variance and subdivision, site plan or conditional use: 95 days.
- (11) Planned residential development, preliminary: 95 days.
- (12) Planned residential development, final: 45 days.
- J. Decisions. Each decision on any application shall be reduced to writing and shall be in the form of a resolution which shall include findings of fact and legal conclusions based thereon. This resolution shall be adopted pursuant to the time requirements specified in N.J.S.A. 40:55D-1 et seq. A true copy of the aforesaid resolution shall be mailed by the Board, within 10 days of the date of the adoption of the resolution, to the applicant or to the applicant's attorney, without charge. A true copy of the resolution shall also be mailed to those persons who have requested and have paid the fee prescribed by the Board for such service. A true copy of the resolution shall be filed in the office of the Municipal Clerk and shall be available to the public.
- K. Publication of decision. Within 10 days of the adoption of the resolution, a brief notice of every final decision shall be published in the official newspaper of the municipality. Such publication shall be arranged by the Municipal Clerk. The Municipal Clerk shall be provided with proof of the publication of said notice at the expense of the applicant.
- L. County Planning Board. Whenever review or approval of the application by the County Planning Board is required, the Board shall condition any approval that it grants upon timely receipt of a favorable report by the County Planning Board or approval by that Board's failure to report within the required time.

SECTION FIFTY-ONE:

~~§360-56~~ **§360-61** Site Plan Approval.

- A. When required. Before any development or any land is cleared or altered within the Township or before any watercourse is diverted or its channel or floodplain dredged or filled or before any parking area for four or more vehicles is constructed or approved or before any off-street loading or unloading facilities are constructed or before any building permit, certificate of occupancy or other required permit is issued, a site plan shall be submitted to the administrative officer for review and approval by the appropriate board, except as follows:
 - (1) If the construction or alteration or change of occupancy or use of a conforming use does not affect existing circulation, drainage, relationship of buildings to each other, landscaping, buffering, lighting and other considerations of site plan review and does not increase the parking requirements, as determined by the Zoning Officer, it shall not require site plan approval.
 - (2) Detached single-family dwellings, including accessory uses permitted as of right under applicable zoning districts.
 - (3) The one-time construction of a parking lot for three or fewer vehicles.

B. Complete application.

- (1) The following items and information as indicated on the checklist must be submitted to the administrative officer before an application can be deemed complete:
 - (a) Two complete applications (once the application has been deemed complete the applicant shall submit 18 additional copies of the application).
 - (b) Two copies of the plat (an additional 18 copies will be required once the application has been deemed complete).
 - (c) Payment of the administrative and escrow review deposits.
 - (d) Proof of payment of taxes signed by the Tax Collector.
 - (e) Names and addresses of:
 - [1] Holders of 10% or more stock in applicant and/or owner, if either is a corporation; or
 - [2] Holders of 10% or more interest in applicant if partnership (per N.J.S.A. 40:55D-48.1).
 - (f) Surface water management plan acceptable to the Township Engineer.
 - (g) Soil erosion and sediment control plan.
 - (h) Environmental impact study (when required by ordinance).
 - (i) Health Department approval of septic systems where sanitary sewers are not available.
 - (j) Completed floodplain development application (when required by ordinance).
 - (k) Proof of submission of a completed application form for Morris County Soil Conservation District, if applicable.
 - (l) Receipt of completed application form and required fees for Morris County Planning Board when required.
 - (m) Traffic impact study for all applications involving the construction of more than 20,000 square feet of building area.
- (2) Each submission shall be drawn at an appropriate scale not less than one inch equal to 100 feet and shall be submitted on one of the two following standard sheet sizes: 24 inches by 36 inches or 30 inches by 42 inches.

C. Additional information. Once the application has been deemed complete the applicant must provide 18 additional copies of all materials related to the pending application. In addition, the following information shall appear on all plans in order for them to be deemed complete:

- (1) A key map showing the entire tract, the zone in which the subject property is located and all property within a 200-foot radius of the subject property, including the Tax Map block and lot numbers and owner's name, said map to be

drawn at a scale of one inch equal to 100 feet. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- (2) Title block in accordance with the rules governing title blocks for professional engineers (N.J.S.A. 45:8-36):
 - (a) Name of the development, Pequannock Township, Morris County.
 - (b) Name, title, address and license number of the professional(s) who prepared the plat or plan.
 - (c) Scale (written).
 - (d) Date of original preparation and of each subsequent revision thereof and a list of the specific revisions entered on each sheet.
 - (e) Existing block and lot numbers as they appear on the Township Tax Map.
- (3) North arrow; name, title, address and telephone number of the applicant; name, title, and address of the owner(s) of record; and graphic scale. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- (4) Certification that the applicant is the owner of the land or his properly authorized agent, or that the owner has given his consent under an option agreement.
- (5) Approval signature lines:
 - (a) Chair.
 - (b) Secretary.
- (6) Acreage to the nearest 1/100 of an acre and a computation of the area of the tract to be disturbed.
- (7) Identification of wetlands as per the New Jersey Freshwater Wetlands Act (affidavit of compliance required) or permit from Army Corps of Engineers.
- (8) Identification of the flood hazard area as per FEMA maps dated September 17, 1992, as revised or submission of a perfected Letter of Map Amendment (LOMA). [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- (9) The location of all existing watercourses, easements, rights-of-way, streets, roads, highways, freeways, railroads, rivers, buildings, structures, or any other feature directly on the tract or off tract, if it is deemed that such feature has an effect upon the use of subject property.
- (10) The location of all ground area of each building, structure or any other land use.
- (11) The location, capacity and size of all proposed off-street parking areas and loading and unloading facilities, including but not limited to aisle widths, location of bays and barriers.
- (12) The location and treatment of proposed entrances and exits to the public right-of-way, including the possible utilization of traffic signals, channelization, acceleration and deceleration lanes, additional width, and any other device necessary to traffic safety and/or convenience.

- (13) The location and identification of proposed open spaces, parks, recreation areas, or land to be dedicated to the Township or other public body.
- (14) Design for method of soil erosion and sediment control and location of the same.
- (15) The location, design, species, height and type of landscaping, buffer areas, and screening devices.
- (16) The location and details of sidewalks, walkways and all other areas proposed to be devoted to pedestrian use.
- (17) The location and details of all subsurface structures, including storm sewers, sanitary sewers, telephone, electrical, gas, water, manholes, valve boxes, hydrants and other appurtenances, giving top and invert elevations, direction of flow, size of appurtenances, ownership, capacity, pressure leads, materials, type, and projected routes. The location of existing structures such as water and sewer mains, utility structures, gas transmission lines and high-tension power lines on the tract and within 200 feet of its boundaries.
- (18) The specific location and design and details of signs and lighting fixtures including isolux diagrams for proposed fixtures.
- (19) All existing (as per Township Tax Map) and proposed lot lines, setbacks, and yard dimensions as proposed, together with a table listing the required bulk areas for the zone and the proposed bulk dimensions and clearly identifying all variances requested.
- (20) The entire property in question, even though only a portion of said property is involved in the subdivision; provided, however, that where it is physically impossible to show the entire tract on the required sheet, a key map is permitted.
- (21) Existing and proposed spot elevations at all building corners, all floor levels, center lines and rights-of-way of abutting roads, top and bottom of curbs, property corners, gutters, and other pertinent locations based on U.S. Coast and Geodetic Datum.
- (22) Existing and proposed contours of the site at one-foot intervals, unless slopes are greater than 10%, in which case two-foot contours are permitted.
- (23) In the event a facility is to be constructed in stages, a sketch plan showing the entire facility shall be submitted in addition to the site plan for the particular stage under consideration.
- (24) Preliminary architectural plans for the proposed building or structure, indicating typical floor plans, elevations, height and general design or architectural styling.
- (25) The location of all utilities, including heating and air conditioning, which are external to the building and the method of screening. This subsection shall include the location of the trash removal area.

- (26) If service for utilities (telephone, electric, water, sewer, etc.) is to be provided by an existing utility company, a letter must be submitted from the company stating that service will be provided. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
 - (27) Plans, typical cross sections and construction details, and horizontal and vertical alignments of the center line of all proposed streets and of all existing streets at the point of intersection with the proposed street.
- D. Review of application. In reviewing the site plan, the Board shall consider its conformity with the Master Plan and the other codes and ordinances of the Township. Traffic flow, circulation and parking shall be reviewed to ensure the safety of the public and of the users of the facility and to ensure that there is no unreasonable interference with traffic on surrounding streets. The Board shall consider the proposed drainage plan and its impact on surface water runoff, flooding, soil erosion and recharging the water table and the effect those factors may have both on and off the site. Conservation features, aesthetics, landscaping and impact on surrounding development, as well as on the entire Township, shall be part of the Board's review. In its review, the Board may request recommendations from any local, county, state or federal agency which may have an interest in the particular development for which site plan approval is being sought. In assessing all of the above considerations, the Board shall be governed by the needs of the public health, safety and welfare.
- E. Preliminary site plan approval.
 - (1) The applicant for site plan approval shall submit to the Board preliminary site plans containing data listed in § ~~360-55B~~ **360-60B**.
 - (2) The administrative officer shall, within 45 days of submission of an application, determine whether the application is complete and shall notify the developer, in writing, of the deficiencies within such time.
 - (3) Rights of applicant.
 - (a) Preliminary site plan approval shall confer upon the applicant, for a three-year period from the date of approval, the following rights:
 - [1] That the terms and conditions on which preliminary approval was granted shall not be changed.
 - [2] That the applicant may submit for final approval, on or before the expiration date of preliminary approval, the whole or a section or sections of the preliminary site plan.
 - [3] That the applicant may apply for and the Board may grant no more than two one-year extensions of approval, provided that, if design standards have been revised, such revised standards may apply.

(b) In the case of a site plan of more than 50 acres, the Board may grant the rights referred to in Subsection E(3)(a)[1], [2] and [3] above for a longer period of time than three years.

F. Final site plan approval.

- (1) Within the applicable time period, or any extension thereof granted by the Board, the application for final approval of a site plan shall be submitted. Said application will contain detailed drawings and all information required by Subsections B and C. The application for final approval shall conform to the approved preliminary site plan and any conditions placed upon that approval by the Board. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- (2) Final approval shall be granted, granted conditionally or denied by the Board within 45 days of the determination by the administrative officer that the application is complete.
- (3) Final approval shall confer upon the applicant the following rights: the terms and conditions upon which approval was granted shall not be changed for a period of two years from the date of final approval.
- (4) The granting of final approval terminates the time period for preliminary approval.

G. Combined preliminary and final site plan approval. Nothing in this section shall prevent the applicant from seeking preliminary and final approval of a site plan at the same time, provided that the application, all submissions and all other aspects of the application shall meet the requirements for final site plan approval. Where two or more applications for approval are combined, the longest period to act shall prevail.

H. Issuance of building permit and certificate of occupancy. No building permit shall be issued and no construction shall be started on a site where site plan approval is required until after preliminary site plan approval has been received. No certificate of occupancy shall be issued on a site where site plan approval is required until after final site plan approval has been received.

I. Off-site and off-tract improvements. The Board may require that off-site and off-tract improvements are made by the applicant as part of the site work in order to upgrade adjacent facilities to Township standards adopted by separate ordinance. This may be required for streets and roads, sidewalks, curbs, drainage facilities, utilities and any other publicly owned and/or operated utilities or facilities.

J. Site plan binding.

- (1) The site plan, as approved by the Board, shall be binding upon the applicant and his heirs, executors, successors or assigns.
- (2) A deviation from an approved site plan or failure to adhere to the conditions of approval shall be deemed as being in violation of this chapter and shall be subject to the penalties prescribed by this chapter.

- K. Performance guaranty. The Board may require that improvements and landscaping be secured by performance and maintenance guaranties in the same manner prescribed for such improvements in Chapter 316, Subdivision of Land.
- L. Official action.
 - (1) Waiver. The Planning Board may authorize the Township Planner to waive the requirements for site plan review if the total amount of construction or alteration is under \$5,000 in value or if the site plan disturbs less than 2,000 square feet of land area or if the nature or extent of construction or alteration is considered part of normal repair, maintenance or replacement and is not in conflict with any existing ordinances.
 - (2) Temporary certificate of occupancy. The Construction Official may grant a temporary certificate of occupancy, with approval of the Township Planner, for a period of time not exceeding six months from the date of issue if weather or other conditions beyond the control of the applicant prevent complete compliance with the conditions of site plan approval. The Township Planner shall notify the Board of the issuance of the temporary certificate of occupancy and the date of expiration. The Township shall receive a performance guaranty equal to the amount of the uncompleted work to be done as determined by the Township Engineer in accordance with standard engineering practice.
 - (3) Site plan change. The Township Planner may authorize minor changes in the site plan caused by field conditions following consultation with appropriate agencies. The Board shall be promptly notified of any such change. No minor change is authorized unless the Township Planner finds that such change:
 - (a) Will not result in a violation of this chapter.
 - (b) Will not conflict with the Master Plan.
 - (c) Will not lessen any of the standards or the conditions of approval originally imposed by the Board.
- M. Exceptions. The Board, when acting upon applications for preliminary or final site plan approval, shall have the power to grant such exceptions from the requirements for site plan approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and approval where the literal enforcement of one or more provisions of this chapter is impracticable or will exact undue hardship. Exceptions shall be granted only upon notice by the applicant to the property owners within 200 feet of the site in question in the manner prescribed by N.J.S.A. 40:55D-1 et seq. and any amendments thereto.
- N. Conceptual review. At the request of the developer, the Planning Board shall review a conceptual plan of the developer. There shall be no fee for this review, and neither the developer nor the Planning Board shall be bound by this review.
- O. Minor site plan approval.

