

ORDINANCE 2011-38

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF SOUTH RIVER,
CHAPTER 350 ENTITLED "ZONING"**

**BE IT ORDAINED BY THE Mayor and Borough Council of the Borough of South River,
that Chapter 350 of the Code of the Borough of South River entitled "Zoning" be amended as
follows:**

Section 1.

§ 350-1. Title.

This chapter shall be known and may be cited as the "Zoning Ordinance of the Borough of South River."

§ 350-2. Statutory authority.

This chapter is adopted pursuant to the authority of the Municipal Land Use Law, Chapter 291, of the Laws of New Jersey 1975, N.J.S.A. 40:55D-1 et seq.

§ 350-3. Purpose.

This chapter is adopted, pursuant to the provisions of N.J.S.A. 40:55D-1 et seq., in order to establish a pattern for the use of land predicated on the Land Use Element of the Master Plan and in furtherance of the following related objectives:

- A. To encourage municipal action to guide and regulate orderly growth, development and redevelopment in accordance with the Borough's Master Plan in order to promote the public health, safety, morals, convenience and general welfare.
- B. To provide adequate light, air and open space, convenience and safety of access.
- C. To prevent overcrowding of land and buildings and to avoid undue concentration of population.
- D. To establish zoning districts and to set forth regulations governing these districts, in order to encourage the most appropriate use of land throughout the Borough.
- E. To regulate and restrict buildings and structures to specified districts, their type, and the nature and extent of their use.
- F. To secure safety from fire, flood, panic and other natural and man-made disasters.
- G. To ensure that development of this municipality does not conflict with the development of adjacent municipalities.
- H. To conserve and enhance the value of property throughout the Borough of South River.
- I. To facilitate the adequate provision of municipal services, and the appropriate expenditure of public funds.
- J. To promote the general welfare of the public by providing for affordable housing within the Borough of South River.

- K. To provide a realistic opportunity to accomplish the Borough of South River's fair share of the regional need for low- and moderate-income housing and establish a mechanism for assuring that housing units designated for occupancy by low- or moderate-income households remain affordable to and occupied by such households.
- L. To protect the value, established character, and the social and economic well-being of both private and public property.

§ 350-4. Interpretation and scope.

- A. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements.
- B. It is not intended by this chapter to repeal, abrogate, annul or in any way to impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this chapter, nor with any permits previously issued or which shall be issued pursuant to law relating to the use of buildings or premises nor with any private restrictions placed upon property by covenant, deed or other private agreement; provided, however, that, where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or the percentage of lot coverage or requires greater lot area, yards or other open spaces than are imposed or required by such ordinances, permits or private restrictions, the provisions of this chapter shall control.

§ 350-5. Establishment of districts; Zoning Map; interpretation of boundaries.

- A. Districts. For the purpose of this chapter, the Borough of South River is hereby divided into the following zoning districts differentiated according to use and building regulations:

- R-100 Single-Family Residential District
- R-75 Single-Family Residential District
- O-P Office Professional District
- B-1 Neighborhood Business District
- B-2 General Business District
- L-I Light Industrial District
- E-I Educational Institution District
- W-R Waterfront Revitalization District
- MSR Main Street Rehabilitation District
- CEM Cemetery Conservation District
- PR Park, Open Space, Recreation and Conservation District

- B. Official Zoning Map. The aforesaid zones are established by the locations and boundaries set forth and indicated on the official Zoning Map of the Borough of South River, hereby made and declared to be a part of this chapter. A map entitled "Zoning Map, Borough of South River" prepared by Bignell Planning Consultants, Inc., indicating locations and boundaries shall be attached to all copies of the Zoning Ordinance for information purposes only. Editor's Note: The Zoning Map is included in a pocket at the end of this volume.