- (1) The Board shall classify all site plans as either major or minor according to the following criteria. If determined to be a minor site plan, public notice and public hearing shall not be required. Approval of a minor site plan shall be deemed final approval, and such approval may, at the discretion of the Board, be conditioned pursuant to N.J.S.A. 40:55D-1 et seq. In order to be classified as a minor site plan, an application must meet all of the following criteria:
 - (a) The proposed development does not involve a planned residential development.
 - (b) The proposed development does not involve any new street or any off-tract improvement which is to be prorated pursuant to N.J.S.A. 40:55D-1 et seq.
 - (c) No more than 5,000 square feet of land will be disturbed.
 - (d) The floor area of a proposed addition to a structure will not exceed 20% of the floor area of the existing structure.
 - (e) No more than one lot is involved.
 - (f) None of the bulk or use requirements of the zone are violated.
 - (g) Runoff.
 - [1] The runoff generated by the proposed change or improvements does not require the installation of drainage structures necessary for point discharge into a receiving course.
 - [2] The maximum expected discharge does not exceed 0.25 cubic foot per second. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
 - (h) The application does not involve a nonconforming or conditional use in a residential zone.
 - (i) No proposed improvements will be within the following number of feet of a property line:
 - [1] In a C-1 or C-2 Zone: within 60 feet of a property abutting a residentially zoned or used property and 30 feet of a nonresidentially zoned property.
 - [2] In an I-1, I-2, C-3 or C-4 Zone: no improvements will be closer than 60 feet or two times the required setback, whichever is greater, to a residentially zoned or used property and no improvement will be within 30 feet of the required setback adjacent to a nonresidentially zoned property.
 - (j) No more than four additional parking spaces are proposed to be constructed.
 - (k) There are no substantial changes in traffic patterns which will cause more than a ten-percent additional traffic flow in the areas specified in Subsection O(1)(i). Additional traffic flow is to be calculated utilizing

methods approved by the Institute of Transportation Engineers, National Transportation Research Board or other professionally accepted methods. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- (2) Minor site plan approval shall be granted or denied within 45 days of the date of submission of a complete application to the administrative officer or within such further time as may be consented to by the applicant. Failure of the Board to act within this period shall constitute minor site plan approval.
- (3) The zoning requirements and the general terms and conditions, whether conditional or otherwise, upon which minor site plan approval was granted shall not be changed for a period of two years after the date of minor site plan approval.
- (4) A complete application shall contain sufficient information so as to allow the Board to determine whether the requirements for minor site plan approval have been met. In addition, a complete minor site plan application shall consist of those requirements set forth in Subsection C(1) through (4), (6), (9) through (18) and (20) through (23). All plans shall be drawn as specified in this section. The administrative officer shall, within 45 days of submission of an application, determine whether the application is complete and shall notify the developer, in writing, of the deficiencies within such time. The Planning Board may waive submission of any required exhibits in appropriate cases and for specific site plans. Requests for such waiver(s) shall accompany a site plan application, stating the reasons why such waiver(s) is being requested.

SECTION FIFTY-TWO:

~~§360-57~~ §360-62 Conditional Use Approval.

- A. When permitted as a conditional use within the use regulations of a zoning district, application may be made to the Planning Board for the use so permitted. Following a public hearing and within the time period specified, the Planning Board shall make a decision to approve, approve conditionally or deny the application. The Planning Board shall approve the application if it complies with all requirements of applicable portions of Article VII of this chapter and meets all other requirements of site plan approval as required. Any variation from the requirements in Article VII of this chapter for the conditional use shall constitute a use variance.
- B. The following information must be submitted before a conditional use application may be deemed complete:
 - (1) Two copies of the application and the required fee.
 - (2) Fourteen copies of the plan, drawn by a professional engineer, land surveyor, New Jersey licensed architect or planner, showing the following:

- (a) Name and title of applicant, owner and person preparing map.
 - (b) Place for signature of Board Chair and Board Secretary.
 - (c) Tax Map lot and block number.
 - (d) Date, scale and North sign.
 - (e) Zone district of property and adjoining properties.
 - (f) All dimensions of the property.
 - (g) Existing and proposed buildings and accessory structures, including dimensions and distance to property line.
 - (h) Rights-of-way, easements and dedications, if applicable.
 - (i) All of the property in question.
 - (j) All abutting streets and property lines.
 - (k) Off-street parking, where provided.
 - (l) Floor plans and elevations, when applicable.
 - (m) Location of all major trees.
 - (n) All setback lines.
 - (o) If not sewered, location of septic system and whether field or tank type of system.
- (3) A key map or copy of the tax duplicate showing all lots within 200 feet and approximate location of structures on adjacent property.
 - (4) A statement on how the proposed use conforms to the conditions required for the use in the zone.
 - (5) Affidavit of service to property owners within 200 feet of the property.
 - (6) Affidavit of proof of publication in the official newspaper.
- C. The administrative officer shall, within 45 days of submission of an application, determine whether the application is complete and shall notify the developer, in writing, of the deficiencies within such time. The Planning Board may waive submission of any required exhibits in appropriate cases and for specific site plans. Request for such waiver(s) shall accompany a site plan application, stating the reasons why such waiver(s) is being requested.

SECTION FIFTY-THREE:

~~§360-58~~ §360-63 Planned Development Approval.

- A. Application for planned residential developments shall be made to the Planning Board on forms provided by the administrative officer. The information submitted shall consist of the same information required for site plan approval. Where the application will involve subdivision of land in addition to or as part of the planned residential development, the relevant portions of Chapter 316, Subdivision of Land, shall be complied with.

- B. The submission for planned developments shall, in addition to the information required above, detail the phasing of construction and shall detail the source of water supply and the manner of treatment of sewage.
- C. Approval of planned developments shall consist of a preliminary and final approval process the same as required for subdivision approval. Approval shall convey the same rights and obligations as for a subdivision approval, including the obligation to construct public improvements prior to final approval.

SECTION FIFTY-FOUR:

~~§360-59~~ **§360-64** Cluster Approval.

When the cluster mechanism of development is preferred by the applicant for subdivision, the applicant shall submit to the Planning Board as part of the application for site plan or subdivision approval and on forms to be supplied by the administrative officer the application for approval, including a plan of the land as it could be developed under the existing zoning and the plan of development under the cluster or open space mechanism of development.

SECTION FIFTY-FIVE:

~~§360-60~~ **§360-65** Variances.

A. Applications.

- (1) Complete application. The following items and information as indicated on the checklist must be submitted to the administrative officer before an application can be deemed complete:
 - (a) Two complete applications (once the application has been deemed complete the applicant shall submit 18 additional copies of the application).
 - (b) Two copies of the plat (an additional 18 copies will be required once the application has been deemed complete).
 - (c) Payment of the administrative and escrow review deposits.
 - (d) Proof of payment of taxes signed by the Tax Collector.
 - (e) Names and addresses of:
 - [1] Holders of 10% or more stock in applicant and/or owner, if either is a corporation; or
 - [2] Holders of 10% or more interest in applicant if partnership (per N.J.S.A. 40:55D-48.1).
 - (f) In the case where a building or structure is to be built on a vacant parcel of land, the applicant shall submit Health Department approval of septic systems where sanitary sewers are not available.
 - (g) Completed floodplain development application (when required by ordinance).

- (2) Each submission shall be drawn at an appropriate scale not less than one inch equal to 100 feet and shall be submitted on one of the five following standard sheet sizes: 8 1/2 inches by 11 inches, 8 1/2 inches by 13 inches, 15 inches by 21 inches, 24 inches by 36 inches or 30 inches by 42 inches.
- (3) All use variance applications shall submit a report prepared by a licensed professional planner indicating the special reasons, zoning impacts and similar data under which the application is being prepared. Once the application has been deemed complete the applicant must provide 18 additional copies of all materials relating to the pending application.
- (4) In addition, the following information shall appear on all plans in order to be deemed complete:
 - (a) A key map showing the entire tract, the zone in which the subject property is located and all property within a 200-foot radius of the subject property, including the Tax Map block and lot numbers and owner's name, said map to be drawn at a scale of one inch equal to 100 feet. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
 - (b) Title block indicating the following information:
 - [1] Name, title, address and license number of the professional(s) who prepared the plat or plan.
 - [2] Scale (both graphic and written).
 - [3] Date of the original preparation and of each subsequent revision thereof and a list of the specific revisions entered on each sheet.
 - [4] Existing block and lot numbers as they appear on the Township Tax Map.
 - (c) North arrow; name, title, address and telephone number of the applicant; name, title, and address of the owner(s) of record; and graphic scale. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
 - (d) Certification that the applicant is the owner of the land or his properly authorized agent, or that the owner has given his consent under an option agreement.
 - (e) Approval signature lines:
 - [1] Chair.
 - [2] Secretary.
 - (f) Acreage to the nearest 1/100 of an acre and a computation of the area of the tract to be disturbed.
 - (g) Identification of wetlands as per the New Jersey Freshwater Wetlands Act (affidavit of compliance required) or permit from Army Corps of Engineers.
 - (h) Identification of the flood hazard area as per FEMA maps dated September 17, 1992, as revised or submission of a perfected Letter of Map Amendment

(LOMA). [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- (i) The location of all existing watercourses, wooded area, and major trees (trees with a six-inch or greater caliper as measured three feet above ground shall be individually identified if they are to be disturbed during construction), easements, rights-of-way, and streets.
 - (j) All existing (as per Township Tax Map) and proposed lot lines, setbacks, and yard dimensions as proposed, together with a table listing the required bulk areas for the zone and the proposed bulk dimensions and clearly identifying all variances requested.
 - (k) Preliminary architectural plans for the proposed building or structures, indicating typical floor plans, elevations, height and general design or architectural styling.
 - (l) The location of the sanitary system if the structure is not served by sanitary sewer.
 - (m) The location of all existing and proposed principal buildings or structures and the location of all existing and proposed accessory structures or buildings and the distance to the nearest property line for each.
 - (n) The location, quantity and type of off-street parking where provided.
- B. In the case of bifurcated applications, the applicant shall submit the appropriate site plan or subdivision plans to the Board for review following the approval of a use variance. The site plan or subdivision application shall be deemed complete once it is in conformance with the appropriate checklist. Where the applicant is requesting simultaneous review of the use variance and the site plan or subdivision, neither application will be deemed complete until all items on the appropriate checklist(s) are satisfied.
- C. The administrative officer shall, within 45 days of submission of an application, determine whether the application is complete and shall notify the developer, in writing, of the deficiencies within such time. The Zoning Board of Adjustment or the Planning Board may waive submission of any required exhibits in appropriate cases and for specific site plans or subdivision. Request for such waiver(s) shall accompany a site plan or subdivision application, stating the reasons why such waiver(s) is/are being requested.

SECTION FIFTY-SIX:

~~§360-61~~ **§360-66** Enforcement.

This chapter shall be enforced by the Zoning Officer of the Township of Pequannock.

SECTION FIFTY-SEVEN:

~~§360-62~~ **§360-67** Powers and Duties of Enforcement Officers.

- A. Zoning Officer. The Zoning Officer shall be appointed by the Township Manager. The Zoning Officer shall be authorized to delegate the enforcement of any and all provisions of this chapter to the Construction Official or other designated officials. It shall be the duty of the Zoning Officer to:
 - (1) Issue zoning permits required under the provisions of this chapter.
 - (2) Refuse, in writing, applications for approvals, permits or certificates which are not in accord with the requirements of this chapter.
 - (3) Issue written notice of violation to any person violating any provision of this chapter, setting forth the particulars of such violation.
 - (4) Make reports to the Township Manager, Township Council, Planning Board and Zoning Board of Adjustment as may be required.
 - (5) Investigate and make a report to the Zoning Board of Adjustment on all matters before the Board.
 - (6) Review this chapter on an annual basis and report to the Manager any changes or amendments which are deemed to be necessary or desirable.
 - (7) Keep records of applications, permits or certificates issued, variances granted, inspections made, reports rendered and notices or orders issued.
- B. Administrative officer. It shall be the duty of the administrative officer to:
 - (1) Receive all applications for permits and approvals required by this chapter.
 - (2) Record and file all applications for permits and approvals with accompanying plans and documents.
 - (3) Prescribe the form of all applications, permits and certificates required under the terms of this chapter and combine these with other forms, permits and certificates required by other Township ordinances where appropriate.

SECTION FIFTY-EIGHT:

~~§360-63~~ **§360-68** Registration of Nonconforming Uses, Buildings, and Lots.

- A. The Zoning Officer shall make a list of all uses, structures and lots in the Township which are legally nonconforming to the provisions of this chapter by reason of variance or by reason of such use being legal prior to the adoption or amendment of this chapter.
- B. Each property owner of a legal nonconforming use, structure or lot shall be issued a certificate of nonconformance, a copy of which shall be kept on file with the Township. This certificate shall detail the nature and extent of the nonconformity and the reason for its existence, as well as any other pertinent information.
- C. At least annually, the Zoning Officer shall update this list and shall issue a certificate of nonconformance to all property owners who have legal nonconforming uses and who have not yet been issued such a certificate.

SECTION FIFTY-NINE:

~~§360-64~~ §360-69 Permits and Certificates.

A. General permits.

- (1) Applications for permits for operating home occupations, permits for keeping animals in a residential district, permits for parking commercial vehicles on the premises of a gasoline service station and any other permits required by this chapter shall be made to the Zoning Officer on forms provided by him. All other permits shall be acted upon within 14 days of submission of a complete application. Those permits which are to be renewed annually shall be renewable on July 1 of each year.
- (2) Appeals from a denial of any general permit shall be made to the Zoning Board of Adjustment in the manner of a use variance.