- C. Amendments to Zoning Map. If, in accordance with the provisions of this chapter and the revised statutes of the State of New Jersey, changes are made in the district boundaries or other matters portrayed in the Zoning Map by the Borough Council, such changes shall be made promptly by the Borough Planner after the amendment has taken effect as provided by law. For each change in the map, note shall be made in the revision box of the date of revision. These changes are to be endorsed upon the map on the effective date of the amendment.
- D. Rules for interpretation of district boundaries. Whenever an uncertainty or ambiguity exists as to the true location of any boundary line of any district (zone) shown on the map, the following rules shall apply:
 - (1) Center lines. District boundary lines indicated as following or approximately following streets, highways or other public or private ways shall be construed to follow the center lines thereof.
 - (2) Platted lines. District boundaries indicated as following or approximately following platted lot lines shall be construed as following such lot lines as the same appear on the Tax Maps of the Borough as revised.
 - (3) Determination by Board of Adjustment. Where, due to scale, lack of detail or illegibility of the Zoning Map, there is uncertainty, contradiction or conflict as to the intended location of any district boundary line as shown thereon, the determination thereof shall lie with the Board of Adjustment after public hearing.

§ 350-6. Schedule of district regulations.

- A. The schedule of regulations applying to each zoning district, entitled "Schedule of Area, Yard and Building Requirements" (hereafter called the "schedule"), is hereby declared to be a part of this chapter and is attached hereto. Editor's Note: The Schedule of Area, Yard and Building Requirements is included at the end of this chapter.
- B. The schedule is intended to summarize the major regulations by zoning district, including those applying to lot size, yards, building heights and other regulations that may be easily summarized in tabular form. It is not meant to provide comprehensive coverage of all requirements and provisions of this chapter. Areas and dimensions therein are minimum requirements unless otherwise noted.

§ 350-7. Definitions and word usage.

- A. For the purpose of this chapter, unless otherwise expressly stated, the following terms are to be used and interpreted as defined below. The term "shall" indicates a mandatory requirement, and the term "may" indicates a permissive action. Terms used in the present tense include the future tense; Terms in the singular number include the plural number and vice versa; except where the natural construction of the writing indicates otherwise; the word "lot" shall include the word "plot"; the word "structure" shall include the word "building"; the word "occupied" shall include the words "used," "designed," or "intended to be occupied"; the term "such as" shall be considered as introducing a typical or illustrative example rather than as an entire inclusive designation of permitted or prohibited uses, activities or structures; The term "Board" shall be the Planning Board or Zoning Board of Adjustment, whichever has jurisdiction in a particular application.
- B. All Terms, phrases and/or terms defined in the following documents, as amended, are adopted and included by reference in this Ordinance unless specifically defined otherwise in this article:
 - 1. The Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.).
 - 2. The Residential Site Improvement Standards (N.J.A.C. 5:21 et seq.).

3. The Substantive Rules of the N.J. Council on Affordable Housing (N.J.A.C. 5:95-1 et seq.).
4. The Procedural Rules of the N.J. Council on Affordable Housing (N.J.A.C. 5:95-1 et seq.).

C. Unless otherwise expressly stated, the following words and phrases are defined as follows:

Abandonment - The relinquishment of property, or a cessation of the use of property, without the intention to resume by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

Abut - To physically touch, border on, adjoin, or be directly across from; or be separated from such a common border by a right-of-way, alley, or easement. (APA)

Accessory Structure: See Building, Accessory

Administrative Officer - For the purposes of this ordinance, the Planning Board / Zoning Board, as the case may be, shall act as Administrative Officer and shall carry out all duties assigned as such when an application has been submitted to either Board.

Adult Bookstore – An establishment having more than 25% of its stock-in-trade, floor area, or display area used for the sale or rental of books, magazines, publications, tapes, or films that are distinguished or characterized by the emphasis on sexually oriented material depicting, describing, or relating to sexual activities or anatomical genital areas.