B. Zoning permits.

- (1) A zoning permit issued by the Zoning Officer shall be required for the following activities:
 - (a) No person shall commence the construction, reconstruction, demolition, alteration, conversion or installation of a fence, a wall four feet or greater in height, a structure, a private swimming pool or a building without first obtaining a zoning permit.
 - (b) No person shall commence a use nor change an existing use of property without first obtaining a zoning permit.
 - (c) A person desiring to obtain an official acknowledgement that an existing building, lot or use meets the requirements of the current Township Zoning Ordinance shall do so by obtaining a zoning permit.
 - (d) A person desiring to obtain a certification pursuant to N.J.S.A. 40:55D-68 that a use or structure existed before the adoption of the ordinance that rendered the use or structure nonconforming may apply for a zoning permit. A zoning permit under this subsection may be issued only if an application is made within one year of the adoption of the ordinance that made the structure or use nonconforming. After one year, application shall be made to the Zoning Board of Adjustment pursuant to N.J.S.A. 40:55D-68.
 - (e) Prior to the issuance of a building permit, a zoning permit indicating whether the request meets with the provisions of this chapter shall be issued.
- (2) The Zoning Officer shall issue a zoning permit where it is determined that at least one of the following conditions has been met:
 - (a) The use is permitted as a permitted use in the proposed location;
 - (b) The use is permitted as a conditional use in the proposed location and all conditional use provisions are met;
 - (c) The use exists as a nonconforming use and/or nonconforming structure; or

- (d) The use is permitted by the terms of a variance and the structure and lot meet all required zone criteria.
- (3) The administrative officer shall have the authority to promulgate any checklists and/or application forms necessary for the administration of this section. At a minimum, the supporting exhibit shall include a current, sealed survey showing, in addition to any survey data required by statute or State Administrative Code, the size of the subject property; bounding streets; size, type and location of existing structures with distances to all property lines; and size, type and location of the proposed structures with distances to all property lines.
- (4) Zoning permit fees. Zoning permit fees shall be as provided in Chapter 152, Fees, § 152-15, Zoning permit fees. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- (5) Appeal.
 - (a) The granting or denial of a zoning permit may be appealed to the Zoning Board of Adjustment by any interested party pursuant to N.J.S.A. 40:55D-70a.
 - (b) A notice of appeal shall be filled within 20 days of the granting or denial of the permit request.
 - (c) The Zoning Board of Adjustment shall reverse or affirm the granting or denial of the zoning permit within 120 days of the filing of the notice of appeal. The failure of the Zoning Board of Adjustment to act within the period shall constitute a decision favorable to the appellant.
- C. Construction permit.
 - (1) Prior to construction, as regulated by the New Jersey Uniform Construction Code (NJUCC), a construction permit shall be required. Application for said permit shall be made to the Construction Official, in writing, on forms to be provided by the Construction Official.
 - (2) All requests for permits shall be in conformance with the NJUCC requirements for construction permit applications.
 - (3) In addition, the applicant shall supply to the Construction Official any additional information required by him to determine conformance with this chapter, the building code or any other applicable ordinances. The Construction Official shall approve, approve with conditions or deny the application for a building permit in accordance with the applicable law establishing the construction codes.
 - (4) No excavation or site preparation shall begin until a building permit has been issued. No building permit shall be issued for any land or structure for which a zoning permit, conditional use approval, variance or site plan approval shall be required until such approval has been granted and the Construction Official has been so notified in writing.

- (5) No construction permit shall be issued until a zoning permit has been issued approving the use and location of the proposed structure.
- D. Certificate of occupancy.
- (1) No person shall occupy or use any building or structure authorized by a construction permit without first obtaining a certificate of occupancy as required by the NJUCC.
 - (2) No certificate of occupancy required as per the NJUCC shall be issued until a zoning permit has been issued.
 - (3) No certificate of occupancy shall be issued for any use of land or structure requiring conditional use approval or a variance or requiring site plan approval as detailed in this chapter until such approval or variance has been granted and the Construction Official has been so notified in writing. In a case where a conditional use, variance or site plan has been approved, the certificate of occupancy shall detail any conditions of those approvals.
- E. Certificate of continued occupancy.
- (1) No person shall occupy or use any portion of a nonresidential building after such building or portion thereof has been vacated or sold, or in which there has been a change in use or a change in occupancy, until the landlord/owner shall have applied for and secured a certificate of continued occupancy from the Construction Official.
 - (2) Upon receipt by the Construction Official of an application for a certificate of continued occupancy and payment of the required fee, the Construction Official and/or subcode officials shall conduct an inspection of the premises in question to ensure compliance with applicable building, safety and fire codes, regulations, ordinances and statutes of the Township. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
 - (3) No certificate of continued occupancy shall be issued for any structure requiring conditional use approval, variance approval or site plan approval as detailed in this chapter until such approval or variance has been granted and the Construction Official has been so notified in writing. In a case where a conditional use, variance or site plan has been approved, the certificate of continued occupancy shall detail all conditions of those approvals.

SECTION SIXTY:

~~§360-65~~ **§360-70** Inspections.

The Zoning Officer and/or Construction Official is authorized and empowered to cause any building, structure, place or premises to be inspected and examined and to order, in writing, the remedying of any condition found to exist therein or thereat in violation of any provision of this chapter.

SECTION SIXTY-ONE:

~~§360-66~~ **§360-71** Violations and Penalties.

- A. The owner or agent of a building or premises where a violation of any provision of this chapter shall have been committed or shall exist, or the agent, architect, builder, contractor, or any other person who shall commit, take part in, or assist in any such violation, or who shall maintain any building or premises in which any violation of this chapter shall exist, shall be subject to the penalties set forth in this section.
- B. For a violation of any provision of this chapter or supplement or addition thereto, where no other penalty is provided, the offender shall be subject to imprisonment in the county jail for a period not to exceed 90 days, or to a period of community service not exceeding 90 days, or to a fine of not less than \$100 nor exceeding \$1,250, or any combination of penalty. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- C. Any person who is convicted of violating a provision of this chapter within one year of the date of a previous violation of this chapter and who was fined for the previous violation shall be sentenced by the court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than \$100 nor more than \$1,250 for a violation of any provision of this chapter, but shall be calculated separately from the fine imposed for the violation of a provision of this chapter.

SECTION SIXTY-TWO:

~~§360-67~~ **§360-72** Approval Binding.

An approval of any subdivision by the appropriate approving authority under the provisions of this chapter and any conditions thereof shall be binding upon the developer/applicant and upon any subsequent heirs and/or assigns. Said approval shall not be amended or altered in any manner without prior approval from the appropriate approving authority. Failure to adhere to an approved subdivision plan or condition of approval contained in a subdivision plan shall be deemed a violation of this chapter.

SECTION SIXTY-THREE:

~~§360-68~~ **§360-73** Affordable Housing Administration.

- A. Definitions. The following words and terms, when used in this section, shall have the following meanings:

“95/5 UNIT”

A restricted ownership unit that is part of a housing element that received substantive certification from COAH pursuant to N.J.A.C. 5:93 before October 1, 2001.

“ADMINISTRATIVE AGENT”

The entity responsible for administering the affordability controls of this section with respect to specific restricted units, as designated pursuant to N.J.A.C. 5:80-26.14.

“AFFORDABILITY AVERAGE”

An average of the percentage of median income at which restricted units in an affordable development are affordable to low- and moderate-income households.

“AFFORDABLE”

In the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6 and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12.

“AFFORDABLE DEVELOPMENT”

A housing development all or a portion of which consists of restricted units.

“AGE-RESTRICTED UNIT”

A housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population where the head of the household is a minimum age of either 62 years, or 55 years and meets the provisions of the 42 U.S.C. § 3601 et seq., except that due to death, a remaining spouse of less than 55 years of age shall be permitted to continue to reside in the unit. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

“AGENCY”

The New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1 et seq.) and in, but not of, the DCA.

“ASSISTED LIVING RESIDENCE”

A facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor. Apartment units offer, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

“BALANCED HOUSING”

The Neighborhood Preservation Balanced Housing Program of the DCA as set forth at N.J.S.A. 52:27D-320 and N.J.A.C. 5:43.

“CERTIFIED HOUSEHOLD”

A household that has been certified by an administrative agent as a low-income household or moderate-income household.

“COAH”

The Council on Affordable Housing in, but not of, the DCA, established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

“DCA”

The State of New Jersey Department of Community Affairs.

“FAIR SHARE ROUND”

Any one of three periods in time during which the Council established municipal obligations to provide affordable housing, and the first round was from 1987 to 1993 and the second period was from 1993 to 1997 and the third is for 1999 to 2014.

“HAS”

The Housing Affordability Service, formerly known as the "Affordable Housing Management Service," in the Agency. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

“LOW-INCOME HOUSEHOLD”

A household with a total gross annual household income equal to 50% or less of the median income.

“LOW-INCOME UNIT”

A restricted unit that is affordable to a low-income household.

“MEDIAN INCOME”

The median income by household size for an applicable county, as adopted annually by COAH.

“MODERATE-INCOME HOUSEHOLD”

A household with a total gross annual household income in excess of 50% but less than 80% of the median income.

“MODERATE-INCOME UNIT”

A restricted unit that is affordable to a moderate-income household.

“MONI”

The Agency's Market-Oriented Neighborhood Investment Program, as it may be authorized from time to time by the Agency.

“NON-EXEMPT SALE”

Any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a Class A beneficiary; and the transfer of ownership by court order.

“RANDOM SELECTION PROCESS”

A process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

“REGIONAL ASSET LIMIT”

The maximum housing value affordable to a four-person household with an income at or above 80% of the regional median as defined by the Council's annually adopted income limits.

“RENT”

The gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

“RESTRICTED UNIT”

A dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1 et seq., but does not include a market-rate unit financed under UHORP or MONI.

“UHORP”

The Agency's Urban Homeownership Recovery Program.

- B. Municipal fair share obligation. The fair share obligation in the Township consists of a zero unit rehabilitation obligation, a zero unit prior round obligation and a growth share obligation that represents one affordable unit for every eight market-rate residential units receiving a certificate of occupancy subsequent to January 1, 2004, plus one affordable

housing unit for every 25 jobs created through the expansion or creation of nonresidential development in accordance with the schedule determined by the New Jersey Council on Affordable Housing (COAH).

- C. Guidelines. The following general guidelines apply to any developments that contain proposed low- and moderate-income units and any future developments that may occur including any low- and moderate-income units built as a result of the requirements of the Township's Growth Share Ordinance.

- (1) Zoning. The Township has adopted growth share regulations that provide for the construction of one affordable unit for every eight market-rate units and for payment in lieu of development funds where the obligation is for less than one affordable unit. In instances where affordable housing units must be built, as opposed to where there is an option to pay for units instead of building, the following schedule shall be followed:

Percentage of Market-Rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25%	0%
25% +1	10%
50%	50%
75%	75%
90%	100%

- (2) New construction.

- (a) Bedroom distribution of affordable housing units.

- [1] The fair share obligation shall be divided equally between low- and moderate-income households.
- [2] In each affordable development, at least 50% of the restricted units within each bedroom distribution shall be low-income units.
- [3] Affordable developments that are not age restricted shall be structured in conjunction with realistic market demands such that:
 - [a] The combined number of efficiency and one-bedroom units is no greater than 20% of the total low- and moderate-income units;
 - [b] At least 30% of all low- and moderate-income units are two-bedroom units;
 - [c] At least 20% of all low- and moderate-income units are three-bedroom units; and
 - [d] The remainder may be allocated at the discretion of the developer.
- [4] Age-restricted low- and moderate-income units may utilize a modified bedroom distribution, and at a minimum the number of

bedrooms shall equal the number of age-restricted low- and moderate-income units within the affordable development.

- (b) Accessible townhouse units. Ten percent of all affordable townhouse units shall be accessible pursuant to the Barrier Free Subcode, N.J.A.C. 5:23-7.1. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- (c) Design standards. Affordable units shall be designed to include all amenities, facade treatments and living area found in comparable market-rate units located within the same development.
- (d) Maximum rents and sales prices.
 - [1] The Township hereby establishes that the maximum rent for affordable units within each affordable development shall be affordable to households earning no more than 60% of median income and the average rent for low- and moderate-income units shall be affordable to households earning no more than 52% of median income.
 - [2] The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 10% of all low- and moderate-income units shall be affordable to households earning no more than 35% of median income.
 - [3] The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income and each affordable development must achieve an affordability average of 55% for restricted ownership units, and in achieving this affordability average moderate-income ownership units must be available for at least three different prices for each bedroom type and low-income ownership units must be available for at least two different prices for each bedroom type.
 - [4] The provisions of this section shall not apply to affordable developments financed under UHORP or MONI or to assisted living residences, which shall comply with applicable Agency policies, guidelines and regulations.
- (e) Utilities.
 - [1] Affordable units shall utilize the same type of heating source as market units within the affordable development.
 - [2] Those tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

- (f) Occupancy standards. Occupancy standards for affordable housing units are pursuant to N.J.A.C. 5:80-26.4.
- D. Control periods for ownership units and enforcement mechanisms. Control periods for ownership units are pursuant to N.J.A.C. 5:80-26.5, and each restricted ownership unit shall remain subject to the requirements of this section until the Township elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1 et seq., and prior to such an election a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1 et seq. for at least 30 years.
- (1) At the time of the first sale of the unit, the purchaser shall execute and deliver to the administrative agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the requirements of this article, an amount equal to the difference between the unit's nonrestricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
 - (2) All conveyances of restricted ownership units shall be made by deeds and restrictive covenants pursuant to N.J.A.C. 5:80-26.1 et seq., and each purchaser of a 95/5 unit, in addition, shall execute a note and mortgage, incorporated herein by reference.
 - (3) The affordability controls set forth in this section shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- E. Price restrictions for ownership units and resale prices. Price restrictions for ownership units are pursuant to N.J.A.C. 5:80-26.1 et seq., including:
- (1) The initial purchase price for a restricted ownership unit shall be approved by the administrative agent. The initial purchase price for all restricted ownership units except those financed under UHORP or MONI shall be calculated so that the monthly carrying costs of the unit, including principal and interest (based on a mortgage loan equal to 95% of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28% of the eligible monthly income of an appropriate household size as determined under N.J.A.C. 5:80-26.4; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3.
 - (2) The initial purchase price of a restricted ownership unit financed under UHORP or MONI shall be calculated so that the monthly carrying costs of the unit, including principal and interest (based on a mortgage loan equal to 95% of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, do not exceed 28% of the eligible monthly income of a household whose income

does not exceed 45% of median income, in the case of a low-income unit, or 72% of median income, in the case of a moderate-income unit, and that is of an appropriate household size as determined under N.J.A.C. 5:80-26.4.

- (3) The administrative agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
 - (4) The master deeds of affordable developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers, although condominium units subject to a municipal ordinance adopted before October 1, 2001, which provides for condominium or homeowner association fees and/or assessments different from those provided for in this subsection shall have such fees and assessments governed by said ordinance.
 - (5) The owners of ownership units may apply to the administrative agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom.
- F. Buyer income eligibility. Buyer income eligibility for ownership units is pursuant to N.J.A.C. 5:80-26.7, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50% of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80% of median income.
- (1) The administrative agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees as applicable) does not exceed 33% of the household's eligible monthly income.
 - (2) A restricted ownership unit shall be required to obtain a continuing certificate of occupancy or a certified statement from the Municipal Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a).[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- G. Rental units control period. Each restricted rental unit shall remain subject to the requirements of this section until the Township elects to release the unit from such requirements; however, prior to such a municipal election, a restricted rental unit must remain subject to the requirements of this section for a period of at least 30 years.
- (1) Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with

the records office of the county and a copy of the filed document shall be provided to the administrative agent within 30 days of the receipt of a certificate of occupancy.

- (2) A restricted rental unit shall remain subject to the affordability controls of this section despite the occurrence of any of the following events:
 - (a) Sublease or assignment of the lease of the unit;
 - (b) Sale or other voluntary transfer of the ownership of the unit; or
 - (c) The entry and enforcement of any judgment of foreclosure.

H. Price restrictions for rental units and rent increase. The initial rent for a restricted rental unit shall be approved by the administrative agent and shall be calculated so as not to exceed 30% of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3.

- (1) Rents may be increased annually based on the housing consumer price index for the United States, and these figures are published annually by COAH. Rents may not be increased more than once a year.
- (2) A written lease is required for all restricted rental units, except for units in an assisted living residence, and tenants are responsible for security deposits and the full amount of the rent as stated on the lease.
- (3) No additional fees or charges may be added to the approved rent (except, in the case of units in an assisted living residence, for the customary charges for food and services) without the express written approval of the administrative agent, and application fees (including the charge for any credit check) may not exceed 5% of the monthly rental of the applicable restricted unit and shall be payable to the administrative agent to be applied to the costs of administering the controls in this section as applicable to the unit.

I. Tenant income eligibility. Tenant income eligibility is pursuant to N.J.A.C. 5:80-26.13 such that low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of median income and moderate income rental units shall be reserved for households with a gross household income less than 80% of median income.

- (1) The administrative agent shall certify a household as eligible for a restricted rental unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, provided that this limit maybe exceeded if one or more of the following circumstances exists:
 - (a) The household currently pays more than 35% (40% of households eligible for age-restricted units) of its gross household income for rent and the proposed rent will reduce its housing costs.

- (b) The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay.
 - (c) The household is currently in substandard or overcrowded living conditions.
 - (d) The household documents the existence of assets with which the household proposes to supplement the rent payments.
 - (e) The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the administrative agent and the owner of the unit.
- J. Administrative agent for the Township's affordable housing units. The affordability controls set forth in this section shall be administered and enforced by the administrative agent. The primary responsibility of the administrative agent shall be to ensure that the restricted units under administration are sold or rented, as applicable, only to low- and moderate-income households.
- (1) The administrative agent shall create and shall publish in plain English, and in such other languages as may be appropriate to serving its client base, a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls, including procedures for long-term control of restricted units, for enforcing the covenants of N.J.A.C. 5:80-26.18 and for releasing restricted units promptly at the conclusion of applicable control periods. The administrative agent shall have authority to take all actions necessary and appropriate to carrying out its responsibilities hereunder. The operating manual shall have a separate and distinct chapter or section setting forth the process for identifying applicant households seeking certification to restricted units, for reviewing applicant household eligibility, and for certifying applicant households in accordance with the household certification and referral requirements set forth in N.J.A.C. 5:80-26.16.
 - (2) The administrative agent shall establish and maintain a ready database of applicant households as a referral source for certifications to restricted units and shall establish written procedures to ensure that selection among applicant households be via the database and in accordance with a uniformly applied random selection process and all applicable state and federal laws relating to the confidentiality of applicant records.
 - (3) Except in the case of restricted units receiving UHORP or MONI funding, the Township shall select one or more administrative agents for restricted units. The Township may elect to serve as the administrative agent for some or all restricted units in the Township, or the Township may select HAS or an experienced private entity approved by the Division of Housing in the Department of Community Affairs, the Agency or COAH to serve as administrative agent for some or all restricted units in the municipality. The foregoing approval by COAH or the

Division of Housing in the Department of Community Affairs is to be based on the private entity's demonstration of the ability to provide a continuing administrative responsibility for the length of the control period for the restricted units. The Agency shall select the administrative agents for restricted units receiving UHORP or MONI funding. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- (4) The administrative agent shall have the authority to discharge and release any or all instruments filed of record to establish affordability controls.

K. Affirmative marketing.

- (1) The Township is ultimately responsible for administering the affordable housing program, including affordability controls and the affirmative marketing plan, in accordance with the regulations of the Council on Affordable Housing pursuant to N.J.A.C. 5:94 et seq. and the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 et seq.
- (2) The Township has delegated to the Municipal Liaison this responsibility for administering the affordable housing program, including administering and enforcing the affordability controls and the affirmative marketing plan of the Township in accordance with the provisions of this section, the regulations of the Council on Affordable Housing pursuant to N.J.A.C. 5:94 et seq. and the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26 et seq.
- (3) Subject to approval of COAH, the Township may contract with one or more administrative agents to administer some or all of the affordability controls and/or the affirmative marketing plan in accordance with this section, the regulations of the Council on Affordable Housing pursuant to N.J.A.C. 5:94 et seq. and the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26 et seq. If the Township enters into such a contract, the Municipal Liaison shall supervise the contracting administrative agent(s) and shall serve as liaison to the contracting administrative agent(s).
- (4) Developers of low- and moderate-income units may assist in the marketing of the affordable units in their respective developments if so designated by the governing body of the Township.
- (5) Where the Township designates a developer to assist in the marketing of the affordable units in the developer's development, the Township shall enter into a contract with the developer to administer some or all of the affordability controls and/or the affirmative marketing plan in accordance with this section, the regulations of the Council on Affordable Housing pursuant to N.J.A.C. 5:94 et seq. and the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26 et seq. If the Township enters into such a contract, the

Municipal Liaison shall supervise the contracting developer's agent(s) and shall serve as liaison to the developer's administrative agent(s).

- (6) Where the Township designates a developer to assist in the marketing of the affordable units in the developer's development, the costs of marketing the affordable units and administering the affordability controls are to be the developer's responsibility, and the requirement shall be a condition of the Municipal Planning Board or Zoning Board of Adjustment approval. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

L. Enforcement of affordable housing regulations.

- (1) Administrative agent practices and procedures shall include, but shall not necessarily be limited to, the following:
- (a) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person other than a household duly certified to the unit by the administrative agent.
 - (b) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates as set forth in N.J.A.C. 5:80-26.1 et seq.
 - (c) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the administrative agent where complaints of excess rent can be made.
 - (d) Annual mailing to all owners of affordable dwelling units reminding them of the following notices and requirements:
 - [1] If the unit is owner-occupied, that the unit may be resold only to a household that has been approved in advance and in writing by the administrative agent.
 - [2] That no sale of the unit shall be lawful unless approved in advance and in writing by the administrative agent, and that no sale shall be for a consideration greater than regulated maximum permitted resale price, as determined by the administrative agent.
 - [3] That no refinancing, equity loan, secured letter of credit, or any other mortgage obligation or other debt secured by the unit may be incurred except as approved in advance and in writing by the administrative agent, and that at no time will the administrative agent approve any debt, if incurring the debt would make the total of all such debt exceed 95% of the then applicable maximum permitted resale price.

- [4] That the owner of the unit shall at all times maintain the unit as his or her principal place of residence, which shall be defined as residing at the unit at least 260 days out of each calendar year.
- [5] That, except as set forth in N.J.A.C. 5:80-26.18(d)4vii, at no time shall the owner of the unit lease or rent the unit to any person or persons, except on a short-term hardship basis, as approved in advance and in writing by the administrative agent.
- [6] That the maximum permitted rent chargeable to affordable tenants is as stated in the notice required to be posted in accordance with N.J.A.C. 5:80-26.18(d)3, a copy of which shall be enclosed, and that copies of all leases for affordable rental units must be submitted annually to the administrative agent.

(2) Banks and other lending institutions are prohibited from issuing any loan secured by owner-occupied real property subject to the affordability controls set forth in this section, if such loan would be in excess of amounts permitted by the restriction documents recorded in the deed or mortgage book in the county in which the property is located.

- M. Appeals. Appeals from all decisions of an administrative agent appointed pursuant to this section shall be filed in writing with the Executive Director of the Agency.
- N. Applicability of development regulations to developments containing restricted units. Unless otherwise specified herein, all other provisions and requirements of Chapter 316, Subdivision of Land, and of this chapter, including § ~~360-56~~ **360-61**, Site plan approval, shall apply to all developments providing restricted units [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

SECTION SIXTY-FOUR:

~~§360-69~~ **§360-74** Power of Council.

The Township Council may, on its own motion, on a recommendation of the Planning Board or on petition or other application, after public notice and hearing, amend, supplement or change this chapter.

SECTION SIXTY-FIVE:

~~§360-70~~ **§360-75** Action by Planning Board.

All proposed changes of this chapter shall be referred by the Township Council to the Planning Board for its recommendations. Failure of the Planning Board to make its recommendations on any proposed change within 35 days shall have the same effect as approval thereof.

SECTION SIXTY-SIX:

~~§360-71~~ **§360-76** Effect of unfavorable report or protest.

In the event of an unfavorable report to the Township Council by the Planning Board or of a protest petition filed with the Municipal Clerk and signed by owners of 20% or more either of the area of the lots or land included in the change or of the lots or land extending 200 feet in all directions therefrom, inclusive of street space, such amendment shall not become effective except by the favorable vote of 2/3 of all members of the Township Council.

SECTION SIXTY-SEVEN:

~~§360-72~~ **§360-77** Purpose.

The following regulations are adopted to allow for the identification, notification and advertisement of uses of property and of events within the Township of Pequannock in a manner that provides information and safe access for the pedestrian or the motoring public while eliminating clutter and unreasonable distractions. These regulations seek to establish an aesthetic approach to signage based on conformity, relationship to use, location, and the structural context in which a sign is installed.

SECTION SIXTY-EIGHT:

~~§360-73~~ **§360-78** Applicability; prohibited signs.

- A. No temporary sign shall be installed unless in conformance with the regulations and permit requirements established herein:
 - (1) Real estate and development signs. See § ~~360-76~~ **360-81**.
 - (2) Building construction signs. See § ~~360-76~~ **360-81**.
 - (3) Temporary farm products for sale signs. See § ~~360-76~~ **360-81**.
 - (4) Special sale, festivals and special event signs. See § ~~360-76~~ **360-81**.
 - (5) Business promotional signs. See § ~~360-76~~ **360-81**.
- B. No permanent sign, except as exempted specifically below, shall be placed, painted, created, erected, or structurally modified unless in conformance with the regulations and permit requirements established herein.
 - (1) Permanent signs in residential zones associated with residences, professions, and home occupations. See § 360 – ~~77-82A~~.
 - (2) Permanent signs in business zones. See § 360 – ~~77-82B~~.
 - (3) Permanent signs in industrial zones. See § 360 – ~~77-82C~~.
 - (4) Permanent signs for institutional uses. See § 360 – ~~77-82D~~.
 - (5) Permanent directional signs. See § 360 – ~~77-82E~~.
- C. The following kinds of signs are not regulated by this article:
 - (1) Political signs, flags, emblems or insignia of a county or state or flag of the United States, provided that such flags shall not exceed 60 square feet and are not flown higher than 30 feet measured from the ground.
 - (2) Official traffic control devices.
 - (3) Signs indicating the location of a court or public office, public park or historic landmark.
 - (4) Signs required by law such as the posting of a license or permit.
 - (5) Directional signs indicating "entrance," "exit" or "one way" that do not exceed two square feet in area and are less than 24 inches high.
 - (6) Decorative flags and balloons as defined herein.

D. Signs prohibited by this article.

- (1) Billboards or signs posted off the premises of an activity are not permitted in any zone of Pequannock Township, except where permitted as a real estate directional sign or a special event sign.
- (2) Flashing, intermittent intensity or revolving signs shall not be permitted, nor shall any illumined sign of red, green, yellow, or any light placed in a location or manner in which it could be mistaken for a traffic signal or emergency vehicle.
- (3) No person may erect a sign which is affixed to a fence, utility pole, tree or natural object. No sign may be painted directly on the exterior surface of a building or an accessory structure such as a storage tank.
- (4) All other non-defined signs and attention-attracting devices, except as permitted in § 360-~~76~~ **81J**, which include streamers, strings of pennants, spinners, pinwheels, beacons, inflatables, flashing signs or similar devices, are prohibited,
- (5) No moveable signs shall be permitted except in conjunction with Christmas tree sales.
- (6) It shall be unlawful to utilize a vehicle or trailer as a "structure" to which a sign is attached or placed. Vehicles on which signs are posted (placed, painted upon or erected) and which are parked regularly in a conspicuous location are prohibited.
- (7) Neon signs, that is, signs that are electric ignited neon gas signs, are prohibited.
- (8) Electronic message centers/boards shall be prohibited in all residential districts, all industrial districts and the C-1 Community Business District.
- (9) Window electronic message centers/boards shall be prohibited in all districts within the Township.
- (10) Sign illumination, using LED technology, shall be permitted as back lighting when used as the light source for an electronic message center/board, All other LED lightning shall be prohibited. Section 360-~~72~~ **77** provides the regulations governing the use of LED lighting.
- (11) The use of neon or LED outlining of all signs is prohibited in all districts within the Township.