Adult Entertainment Use – An establishment offering as a substantial portion of its stock in trade books, magazines, publications, video- or audiotapes or films, or computer disks, computer games, CD-Rom and other computer-related media of an explicitly sexual nature or anatomical genital areas or establishment devoted to live entertainment or the showing of films or videos of a sexually explicit nature or anatomical genital areas.

Affordable - To be within financial means of low- or moderate-income households as provided for by N.J.A.C. 5:94-7.

Alteration - Any change or rearrangement in the structural parts or in the existing facilities which alter the use of the building or an enlargement, whether by extension of a side or by increasing in height or by moves from one location or position to another. The addition or expansion of dormers is to be considered an alteration. Alteration shall also mean to significantly change the appearance of exterior elements of a structure, or to change the materials used.

Amusement Center - A business establishment utilized, wholly or in part, for the accommodation of six or more coin-operated amusement devices.

Applicant - A developer submitting an application for development.

Application for Development - The application form and all accompanying documents required by this Ordinance for approval of a subdivision plat, site plan, conditional use, zoning variance or direction of the issuance of a permit pursuant to Section 25 or 27 of Chapter 291 of the Laws of New Jersey 1975 (N.J.S.A. 40:55D:34 or 40:55D-36).

Approving authority/Board - The Borough of South River Planning Board or Zoning Board, when acting pursuant to the authority of Chapter 291 of the Laws of New Jersey 1975 (N.J.S.A. 40:55D-1 et seq.).

Area of Special Flood Hazard - The land in the floodplain within an area of the Borough subject to a one-percent or greater chance of flooding in any given year.

Assisted Living Residence/Facility- A facility licensed by the NJ Department of Health and Senior Services 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.

Attic - That part of a building which is immediately below and, wholly or partly within the roof framing.

Automotive Gasoline Station - See: Gasoline Station

Automotive Sales - Any establishment selling, renting or leasing new or used automobiles, light trucks, vans, trailers, or recreational vehicles and where no repair or body work whatsoever is performed. Automotive Sales uses shall be defined to exclude automotive repair garages and/or service station uses.

Automotive Sales and Services - Any establishment selling, renting or leasing new or used automobiles, light trucks, vans, trailers, or recreational vehicles and where repair or body work or vehicle washing facilities are incidental to the operation of the new or used vehicle sales.

Automotive Service Station - Any establishment offering minor motor vehicle maintenance services which do not require extensive or prolonged mechanical work. These services encompass oil changes, lubrication, minor tune-ups, installation of batteries, tires, wiper blades and similar equipment, wheel balancing and steering alignment and the replacement of minor mechanical parts.

Automotive Repair Garage - Any establishment offering major motor vehicle repair services which require extensive or prolonged mechanical work including body or frame work, painting or the dismantling of engines or major components of the vehicle. These establishments may also provide the vehicle maintenance services performed by an automotive service station.

Bank – A freestanding building, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds; main or branch offices of a state or federally chartered banking institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities. (APA)

Bank, drive-through - Buildings, or portion thereof, which encourages or permits customers to conduct personal financial transactions while remaining in their motor vehicles.

Base Flood - The flood having a one-percent chance of being equaled or exceeded in any given year.

Basement - A space having one-half or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than 6.5 feet.

Billboard Sign – See Sign, Billboard.

Boarding House - Any building, together with any related structure, accessory building, any land appurtenant thereto, and any part thereof, which contains two or more units of dwelling space arranged or intended for single room occupancy, exclusive of any such unit occupied by an owner or operator, and

wherein personal or financial services are provided to the residents, including any residential hotel or congregate living arrangement. (NJSA 55:13B-3)

Breakaway Wall - A wall that is part of the structural support of the building and is intended, through its design and construction, to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

Buffer - An open, unoccupied area of land in which no building, parking area or other improvement is located, consisting of trees, shrubs, solid fencing, earth berms, or a combination of all, so installed as to provide both a visual and an acoustical barrier between properties and to create an aesthetically pleasing and attractive view to mask or obscure the use, function or structure located upon the site.