SECTION SIXTY-NINE:

~~§360-74~~ **§360-79** Definitions.

“120-DAY PLAN”

Business promotion plan that sets forth a planned program for the installation of temporary business signs.

“ABANDONED SIGN”

A sign no longer used for its original intent or a sign on a vacant, unoccupied or abandoned property.

“ADVERTISE”

Giving, attempting to give, or intending to give any notice or information, or any activity which gives, attempts to give, or intends to give notice, information, or warning.

“AIR DANCER”

Sometimes called "Tube man," "Windy man," or "Fly guy," a man-like large inflatable device having huge tube-like sleeves and used to advertise a business.

“ATTACHED SIGN”

Any sign on or affixed to any exterior surface of a building, provided such sign does not project beyond six inches from said exterior surface and does not project past any exterior corner of the building.

“AWNING”

A structure either detached from or attached to and extending from the enclosed portion of a building and used principally to provide shelter in connection with activities conducted in the principal building. This definition includes but is not limited to fuel station, bank, office and retail store canopies.

“BALLOONS”

Eighteen-inch individually displayed inflatables.

“BANNER”

Any temporary sign printed or displayed upon cloth or other flexible material, with or without frames.

“BUILDING”

Any permanent roofed enclosure including physically related parts.

“BUSINESS PROMOTIONAL DAYS”

Specific days set apart during the calendar year for business promotion activity.

“CANOPY”

A structure either detached from or attached to and extending from the enclosed portion of a building and used principally to provide shelter in connection with activities conducted in the principal building. This definition includes but is not limited to fuel station, bank, office and retail store canopies.

“CHANGEABLE COPY”

A sign, or portion of a sign, that is designed so that characters, letters or illustrations can be changed or rearranged manually, without altering the face or surface of the sign.

“COMMERCIAL PROPERTY”

The lot or land area associated with a property that is used commercially or is commercially zoned.

“DECORATIVE FLAG”

An individual flag not exceeding 12 square feet that is not a business sign and which displays no commercial message.

“ELECTRONIC MESSAGE CENTER/BOARD”

An electronic or electronically controlled message board where scrolling or moving copy changes are shown on the same message board or any sign which changes the text of its copy electronically or by electronic control more than once per hour.

“ERECT”

To build, construct, attach, hang, place, suspend or affix and shall also include the painting or lettering of any sign, insignia, or letters painted or otherwise affixed to the outside wall of any building or structure or part thereof.

“FARM PRODUCTS”

Any agricultural, horticultural, forest or other product of the soil or water, but not limited to fruits, vegetables, eggs, dairy products, meat and meat products, poultry and poultry products, fish and fish products, grain and grain products, honey, nuts, maple products, apple cider, fruit juices, ornamental or vegetable plants, and nursery products.

“FESTIVAL”

An event that is held to celebrate a particular thing or activity.

“FREESTANDING SIGN”

Any sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure. Ground signs, monument signs and pole-mounted signs shall be considered freestanding signage.

“GLARE”

Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

“GROUND SIGN”

A freestanding sign with no visible support.

“INFLATABLE”

A large balloon or inflated material that is used to draw attention to a commercial activity.

“LUMEN”

A unit of luminous flux. One footcandle is one lumen per square foot. For the purposes of this article, the lumen output value shall be the initial lumen output ratings of a lamp.

“LUMINAIRE”

The complete lighting system, including the lamp, the fixture and other parts.

“MONUMENT SIGN”

A freestanding sign with low overall height.

“PERMANENT SIGN”

A sign intended to be used for a period which is longer than 30 days.

“POLE-MOUNTED SIGN”

A freestanding sign with a visible, single support structure.

“SIGN”

A structure or device which displays or intends to display any name, identification, description, illustration or lettering, which is affixed to, or painted on, or erected directly or indirectly upon a building, structure, or piece or tract of land and which directs attention to an organization, business, product, individual, or service.

“SIGN AREA”

The area of a sign shall be the entire display or total gross advertising area within a single continuous rectangular perimeter enclosing the extreme limit of such display space exclusive of any structural or framing elements; provided, however, and with the exception of a canopy, the structural component surrounding the sign area shall not extend more than one foot beyond any edge of the area permitted in the zone district. The area of a sign with two faces that have no angle between shall be the equivalent of the area of one of the faces.

“SIGN FACE”

The area or display surface used for the message.

“SIGN HEIGHT”

The height of any sign shall mean the distance between the average grade of the site where the sign is located and the highest structural component. Any change in a site's grade specifically designed to increase the sign's height shall be included as part of the sign's height.

“SIGN, ANIMATED”

Any sign which flashes, revolves, rotates or swings by mechanical means or uses a change of lighting to depict action or to create a special effect or scene.^[3]

“SIGN, AWNING”

A sign that is mounted to or painted on or attached to an awning, as defined in this article, that is otherwise permitted by this article.

“SIGN, AWNING (ON-PREMISES)”

An on-premises attached sign displayed, attached or incorporated into the surface of an architectural projection from and supported by the exterior wall of a building and composed of non-rigid material and/or fabric or a supporting framework that may be either permanent or retractable.

“SIGN, BANNER”

A temporary sign made of flexible material such as canvas, sailcloth, plastic or waterproof paper.

“SIGN, BILLBOARD”

A sign which contains a commercial message and which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

“SIGN, BUSINESS”

A sign which specifically or directly calls attention to a business or profession conducted or to a commodity, service or entertainment sold or offered upon the premises where such a sign is located, or to which it is affixed.

“SIGN, CANOPY”

A sign attached to a canopy, as defined in this article.

“SIGN, CHANGEABLE COPY”

A sign or portion of a sign that is devoted to and designed for manually or automatically changeable copy text and graphics. Changeable copy signs do not include time, date and/or temperature signs and electronic message signs as hereinafter defined.

“SIGN, CONSTRUCTION”

A temporary sign erected on the premises on which construction is taking place during the period of such construction, indicating the names of architects, engineers, landscape architects, contractors, or similar artisans and the owners, financial supporters, sponsors and similar individuals, or firms having a role or interest with respect to the structure or project.

“SIGN, DEVELOPMENT”

A temporary sign advertising the development, lease or sale of property prior to development but subsequent to subdivision or site plan approval by the appropriate Township board.

“SIGN, DIRECTORY”

Signs listing the tenants or occupants of a building or group of buildings, The respective professions or business activities may also be included as part of the sign.

“SIGN, ELECTRONIC MESSAGE”

A sign, or portion of a sign, that displays an electronic image and/or video, which may or may not include text. Such signs include any sign, or portion of a sign, that uses changing lights to form a sign message or messages or uses electronic means to change the sign message. Electronic message signs include but are not limited to signs known as "electronic reader boards," "electronic message center signs" and "commercial electronic-variable message signs." Electronic message signs are not considered flashing signs.

“SIGN, EMERGENCY, SAFETY, WARNING OR TRAFFIC”

Any emergency, safety, warning or traffic sign installed by or at the direction of a governmental authority or with its approval.

“SIGN, EXTERNALLY ILLUMINATED”

A sign that features artificial illumination from a light source which provides light directly onto the sign face, or portion of the sign face, or its background, which light is then reflected back to the viewer,

“SIGN, FEATHER/TEARDROP”

A banner sign in the shape of a feather or teardrop that is held taught by a spring tension and supported by a single flexible pole.

“SIGN, FLASHING”

A sign in which the artificial light is not maintained stationary and constant in intensity and/or color at all times.

“SIGN, HOME OCCUPATION/HOME PROFESSIONAL OFFICE”

A sign containing only the name and occupation or profession of a permitted home occupation/home professional office.

“SIGN, INFLATABLE”

Any display or object capable of being expanded by air or other gas and used on a temporary or permanent basis to advertise a product or event.

“SIGN, INFORMATION, DIRECTIONAL OR IDENTIFICATION”

A sign containing information relating to direction and/or identification of a use that is installed by or at the direction of a governmental authority or with its approval. An information, directional or identification sign shall not contain any commercial content other than a symbol, name or logo of the establishment it serves.

“SIGN, INTERNALLY ILLUMINATED”

A sign that features artificial illumination from a light source located behind the sign face and which transmits light through the sign face or portions of the sign face to the viewer. Also known as "backlit illumination." Use of exposed neon tubing and similar lighting shall not be considered an internally illuminated sign.

“SIGN, MENU BOARD”

A sign with a changeable surface display area or changeable message. It can also be in the form of an A-frame sign.

“SIGN, MOVABLE”

A sign capable of being moved or relocated, including portable signs mounted on a chassis and wheels or on legs.

“SIGN, NAMEPLATE”

A sign which states the name or address, or both, of the occupant of the premises where the sign is located.

“SIGN, NEON”

An illuminated sign containing a glass tube filled with neon or phosphorus which is bent to form letters, symbols or other shapes.

“SIGN, NONCONFORMING”

A legal sign existing at the effective date of this article which could no longer be constructed or installed under the terms of this article.

“SIGN, POLITICAL”

A temporary sign used in connection with a local, state or national election or referendum.

“SIGN, PORTABLE”

A sign not permanently attached to the ground or other permanent structure, including only the following: A-frame signs and sandwich board signs.

“SIGN, PROFESSIONAL”

A sign listing only the name, profession and/or specialty of each practitioner.

“SIGN, PROJECTING”

A permanent sign which is affixed to a building at a ninety-degree angle and which extends not more than four feet beyond the surface to which it is affixed.

“SIGN, PUMP ISLAND CANOPY”

A flush-mounted sign on the vertical surface and canopy, which is the ornamental or protective roof-like structure erected above the pumps of a gasoline station.

“SIGN, REAL ESTATE”

Any temporary sign displayed for the purpose of offering for sale, lease or rent the property on which such sign is erected, affixed or otherwise established.

“SIGN, REPLACEMENT”

A sign which replaces the message portion or display area of a conforming sign but does alter the structural components. This replacement does not require a sign permit.

“SIGN, SANDWICH BOARD/A-FRAME”

A single- or double-faced portable sign that is intended to be used on a sidewalk or pedestrian way in front of the business for which the commercial message is intended. Such a sign shall have a maximum sign height of three feet with a maximum sign dimension of two feet by three feet with a sign area not to exceed six square feet.

“SIGN, SPECIAL EVENT”

A sign advertising a public or quasi-public event that is sponsored by a nonprofit or government agency.

“SIGN, SPECIAL SALES AND EXHIBITIONS”

A sign posted in conjunction with a permitted special sale or exhibition.

“SIGN, SUSPENDED”

A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

“SIGN, TEMPORARY”

A sign intended to be displayed for a short period of time, as required by this article.

“SIGN, VEHICLE”

A sign affixed or painted on a vehicle or trailer and parked at a specific location so that its primary purpose is as a commercial message.

“SIGN, WALL”

An on-premises sign affixed to the wall of any building and completely in contact with the building throughout its greatest dimension, which does not extend beyond the main wall of the building more than 12 inches except in accordance with these regulations.

“SIGN, WINDOW”

A sign which is affixed to the inside of any window or glass portion of a door. Window signs occupying less than 50% of the glass area are not regulated by this article.

“STRUCTURE”

Any building, edifice, construction, canopy, awning, device or piece of work or other part thereof, or any combination of the related parts.

“USE”

The occupation, activity, business operation, or industrial operation maintained or engaged in by any person. Where a business or industrial building contains no partitions or dividing walls, the one or more uses maintained or engaged therein shall be considered as one use. Where such business or industrial building is divided by partitions or dividing walls, the one or more uses maintained or engaged in, in each such division, shall each be considered as one use.

“WIND SOCK”

A tapered, tubular cloth vane open at both ends and having on the larger end a fixed ring pivoted to swing freely, to show the direction of the wind and used to advertise a business.

SECTION SEVENTY:

~~§360-75~~ **§360-80** Permit procedures.

It shall be unlawful for any person to create, erect, alter, place, or relocate any sign as enumerated in ~~§ 360-73~~ **78A** and B of this article without obtaining a sign permit from the Department of

Construction and Land Use and, when required, a construction permit from the Construction Official.

A. Procedure for temporary signs. A temporary sign permit allowing the posting of a temporary sign shall be issued by the Zoning Officer upon demonstration that the sign will conform to the regulations enumerated herein.

(1) Application. The application for a temporary sign permit shall be made on forms provided by the Department of Construction and Land Use and shall contain the following information:

- (a) Name, address, and telephone number of the applicant and the owner of the premises.
- (b) Signature of owner granting permission to make application.
- (c) Blueprints or ink drawings indicating the dimensions of the sign.
- (d) Drawing or description indicating where on the premises the sign is to be installed.
- (e) Adequate assurances that the Township will be held harmless in the event that a temporary sign causes damages.
- (f) The date on which a temporary sign will be installed or removed or a 120-day plan indicating the installation and removal of temporary signs for the current year.

(2) Fees.

- (a) Political signs, farm product for sale signs, special event signs, and real estate signs except for real estate directional signs shall be assessed no fee for a temporary sign permit.
- (b) Special sales signs and signs for festivals, exhibitions or shows when permitted in conjunction with another permit or license shall be assessed no additional fee.
- (c) The fee for a real estate open house directional sign permit shall be as provided in Chapter 152, Fees.
- (d) The fee for a temporary sign permit to install a new business sign or promotional sign shall be as provided in Chapter 152, Fees.
- (e) The fee for the filing of a 120-day plan shall be as provided in Chapter 152, Fees.

(3) The Zoning Officer shall issue a permit for conforming temporary signs within seven business days of receiving a complete application. The permit for a singular temporary sign installation shall be valid for 30 days. The permit for the 120-day plan permit shall be valid until December 31 of the year in which the application is made.

B. Procedure for permanent signs. A sign permit allowing the erection of a permanent attached sign or any alterations to the size, structural components or the location of an existing attached sign is required and shall be issued by the Zoning Officer, provided the

sign size, structural components, location and/or illumination meets the requirements of this article. A sign permit allowing the erection of a permanent freestanding sign or any alterations to the size, structural components or the location of an existing freestanding sign is required and shall be issued by the Zoning Officer upon approval of a sign application by the Planning Board. A sign permit allowing the erection of any permanent sign or any alterations to the size, structural components or the location of an existing sign that does not meet the requirements of this article is required and shall be issued by the Zoning Officer, upon approval of a sign application by the Planning Board.

(1) Application. The application for a sign permit for a permanent sign shall be made upon forms provided by the Department of Construction and Land Use, in duplicate, and shall contain or have attached the following material or those from the list below as the Director of Planning may require for review:

- (a) Name, address, and telephone number of the applicant and the owner of the premises.
- (b) Statement and signature of the owner of the property authorizing the application.
- (c) Location of the premises where the sign is to be located.
- (d) Blueprints or ink drawings indicating the dimensions of the sign, including framing and any structural components that will be visible to the public.
- (e) A site plan indicating the location on the premises of any proposed freestanding sign and the distance to the roadway.
- (f) A blueprint, photograph, or ink drawing drawn to scale showing the proposed attached sign or canopy sign in relation to the front facade of the building to which the sign will be attached.
- (g) A description of the color, construction techniques and materials of the proposed sign.
- (h) In the case of a new sign for a commercial property where there are existing signs to remain, the applicant shall supply sufficient information regarding the other signs and the potential for additional tenants at the same location to make a determination as to the conformity of the proposed sign.
- (i) In the case of a new sign on a commercial property where there are existing signs, the applicant shall provide photographs showing that the proposed sign shall be consistent with the existing signs.
- (j) In the case of an application to erect a new freestanding sign, a sketch of the landscaping plan for the base of the sign is required and shall include a listing of any species of plants included on the plan.

(2) Construction permit. Upon approval of a sign permit, the applicant may be required to make an additional application for a construction permit and shall

submit information, as needed, to ensure compliance with the relevant construction codes.

- (3) Fees. An application for a sign permit for a permanent sign shall include a fee calculated as provided in Chapter 152, Fees.
- (4) Review and determination.
 - (a) The Zoning Officer shall review an application for a proposed sign to determine whether the application is complete and whether the proposed sign will require any variances. After all required application materials have been submitted, the Zoning Officer will, within 30 days of having received a complete application, schedule a hearing on the application before the Planning Board or approve the sign if it is fully compliant with the requirements of this article.
 - (b) The Planning Board shall review and decide on applications for new signs and sign variances and shall act on sign applications within 45 days of the referral from the Zoning Officer. The Planning Board shall apply the standards and guidelines established herein but may vary the standards in a case where, because of an exceptional situation, strict application of the standard would result in exceptional or practical difficulty.
- (5) Appeal. An appeal from the decision of the Planning Board shall be made directly to the court of competent jurisdiction. All appeals shall be made in accordance with N.J.S.A. 40:55D-1 et seq.

C. Procedure for abandoned signs. A sign permit allowing any alterations to the size, structural components or the location of an existing and permanent attached sign or freestanding sign is required and shall be issued by the Zoning Officer within 30 days of the request, provided the sign size, structural components, location and/or illumination meets the requirements of this chapter.

A sign which replaces the message portion or display area of a confirming sign but does not alter the structural components does not require a sign permit.

- (1) Whenever there is a change in occupancy of a building or premises, including any vacancy of such building or premises, the message of any sign or signs which identify or advertise an individual, business, service, product, or other item that is no longer present or available in the building or on the premises shall be removed.
- (2) The manner of removal of sign messages shall include, but is not limited to, the following:
 - (a) In the case of a sign with a painted message, the sign message shall be painted over to match the background.
 - (b) In the case of a sign with projecting or movable letters or symbols, the letters and/or symbols shall be removed.

- (c) In the case of a sign where the message is contained on a panel that is inserted into the sign frame or structure, the message panel shall be replaced with a blank panel.
- (d) In the case of a sign where the message cannot be removed without also removing the sign structure, the structure shall be removed unless the owner demonstrates to the satisfaction of the Zoning Officer that the sign message could reasonably apply to the next occupant of the building or premises. If the sign message does not accurately identify or advertise the next occupant of the building or premises, or any product, service or other item available at the premises, the sign structures shall be removed prior to the issuance of a certificate of occupancy for said occupant.

SECTION SEVENTY-ONE:

§360-76 §360-81 Temporary Signs.

A. Real estate signs.

- (1) "For sale/for lease/sold" signs. One sign per lot to advertise the sale or rental of premises upon which the sign is located by the owner or a real estate agent or broker is permitted. The sign is not to exceed an area of six square feet in residential districts or 16 square feet in all other districts. The sign shall be removed within seven days after consummation of a sale or lease transaction.
- (2) "Open house" sign. One sign, in addition to the "for sale/for lease/sold" sign, may be placed on the subject property. The sign shall not exceed six square feet in size in residential districts or 16 square feet in all other districts.
- (3) Open house directional sign. A maximum of two directional signs per open house are permitted. Said directional signs must be located within a Township right-of-way and are prohibited from being located on private property.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- (4) Realtors shall be required to obtain a yearly permit for placing "for sale," "open house," and open house directional signs throughout the Township of Pequannock. As properties are listed throughout the year, the realtor is required to provide the Township Department of Construction and Land Use with the locations of the "open house" and open house directional signs. This information must be provided by Thursday, 12:00 noon, prior to the open house. For sale/for lease/sold signs are exempt from Department of Construction and Land Use notification.

B. Land development signs. Signs advertising the sale of property or structures in developments of two or more lots and signs advertising the opening or construction of a new business shall be permitted for a period of up to three months, or until the signing of

- the contract or transaction of sale or lease of the last lot or structure in the development, or until a certificate of occupancy is issued for a new business, whichever event occurs last. Such signs are renewable for cause by the Construction Official. Such sign shall not exceed 20 square feet in size and shall otherwise conform to the sign regulations of the affected district. No such sign shall be permitted until subdivision and/or site plan approval, as required, has been granted by the appropriate Pequannock Township board.
- C. "Building under construction" sign. One sign advertising a building under construction that has received site plan approval and has been issued a building permit is permitted. The sign shall be no larger than 12 square feet. The sign shall be removed within five days after the issuance of the certificate of occupancy or the installation of approved permanent signs, whichever may be sooner.
 - D. Farm products sales. A temporary farm products sale sign may be installed during the time period that the products are for sale only. These signs shall not be installed closer than 10 feet to the property line and shall not exceed 36 inches in height.
 - E. Festival, exhibition or show signs. One sign indicating the location of a festival, exhibition or show is permitted at the location of the event, one sign indicating the location of a festival, exhibition or show is permitted off site and one directional sign is permitted off site in conjunction with a festival, exhibition or show license issued by the Township Clerk. A festival, exhibition or show sign shall not exceed 12 square feet in area at locations that do not front on Route No. 23 or 24 square feet in area when posted along the highway. Any off-site sign indicating the location of a festival, exhibition or show may be located on an electronic message board in accordance with the LED requirements of ~~§ 360-78~~ **360-83**.
 - F. Special sales. One sign is permitted in conjunction with a special sale. This shall be a banner sign that is attached to a building and which does not exceed 24 square feet in area.
 - G. Christmas tree sales. An A-frame sign shall be permitted in conjunction with a Christmas tree sale, provided that the area does not exceed 15 square feet (each side), that it is placed five feet from the public right-of-way, and that it does not obstruct visibility.
 - H. Special event signs. One sign per lot may be installed to announce any educational, charitable, civic, religious or like event, for a consecutive period not to exceed 30 days. No such sign shall exceed six square feet in area; however, special event signs posted along Route 23 shall be limited in number to two signs, one on the northbound side and one on the southbound side, and said signs shall not exceed 24 square feet. Special event banners flown over the Turnpike shall not exceed 100 square feet. No special event sign shall be posted on any lot without permission of the owner of that lot. The posting of these signs on Route 23 or the Turnpike requires the approval of the Planning Board.
 - I. Business promotion signs.

- (1) Temporary business signs, wind socks, air dancers, feathers or banners are permitted in the C-1 Community Business District. One banner and one other temporary sign shall be permitted with the total area of all temporary signs not to exceed 12 square feet. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
 - (2) Temporary business signs, wind socks, air dancers, feathers or banners are permitted in the C-2, C-3 and C-4 Districts. One banner and one other temporary sign shall be permitted with the total area of all temporary signs not to exceed 36 square feet.
 - (3) Banners and wind socks must be securely attached to the building where the business being advertised is located. In the case of wind socks, air dancers or feathers, these temporary signs must be appropriately secured to the ground and located on the subject site and not within the right-of-way of any roadway or within any sight triangle.
 - (4) A temporary promotional business sign may be posted for a period of 30 days unless it is part of an approved 120-day plan, and then according to the plan.
 - (5) No business shall be permitted a temporary or promotional sign installation for any time period in excess of 120 days in one year.
- J. New business promotion. Strings of streamers or pennants, spinners, wind socks, air dancers, feathers or similar devices are permitted to advertise the opening of a new business. These devices may be displayed for a period of 15 days beginning with the day of the opening. In the case of wind socks, air dancers or feathers, these temporary signs must be appropriately secured to the ground and located on the subject site and not within the right-of-way of any roadway or within any sight triangle.

SECTION SEVENTY-TWO:

~~§360-77~~ **§360-82** Permanent signs.

A. Signs in residential districts.

- (1) Permitted signs. The following kinds of signs are permitted in residential zone districts: a freestanding or attached sign identifying the name of the occupant, an attached sign identifying a permitted home occupation, an attached or freestanding sign identifying a professional use, and signs approved by the Planning Board for a conditional use.
- (2) No more than one permanent sign is permitted on any residentially used lot.
- (3) The maximum area for each kind of sign shall be as follows:
 - (a) Nameplate: two square feet.
 - (b) Home occupation: two square feet.
 - (c) Professional use: 12 square feet.
- (4) A permanent sign in a residential zone, except a sign attached to a mailbox, shall not be closer than 10 feet to a property line and, except for professional use

signs, shall not exceed 36 inches in height. The height for a professional use sign shall not exceed 48 inches or four feet.

- (5) Except for a conditional use approved by the Planning Board or Zoning Board of Adjustment, no sign in residential areas shall be internally lit.

B. Signs **permitted** in business districts.

(1) C-1 Community Business District, **the CBD-1 CBD-2 Business Districts.**

- (a) Signs permitted: **Ground or monument signs**, freestanding signs, projecting signs, attached or awning signs, menu board signs, A-frame or sandwich board signs, window signs and banners. **All other signs not listed herein are prohibited.**
- (b) Number of signs: two signs, one of any category of sign listed above, shall be permitted for each use. (Temporary signs and window signs occupying less than 50% of the glass area are exempt from this count.) One permanent freestanding sign is permitted for each commercial property, and where there are many uses on said property the freestanding signage for each use must be accommodated on one sign.
- (c) Maximum area for each kind of sign:
 - [1] Freestanding: 15 square feet.
 - [2] Attached or awning: 24 square feet.
 - [3] Projecting: six square feet.
 - [4] Menu board: four square feet.
- (d) No freestanding sign shall be closer than five feet to the right-of-way or exceed a height of nine feet. A freestanding sign shall be permitted only where there is a ~~thirty-foot~~ **ten-foot** front yard setback and where landscaping has been provided. The determination as to adequate space and landscaping will be made by the Planning Board during review of the sign application.
- (e) No attached sign or projecting sign shall be installed that projects above the roofline of the structure or facade to which it is attached.
- (f) With the exception of a sign advertising a business while it is open, no sign shall be illuminated between 11:00 p.m. and 6:00 a.m. Sign lighting shall not produce glare.
- (g) One sandwich board or A-frame sign shall be permitted to be located within the front yard setback or on the sidewalk immediately adjacent to the corresponding commercial use, provided the sidewalk has a minimum width of five feet. Such a sign shall have a maximum sign height of three feet with a maximum sign ~~dimension~~ **width** of two feet by three feet with a sign area not to exceed six square feet. Such sign may be placed in the front yard or on the sidewalk between 8:00 a.m. and dusk. Such sign shall

not be decorated with balloons, streamers, flags or similar embellishments or be lighted with any electronic devices.

(2) C-2 Highway Commercial District and C-3 and C-4 Regional Commercial Districts.

- (a) The following kinds of signs are permitted in the C-2 Highway Commercial District and C-3 and C-4 Regional Commercial Districts: freestanding signs, attached or awning signs, electronic message centers/boards, and window signs and banners. Electronic message boards are regulated by § ~~360-78~~ **360-83** of this article. All other signs not listed herein are prohibited.
- (b) One freestanding sign is permitted for each commercial property, and where there are many uses on said property the freestanding signage for each use must be accommodated on one sign. One attached sign or one awning sign is permitted for each use. (Temporary signs and window signs up to 50% of the window are not included in this count.)
- (c) Sign area.

- [1] ~~Freestanding signs.~~ **Freestanding signs in shopping centers shall be permitted as follows:**

<i>Number of Uses</i>	<i>Sign Area in Square Feet</i>
<i>1 to 4</i>	<i>50</i>
<i>5 or more</i>	<i>12 for each use provided that no sign exceeds 144 square feet</i>

- [1] **One freestanding sign per main driveway entrance to identify the shopping center and the occupants therein, not to exceed 100 square feet. The total area of such signs shall not exceed 200 square feet and shall not be closer to one another than 1,500 feet.**
- [2] **No such sign shall exceed 24 feet in height.**
- [3] **Such signs shall be located so that the plane of the largest surface area of such sign is perpendicular to the road and set back at least ½ the distance of the required front yard depth of the zoning district in which the sign is located, and**

no sign shall encroach upon the side yard setbacks.