Building - A combination of materials to form a construction adapted to permanent, temporary, or continuous occupancy and having a roof.

Building, Accessory- A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

Building Coverage - The land covered by a building, measured from the exterior surface of the exterior walls of the ground floor, of all principal and accessory buildings on a lot.

Building Height - The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between the eaves and the ridge level for gable, hip, and gambrel roofs . Chimneys, spires, water towers, elevator penthouses, tanks and similar projections, other than signs, shall not be included in calculating building height.

Building, principal - See: Principal Building

Bulkhead - A retaining wall behind which fill is placed, created along a body of water, constructed to separate land and water and establish a permanent shoreline.

Business Office - See Professional Office.

Cable Television Company - A cable television company as defined pursuant to N.J.S.A. 48:5A-3

Car Wash - A commercial building or structure, or portion thereof, where vehicles are washed or cleaned with a combination of mechanical devices, automatic or semiautomatic application of cleaner, brushes, rinse water, wax and heat for drying. Car washes may also contain vacuum machines used to clean the interior of vehicles.

Cellar - A space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground with a floor-to-ceiling height of less than 6.5 feet.

Check Cashing Establishment - An office or other establishment used for the operation of a check cashing business licensed pursuant to C. 383 P.L. 1993. The term check shall include a check, draft, money order, negotiable order of withdrawal or any other similar type of negotiable instrument. Not included within this definition are automatic teller machines and main or branch offices of a state or federally chartered banking institution.

Child Care Center - A private establishment enrolling six (6) or more children and where tuition, fees, or other forms of compensation for the care of children is charged for providing for the care, supervision, and protection of children, whether or not licensed or approved to operate as a child care center by the N.J. Division of Youth and Family Services.

Circulation - Systems, structures and physical improvements for the movement of people, goods, water, air, sewage or power by such means as streets, highways, railways, waterways, towers, airways, pipes and conduits.

Club/Fraternal - A non-profit corporation, organization or association of persons who are members thereof which owns or leases a building, or part thereof, for use of members or guests. Said 'clubs' or lodges shall have been principally established for the promotion of a common objective and shall be distinctly not considered as a semi-public use under the provisions of this chapter. Food, meals and alcoholic beverages may be served as an incidental function of this use, provided that adequate facilities are present, and further that all federal, state and municipal laws are complied with.

COAH – “The New Jersey Council on Affordable Housing”.

Co-location - The use of a tower or other structure by a person other than the applicant for the purpose of providing wireless communications, without resulting in an increase of the height of the tower or structure.

Common Open Space - An open space area within or related to a site designated as a development and designed and intended for the use or enjoyment of residents and owners of the development. 'Common Open Space may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development.

Community Residence for the Developmentally Disabled – See definition in MLUL;; adopted herewith by definition.

Community Shelter for Victims of Domestic Violence – See definition in MLUL;; adopted herewith by definition.

Complete Application - An application form completed as specified by ordinance and the rules and regulations of the Board and all accompanying documents required by ordinance for approval of the application for development, including, where applicable, but not limited to a site plan or subdivision plat, provided that the Board may require such additional information not specified by ordinance or any revisions in the accompanying documents as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for development have been met. The application shall be deemed incomplete when lacking of any such additional information or any revisions in the accompanying documents so required by the Board. An application shall be certified as complete immediately upon the meeting of all requirements specified by ordinance and the rules and regulations of the Board and shall be deemed complete as of the day it is so certified by the Board for purposes of the commencement of the time period for action by the Board.

Concept Plan - A preliminary presentation and attendant documentation of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification, and prepared for informal review to alert applicants to problems and requirements before the submission of a formal development application.

Conditional Use - A use permitted in a particular zoning district only upon showing that such a use in a specified location will comply with the conditions and standards of the location of operation of such use as contained in this chapter and upon the approval of the appropriate Board.