[4] The freestanding signs herein provided for shall be in lieu of all other freestanding signs in this section.

[2] Attached or awning signs.

Area of Storefront (square feet)	Sign Area in Square Feet
0 to 600	40
601 to 1,000	50
1,001 to 2,000	50 or 5% of facade whichever is larger
2,001 to 4,000	100 or 4% of facade whichever is larger
4,001 to 6,000	160 or 3.5% of facade whichever is larger
8,000 up	210

[3] Electronic message centers/boards are permitted in conjunction with an attached or freestanding sign but must be accommodated so that the area of all signage does not exceed the total area permitted. Electronic message boards are regulated by § ~~360-78~~ **360-83** of this article and the following:

- (a) An electronic message center/board shall not exceed three feet in height and nine feet in width.
- (b) The area of the electronic message center/board shall not exceed the permitted sign area or 18 square feet, whichever is less.
- (c) The message center/board background shall be black with light-colored text, typically white, yellow or red.
- (d) If lighting is proposed, all freestanding signs shall be internally illuminated. The minimum amount of light required to allow the sign to be readable shall be used and it shall be appropriate for the character of the site and the surrounding land uses. The use of LED lighting shall be in compliance with § ~~360-78~~ **360-83**.
- (d) The height of a freestanding sign shall not exceed 24 feet and the horizontal edge of the display area shall be a minimum of seven feet from the ground. A freestanding sign shall be set back 10 feet from the public right-of-way.

- (e) The upper horizontal edge at an attached or awning sign shall not be installed higher than the extent of the vertical wall to which it is attached or 24 feet, whichever is less.
 - (f) Both internal and external sign lighting is permitted; however, lighting shall not produce glare.
- (3) Signs permitted at gasoline stations.
- (a) The following kinds of signs are permitted at gas stations: freestanding signs, attached or pump island canopy signs, signs over entrance bays, customary lettering or other insignia which are a structural part of the gasoline pump, a credit card sign, a sign indicating the location of a waste oil recycling facility, and banner signs.
 - (b) The number of signs shall be limited as follows: one freestanding sign, four attached signs, provided that three of these are permitted only if attached to a pump island canopy, one sign over each bay, one credit card sign, one oil recycling facility sign and pump signs as required by law. Electronic message boards are regulated by § ~~360-78~~ **360-83** of this article.
 - (c) The maximum size of signs permitted shall be limited as follows:
 - [1] Freestanding: 50 square feet.
 - [2] Attached: 20 square feet.
 - [3] Sign over bay: four square feet.
 - [4] Credit card: four square feet.
 - [5] Pump signs: as required by law.
 - [6] Oil recycling sign: four square feet.
 - (d) No freestanding sign shall be located closer than five feet to the right-of-way and no freestanding sign shall exceed 24 feet in height or shall have the lowest edge of the display area closer than 10 feet to the ground.
 - (e) No attached sign shall be permitted that is higher than the vertical wall to which it is attached.
 - (f) Internal and external lighting is permitted. LED lighting may be used for the display of fuel prices in accordance with § ~~360-78~~ **360-83**.
 - (g) A credit card sign or a sign advertising the location of a waste oil recycling facility may be attached to the building facade.

C. Signs **permitted** in industrial districts.

- (1) The following kinds of signs are permitted in industrial zone districts: freestanding signs and attached signs. **In the I-2 zone district, pole-mounted signs shall be prohibited.**
- (2) No more than one attached sign and one freestanding sign is permitted for any use. No more than one freestanding sign is permitted for each commercial

property, and where there is more than one use on said property the freestanding signage for each use must be accommodated on one sign.

- (3) The area of signs in industrial districts shall be limited as follows:
 - (a) Freestanding: 40 square feet. **In industrial centers with 5 or more tenants, 12 square feet shall be permitted for each use provided that no sign exceeds 144 square feet.**
 - (b) Attached sign: 40 square feet.
- (4) No permanent sign shall be installed closer than 10 feet to the property line or higher than the extent of the vertical wall.
- (5) External and internal lighting is permitted in industrial zones; however, no sign shall be illuminated between the hours of 10:00 p.m. and 7:00 a.m.
- (6) Electronic message centers/boards are specifically prohibited.

D. Signs permitted for institutional uses.

- (1) The kinds of signs that are permitted at schools and churches or at other institutions of a public or quasi-public nature are as follows: freestanding signs, attached signs, and changeable letter signs.
- (2) The number of signs shall be limited as follows: one freestanding sign and one changeable letter sign and one attached sign are permitted on an institutional building.
- (3) The size of signs permitted in conjunction with an institutional use shall not exceed the following dimensions:
 - (a) Freestanding: 20 square feet.
 - (b) Attached: 1% of building facade.
 - (c) A changeable letter sign shall not exceed nine square feet, except that if it is installed in conjunction with a freestanding sign, the total area of the freestanding sign and changeable letter sign shall not exceed 30 square feet.
- (4) No freestanding signs shall exceed eight feet in height nor shall they be located closer than 20 feet to any property line. No attached sign shall be installed such that the top edge is higher than 14 feet measured from the ground.
- (5) External and internal lighting is permitted; however, no sign shall be illuminated between the hours of 10:00 p.m. and 7:00 a.m.
- (6) Electronic message centers/boards are specifically prohibited.

E. Directional signs.

- (1) Signs that indicate the location of churches, schools or similar institutional uses shall be allowed at a location other than that of the institutional use provided that these signs are approved by the Planning Board.

- (2) A directional sign shall not exceed three square feet and shall not be posted without permission of the owner of the property where the sign will be installed.

SECTION SEVENTY-THREE:

§360-78 §360-83 Light Emitting Diode (LED) Signs.

- A. Movement, including flashing, scrolling or rotating so as to draw attention, is prohibited.
- B. The following regulations shall apply to an electronic message board:
 - (1) The background of the electronic message area shall be black.
 - (2) Electronic messages (text and logos) must be static or depicted for a minimum of one hour.
 - (3) The electronic message area shall be restricted to the bottom portion of the allowable sign.
 - (4) Electronic messages (text and logo) shall be of one color and shall be red, green or amber in color.
 - (5) Animated signs, signs that change, image signs, video signs or tri-vision signs shall be prohibited.
 - (6) The maximum brightness level for electronic message boards and fuel price signs shall not exceed 0.2 footcandle over ambient light levels measured within 150 feet of the source.
 - (7) The owner/user shall reduce the level of brightness if determined by the Township that the light level exceeds the levels specified.
 - (8) The electronic message area shall be programmed to dim and brighten automatically in response to changes in ambient light.
 - (9) Prior to issuance of a permit for the sign, the applicant shall provide written certification from the sign manufacturer or installer that the light intensity has been preset to automatically adjust the brightness to these levels or lower. Reinspection and recalibration may be periodically required by the Township in its reasonable discretion, at the permittee's expense, to ensure that the specified brightness levels are maintained at all times.
 - (10) The electronic message area shall be controlled electronically by a computer or other similar device that has a manual override.
 - (11) The electronic message area, exclusive of the time and temperature, shall be turned off at all times when the business or use that it serves is closed. LED signs may remain on until 11:00 p.m. The display of time and temperature is exempt from this requirement. LED signs that display fuel prices are exempt from this requirement.
 - (12) The electronic message area shall either freeze or go blank in the event of a malfunction.

- (13) LED signs shall only be permitted in the C-2, C-3 and C-4 Zoning Districts of the Township. LED signs in the C-1 District are only permitted associated with the fuel pricing signs in accordance with Subsection B(19).
- (14) LED signs shall only be allowed as freestanding ground signs and shall not be in addition to the number of permitted freestanding signs.
- (15) No LED sign shall be located within 100 feet of a residential use.
- (16) LED signs shall only display promotional messages of a good or service that is being offered at the place of business on the specific site/lot that the sign is located, with the exception of advertisements for community events and events for local recreation and civic organizations.
- (17) Only static messages may be provided on electronic message centers/boards, exclusive of time and temperature which may change as required. Such messages may only be changed every hour.
- (18) In all nonresidential districts, fuel prices on signs at gas stations may be displayed in electronic numbers in lieu of changeable copy numbers.
- (19) Signs used to display fuel prices shall be for the exclusive use of the display of fuel prices and not display any other type of message or advertisement. Signs that display fuel prices may not change until a change in the price of fuel has occurred. The fuel price displayed on an electronic message board shall not scroll, move or flash and must be static. The fuel prices shall not exceed 12 inches in height in the C-2, C-3, and C-4 Districts and eight inches in the C-1 District. All fuel prices shall be either red or green in color.

SECTION SEVENTY-FOUR:

~~§360-79~~ **§360-84** General sign guidelines.

- A. There shall be uniformity of signage on each lot.
- B. Letters of adequate size to be legible at highway speeds shall be used.
- C. Freestanding signs should be supported on a base designed to match building materials and architectural design.
- D. No more than two colors should be utilized on any one sign.
- E. ~~C-1 District guidelines.~~ **C-1, CBD-1 and CBD-2 District Guidelines.**
 - (1) Signs should be located at pedestrian level.
 - (2) Attached signs should be no more than two feet high and located below the second floor level of the building.
 - (3) Wood and metal sign materials are recommended.
 - (4) External lighting is preferred as is a "colonial" style and colors.
 - (5) Replacement of nonconforming signs with conforming signs in furtherance of improving the business district shall be encouraged.

SECTION SEVENTY-FIVE

~~§360-80~~ **§360-85** Nonconforming signs and sign structures.

- A. A sign that has been approved by the Planning Board and been issued a building permit prior to the date of this article shall be a nonconforming sign which may be repaired or replaced upon demonstration to the Director of Planning of such legal preexisting status.
- B. A nonconforming sign or sign structure which is destroyed or damaged by any casualty may be restored within three months after such destruction or damage.
- C. A nonconforming sign or sign structure shall be removed within 90 days if the building containing the use to which the sign is accessory is demolished or destroyed to an extent exceeding 50% of the building's appraised value.

SECTION SEVENTY-SIX

~~§360-81~~ **§360-86** Sign Maintenance and repair.

If the Zoning Officer or Construction Official finds that a sign is in need of repair due to graffiti, faded conditions, is without an insert or has broken parts or because it is unsafe or insecure, the Zoning Officer or Construction Official may cause sign maintenance or repair. In such instances, a notice of violation will be mailed to the property owner and, where applicable, the owner of the business. The responsible person will have 10 days to complete the repair or such time as agreed to by the Zoning Officer and shall notify the Zoning Officer as to when the repair has been accomplished. Failure to complete the work or to notify the Zoning Officer within the specified time frame will subject the responsible party to further legal action and fines as described below.

SECTION SEVENTY-SEVEN

~~§360-82~~ **§360-87** Violations and Penalties

- A. Permanent signs. Any person, firm or corporation violating any provision of this article pertaining to permanent signs and failing to abate said violation within the time frame agreed to by the Zoning Officer is subject, upon conviction, to a fine of not more than \$1,000 or imprisonment not to exceed 90 days at the discretion of the court. Every day that a violation continues after the expressed amount of time provided to remedy the violation shall be deemed a separate offense.
- B. Temporary signs. Any person, firm or corporation convicted of violating any provision of this article pertaining to temporary signs shall be subject to a fine of not more than \$500 nor less than \$50 for the first offense, \$100 for the second offense, and \$200 for the third and any subsequent offense. Every day that a violation continues shall be deemed a separate violation of this article.

SECTION SEVENTY-EIGHT

~~§360-83~~ **§360-88** Purpose.

The purpose of this article is, to the extent permitted by state and federal law, to establish reasonable and uniform limitations, safeguards and regulations for present and future pipelines related to the transportation of oil and gas or other materials deemed hazardous by the Township through the Township to protect the health, safety and general welfare of the public; minimize the potential impact to property and persons; to the extent permitted by law, provide for separation between residential uses and incompatible pipeline uses; protect the quality of the environment; and encourage the safe and orderly transport of oil and gas resources.

SECTION SEVENTY-NINE

~~§360-84~~ **§360-89** Definitions.

As used in this article, the following terms shall have the meanings indicated:

PIPELINE

All parts of those physical facilities through which gas or oil moves in transportation, including but not limited to pipe, valves and other appurtenance associated with the pipe, whether or not laid in public or private easement or public or private right-of-way within the Township.

PIPELINE CORRIDOR

The pipeline pathway defined by rights-of-way and easements in which the gas or oil pipelines are located, including rights-of-way and easements over and through public or private property.

PIPELINE OPERATOR

Any person owning, operating or responsible for operating a pipeline.

REGULATED PIPELINE

A pipeline that under federal and state rules and regulations is not exempt from Township regulations and ordinances regarding construction standards or reporting requirements.

UNREGULATED PIPELINE

A pipeline that under federal and state rules and regulations is exempt from Township regulations and ordinances regarding construction standards, safety standards or reporting requirements.

SECTION EIGHTY

~~§360-85~~ **§360-90** Site Plan Approval Required.

All pipeline construction shall require site plan approval from the appropriate Township board, in accordance with § ~~360-56~~ **360-61**, Site plan approval. Site plan submission, as part of the required landscape plan, shall include a revegetation and restoration plan.

SECTION EIGHTY-ONE

~~§360-86~~ **§360-91** Pipeline location.

A pipeline corridor shall be sited so as to avoid significant impacts to resources (e.g., wetlands, floodplain, steep slopes/topography) to the maximum extent feasible.

SECTION EIGHTY-TWO

~~§360-87~~ **§360-92** Pipeline corridor; setback requirements.

No significant private land disturbance or construction or expansion of structures is allowed within the pipeline corridor.

- A. The pipeline corridor shall be of sufficient width so as to provide, within the pipeline, a thirty-foot setback from the edge of all corridor boundaries.
- B. The Zoning Officer and/or Construction Official may expand the required setback when necessary due to site-specific conditions such as extraordinary land disturbance and topography.
- C. Exemption: municipal rights-of-way.