Condominium - Ownership of real property, combining ownership in fee simple of a dwelling unit and undivided ownership in common with other purchasers of the common elements in the structure and including the land and its appurtenances, formed under the Condominium Act.

Construction - Any act or progress that requires a building permit and that adds an addition into an existing building or erects a new principal or accessory structure on a lot which is subject to the design standards for the district in which the property is located, and including the construction, erection, reconstruction, alteration, conversion, demolition, removal, repair or equipping of buildings or structures.

County Planning Board - The County Planning Board, as defined in Section 1 of P.L. 1968, c.285 (N.J.S.A. 40:27-6.1), of the county in which the land or development is located.

Courtyard - An open unoccupied space bounded on at least two opposing sides by a building wall, but not a front, side or rear yard. 'Courtyard' shall apply to multifamily or high-rise buildings only.

Convenience Store - A retail establishment generally up to 5,000 sf. selling primarily food products, household items, newspapers and magazines, candy, and beverages and a limited amount of freshly prepared foods such as sandwiches and salads for off-premises consumption, and which does not include automotive service stations.

Congregate Care Facility/Living Arrangement - Residential housing that consists of private dwelling units with an individual bathroom and an optional individual food preparation area, in addition to central dining facilities, and within which congregate housing supportive services such as meals, housekeeping, laundering, and personal care are provided.

Corner Lot – See Lot, Corner

Cul-de-sac - A dead-end street with a turnaround at the end.

Curb Level - The grade of the curb in front of the midpoint of the lot as established by the Municipal Engineer.

Day Care Center - Any facility operated for the purpose of providing care, protection and guidance to 10 or more individuals during only part of a 24-hour day. This term includes nursery schools, preschools, day care centers for individuals, and other similar uses but excludes public and private educational facilities or any facility offering care to adults for a full 24-hour period.

Day Care Center/Adult – Any facility operated for the purpose of providing care, protection and guidance to 10 or more adult individuals during only part of a 24-hour day.

Density –The permitted number of dwelling units per gross area of land to be developed.

Developer - The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

Development - The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation or landfill, and any use or change in use of any building or other structure or land or extension of use of land for which permission may be required pursuant to Chapter 291 of the Laws of New Jersey 1975 (N.J.S.A. 40:55D-1 et seq.).

Development Regulation - A Zoning Ordinance, Land Subdivision and Site Plan Ordinance, Official Map Ordinance or other municipal regulation of the use and development of land, or amendment thereto.

Developmentally disabled person – See definition in MLUL;; adopted herewith by definition.

Dance Hall/Discotheque - Any room, place of business or building wherein people assemble for the main purpose of dancing to music emanating from either live band or entertainment group or a pre-installed audiophonic recording system which dispenses musical renderings over a series of loud speakers controlled by a disc jockey or other person in charge. Admission can be had either with or without payment of a cover fee, and whether such admission can be obtained through the presentation, use or acceptance of a membership card or other contrivance, whether or not said membership card or other contrivance is or may be available to the public generally by purchase or gratuitous act.

Dormitory - A building used as group living quarters for a student body or religious order as an accessory use to a college, university, boarding school, convent, monastery.

Drainage - The removal of surface water or groundwater from land by drains, grading or other means, and includes control of runoff to minimize erosion and sedimentation during and after construction or development and means necessary for water supply preservation or prevention or alleviation of flooding.

Drainage right-of-way - The lands required for the installation of stormwater sewers or drainage ditches or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage, erosion and sedimentation.

Drive-Through Use or Establishment - An establishment that by design, physical features, service or packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their vehicles.

Driveway - A private paved or unpaved space providing vehicular access to the property and parking spaces and which is accessory to the use served.

Dwelling - Any building, or portion of a building containing one or more dwelling units which is designed to be and is substantially separate from any other dwelling walls, whether attached or semi-attached, or from isolation or detachment of structures, all as defined herein.