SECTION EIGHTY-THREE

~~§360-88~~ **§360-93** Compliance with state and federal regulations required.

The applicant shall comply with all applicable state and federal regulations and shall provide copies of the obtained state and/or federal permits, including proof of insurability, before initiating any work and maintain the required permits throughout the duration of all operations. The applicant shall notify the Township immediately of any suspension or revocation of the required state and/or federal permits. Upon notification of said suspension or revocation the Township-issued permits will hereby be deemed suspended or revoked until state and/or federal compliance.

SECTION EIGHTY-FOUR

~~§360-89~~ **§360-94** Emergency response plan.

Prior to development, the applicant shall provide the Township Police Department, Fire Department, Zoning Officer and Construction Official with a copy of its emergency response plan. Also, the applicant/operator shall, at its sole cost and expense, provide to the Township Police Department, Fire Department, Zoning Officer and Construction Official appropriate site orientation with adequate information and yearly training on dealing with any potential dangerous conditions that may result from development activities.

SECTION EIGHTY-FIVE

~~§360-90~~ **§360-95** Pipeline corridor protection requirements.

The purpose of this section is to ensure that the pipeline pathway defined by rights-of-way and easements is protected during construction as required below:

- A. No significant land disturbance or construction is allowed within the defined right-of-way or easements of transmission pipeline corridors.
- B. Pipeline corridors shall be identified and protected during construction by placement of a temporary barricade and on-site notices as approved by the Construction Official. Barricades and on-site notices are subject to review by the Zoning Officer and/or Construction Official.
- C. On sites that directly abut or are located within the pipeline corridor, the Township shall verify that applicants and designees have notified utilities before issuing development permits for land disturbance or other significant work.

SECTION EIGHTY-SIX

~~§360-91~~ **§360-96** Delivery hours.

Except in an emergency, materials, equipment, tools or pipes shall not be delivered to or removed from a pipeline construction site through streets within a residential zone between the hours of 9:00 p.m. and 7:00 a.m. of the next day. Except in an emergency, materials, equipment, tools or pipes shall not be delivered to or removed from a pipeline construction site through streets within a residential zone on Saturday or Sunday.

SECTION EIGHTY-SEVEN

~~§360-92~~ **§360-97** Site restoration after installation.

After completion of backfilling and compacting of the pipeline ditch, the site shall be returned to grade where practical and the excess soil shall be removed to an appropriate disposal site.

SECTION EIGHTY-EIGHT

~~§360-93~~ **§360-98** Spills.

Where pipeline segments carrying hydrocarbon liquids pass through sensitive resource areas (e.g., wetlands, floodplain, steep slopes/topography) as identified by the project environmental impact statement, provisions identified in the environmental impact statement shall be applied to minimize the amount of liquids released into sensitive areas in the event of a spill. The potential for damage in those areas shall be minimized by considering spill volume, duration and trajectories in the selection of a pipeline corridor. In addition, appropriate measures for spill containment and cleanup (e.g., catch basins to contain a spill) shall be included as part of the required emergency response plan.

SECTION EIGHTY-NINE

~~§360-94~~ **§360-99** Additional development standards.

- A. Performance bond. A two-year performance bond shall be provided in an amount sufficient to ensure completion of requirements of the approved revegetation and restoration plan and shall be released upon satisfactory completion and confirmation that the revegetation is successful.
- B. Inspection of disturbed areas. Disturbed areas shall be jointly inspected by the applicant and Township representative 12 months after completion of construction to assess the effectiveness of the revegetation and restoration plan. This inspection shall continue on an annual basis to monitor progress in returning the site to pre-construction conditions or until additional monitoring is not deemed necessary by the Township. Inspection results shall be submitted annually to the Township and additional treatment of the site shall be applied as deemed necessary by the Township.
- C. Visual compatibility. Aboveground sections of the pipeline and related facilities, excepting those installed on a temporary basis for a testing period not to exceed 12 months, shall be visually compatible with the present and anticipated surroundings by use of any and all of the following measures, where applicable: buffer strips; depressions, natural and artificial; screen plantings and landscaping continually maintained; and camouflage and/or blending colors.
- D. Noise. Proposed facilities shall be designed and housed so that the noise generated by the facilities as measured at the property boundaries, right-of-way or easement shall be equal to or below the existing noise level of the surrounding area except under temporary testing or emergency situations. Measures to reduce adverse impacts (e.g., due to noise or vibration) to the maximum extent feasible shall be used for facilities located adjacent to noise-sensitive locations.

SECTION NINETY

Article XV Recycling in Multifamily Housing.

§360-100 Definitions and word usage.

- A. Words used in the present tense include the future; the singular includes the plural; and "person" includes an association, partnership and corporation as well as an individual; the word "shall" is always mandatory; and the term "occupied or used," as applied to any building, shall be construed to be followed by the words "or intended, arranged or designed to be occupied or used."
- B. Unless otherwise expressly stated, the following words and phrases shall be construed throughout this chapter to have the meanings herein indicated.

MULTIFAMILY HOUSING DEVELOPMENT

A building containing three or more dwelling units

occupied or intended to be occupied by persons living independently of each other, or a group of such buildings;

RECYCLING AREA

A space allocated for collection and storage of source separated recyclable materials.

SECTION NINETY-ONE

§360-101 Location and Design.

- A. There shall be included in any new multifamily housing development that requires subdivision or site plan approval an indoor and/or outdoor recycling areas for the collection and storage of residentially-generated recyclable materials. The number of sites and dimensions of the recycling areas shall be sufficient to accommodate recycling bins or containers which are of adequate size and number, and which are consistent with anticipated usage and with current methods of collection in the area in which the project is located. The number of sites and dimensions of the recycling areas and the bins or containers shall be determined in consultation with the municipal recycling coordinator, and shall be consistent with the district recycling plan adopted pursuant to section 3 of P. L. 1987, c.102 (N.J.S.A.13:1E-99.13) and any applicable requirements of the municipal master plan, adopted pursuant to section 26 of P.L. 1987, c102.**
- B. The recycling areas shall be conveniently located for the residential disposition of source separated recyclable materials, preferably near, but clearly separated from, a refuse dumpster.**
- C. The recycling areas shall be well lit, and shall be safely and easily accessible by recycling personnel and vehicles. Collection vehicles shall be able to access the recycling areas without interference from parked cars or other obstacles. Reasonable measures shall be taken to protect the recycling areas, and the bins or containers.**
- D. The recycling areas or the bins containers placed therein shall be designed so as to provide protection against adverse environmental conditions which might render the collected materials unmarketable. Any bins or containers which are used for the collection of recyclable paper or cardboard, and which are located in an outdoor recycling area, shall be equipped with a lid, or otherwise covered, so as to keep the paper or cardboard dry.**
- E. Signs clearly identifying the recycling areas and the materials accepted therein shall be posted adjacent to all points of access to the recycling areas. Individual bins or containers shall be equipped with signs indicating the materials to be placed therein.**

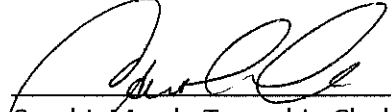
- F. Landscaping and/or fencing shall be provided around any outdoor recycling areas and shall be developed in an aesthetically pleasing manner.

SECTION NINETY-TWO:

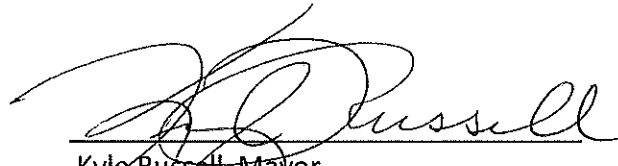
Chapter 360 Attachment 1 Schedule of Requirements

Introduced: October 26, 2021

Adopted: November 23, 2021



Carol J. Marsh, Township Clerk



Kyle Russell, Mayor

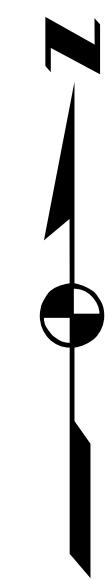
ZONING AND LAND USE
PEQUANNOCK CODE
360 Attachment 2

Zoning
Schedule of Requirements
Township of Pequannock, New Jersey

Use	Residential									Commercial							Industrial				Special	
	R-87	R-45	R-22	R-15	R-11	R-9	PRD	CCRC	Senior Citizens Overlay	CBD-1	CBD-2	C-1	C-2	C-3	C-4	H-C	I-1	I-2	I-1A	H	C/R	AG-1
Institutional																						
Churches and religious uses	C	C	C	C	C	C	C			P	P	P	P	P	P	C						
Clubs, lodges and similar establishments										C	C	C	C	P	P	C						
Community centers	C	C	C	C	C	C				P	P					C					C	
Farm-based business																						P
Greenhouses	C	C	C	C	C	C																P
Hospitals	C	C	C	C	C	C	C												P			
Museums and historical sites	C	C	C	C	C	C	C															
Nursery schools	C	C	C	C	C	C	C							P	P	C						
Nursing homes	C	C	C	C	C	C	C															
Outdoor noncommercial recreation																					P	
Plant nurseries	C	C	C	C	C	C	C															P
Propagating houses or other farming operations	C	C	C	C	C	C	C															P
Public recreation areas	P	P	P	P	P	P										P				P	P	P
Public parks and playgrounds										P	P	P	P	P	P	P				P	P	P
Private open space or recreation areas	P	P	P	P	P	P															P	
Schools	C	C	C	C	C	C	C					P	P	P	P							C
Telephone exchanges and utility buildings														P	P							
Residential																						
Single-family detached dwellings	P	P	P	P	P	P	P		P													P
Single-family semi attached dwellings (duplexes)							P															
Single-family attached dwelling units									P													
Townhouses							P					C										
Patio homes							P															
Apartment units above commercial uses										P	P	C										
Multifamily dwelling units							P		P		C	C										
Convalescent homes							C															
Continuing care retirement community								P														
Independent apartment units								P														
Assisted living units								P														
Skilled nursing units								P														
Commercial																						
Automobile, motorcycle and commercial vehicle sales														C					P			
Big box retail														P	P							
Bars, taverns, inns, pubs, grog shops, similar establishments										P	P											
Brewery/Distillery										C	C					C	C	C				
Businesses that service, repair, or install automobile and motorcycle parts														C					P			
Catering and banquet hall establishments														P	P							
Commercial entertainment										P	P			P	P							
Commercial recreation													C	C	C	C	C	C				
Cultivation of Cannabis																						C
Establishments serving alcoholic beverages, no live entertainment													P	P	P							
Funeral or mortuary establishment												P	P									
Gasoline service stations														C								
Home occupations							C															
Hotel and motel (50+ rooms)														P	P	P						

Job printers													P									
Medical/Dental Clinics and medial diagnostic centers												P								P		
Medical/Dental Lab													P	P	P	P				P		
Medical office				C	C	C							P	P	P	P			P	P		
Office (business, professional, governmental)				C	C	C				P	P	P	P	P	P	P	P	P	P			
Outpatient Surgical Facility														P	P					P		
Personal services										P	P			P	P							
Pet care establishments													P	C	C	C	C	C				C
Restaurants										P	P	C	C	P	P							
Retail services										P	P	P	P	P	P	P						
Retail sales										P	P	P	P	P	P							
Retail sales of products manufactured, assembled or warehoused on the premises																	C	C				
Shopping centers												P	P	P	P							
Industrial																						
Artisan industrial space/artisans' studio																	C	C				
Assembly of a product that will not result in any contamination or use any hazardous materials																		P	P			
Assembly of parts manufactured elsewhere																	P		P			
Buildings for the storage and maintenance of commercial vehicles																	C	C	P			
Contractor showrooms																	P	P	P			
Contractors vehicles, equipment and/or materials storage yard																			P			
Data processing centers																		P	P			
Fully enclosed sales and storage of building materials														C	C							
Kennels, horse farms																			P			P
Nursery and garden centers														C								P
Nursery, garden center or tree farms																			P			P
Outdoor display of merchandise										C	C	C	C	C	C							
Packaging of products manufactured or assembled elsewhere																	P	P	P			
Product development laboratories																	P	P	P			
Research laboratories																	P		P			
Warehousing																	P	P	P			
Wholesale distribution																	P	P	P			

TOWNSHIP OF PEQUANNOCK
MORRIS COUNTY, NEW JERSEY
ZONING MAP



Riverdale
Borough

Pompton
Lakes
Borough

Kinnelon
Borough

Wayne
Township

Lincoln Park
Borough

Legend

----- Municipalities

Zoning Districts

- R-87 Residential District (2 Acre)
- R-45 Residential District (1 Acre)
- R-22 Residential District (1/2 Acre)
- R-15 Residential District (1/3 Acre)
- R-11 Residential District (1/4 Acre)
- R-9 Residential District (1/5 Acre)
- PRD Planned Residential Development District
- CCRCD Continuing Care Retirement District
- CBD-1 Community Business District
- CBD-2 Community Business District
- C-1 Community Business District
- C-2 Community Business District
- C-3 Community Business District
- C-4 Community Business District
- I-1 Industrial District (1 Acre)
- I-1A Industrial District (1 Acre)
- I-2 Industrial District (2 Acre)
- H-C Hybrid Commercial District (1 Acre)
- H Hospital
- C/R Conservation/Recreation
- AG-1 Agricultural District
- AG-2 Agricultural District

THE MAP WAS PREPARED BY THE TOWNSHIP OF PEQUANNOCK
BY H2M ARCHITECTS AND ENGINEERS ON APRIL 1, 2021.
THIS MAP IS BASED ON PREVIOUS REVISIONS COMPLETED AS FOLLOWS:
JULY, 1975
APRIL, 1977
NOVEMBER, 1978
APRIL, 1979
MAY, 1984
OCTOBER, 1984
MARCH, 1985
OCTOBER, 2010



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