Dwelling Unit - A building or portion of any building designed, arranged or used for permanent living quarters for one or more persons living as a single housekeeping unit with cooking and bathroom facilities but not including hotels or other buildings for transient quarters.

Dwelling, attached - A dwelling having two or more party walls in common with another dwelling but which otherwise is designed to be and is substantially separate from any other structures, except accessory structures.

Dwelling, detached - A dwelling having no walls in common with another dwelling and which is designed to be and is substantially separate from any other structure or structures, except accessory structures.

Dwelling, efficiency - A dwelling unit consisting of a single room or common space, inclusive of bathroom and kitchen facilities.

Dwelling, semidetached - A dwelling having a party wall in common with another dwelling but which otherwise is designed to be and is substantially separate from any other structure or structures, except accessory buildings.

Dwelling, single family - A detached residential building containing one (1) dwelling unit only and not occupied or designed for occupancy by more than one (1) family or household unit and having separate rooms for living, sleeping, cooking, and sanitary facilities, entirely surrounded by open space on the same lot. The dwelling may have more than one kitchen.

Dwelling, townhouse - A one family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

Dwelling, multifamily – A building which is used or designed as a residence for three or more families or households living independent of each other except that rooming houses, boarding houses, hostels, lodging houses, hotels, motels, and dormitories are specifically excluded by this definition as multi-family structures.

Dwelling Unit Density - See Density

Environmentally sensitive area - Areas which include, but are not limited to stream corridors and floodplains, streams, bodies of water, wetlands (as defined by NJDEP), slopes greater than ten (10) percent, shallow depth to bedrock (less than two (2) feet), high acid or erodible soils (as defined by the SCS), mature stands of trees, aquifer recharge area, aquifer discharge areas, unique natural features and wildlife habitats or such areas as may be so designated by federal, state or county agencies of jurisdiction.

Erect - To build, construct, attach, alter, relocate or affix and includes the painting of signs or displays on the exterior surface of a building. Excavations, fill, drainage and the like shall be considered a part of erection.

Erosion - The detachment and movement of soil or rock fragments by water, wind, ice and gravity.

Extended Care Facility - A long-term facility or a distinct part of a facility licensed or approved as a nursing home, infirmary unit of a home for the aged, or a governmental medical institution.

Façade - The total wall surface, including door and window areas of a building's face extending from grade to top of the parapet, wall, or eaves and the entire width of the building. Each wall surface shall be considered a separate 'façade.'

Fast Food – See Restaurant

Family Day Care Home - See definition in MLUL; adopted herewith by definition.

Fence - An artificially constructed barrier of wood, masonry, stone, wire, metal, or any other manufactured material or combination of materials.

Final Approval - The official action of the municipal agency taken on a preliminary approved major subdivision or site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guaranties properly posted for their completion, or approval conditioned upon the posting of such guaranties.

Final Plat - The final map of all or a portion of a subdivision or site plan which is presented to the Board for final approval in accordance with these regulations and which, if approved, shall be filed with the proper county recording officer, in the case of a subdivision.

Flood or Flooding - A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters; and/or (2) the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) - The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the Borough

Flood Insurance Study (FIS) - The official report provided in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in to discharge the base flood without cumulatively increasing the water surface elevation by more than 0.2 foot.

Floor Area, Gross - The floor area within the perimeter of the outside walls of the building or structure under consideration, including areas used for human occupancy in basements and attics, without deduction for hallways, stairs, closets, thickness of walls, columns or other features, but excluding rooftop penthouses containing mechanical equipment. It does not include cellars, unenclosed porches, or attics not used for human occupancy.

Floor Area Ratio - See definition in MLUL.; adopted herewith by definition.

Fraternal Organization - A group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings, rituals, and formal written membership requirements.

Front lot line - The line separating the lot from a street and/or street right-of-way. (Special definitions may apply if there is no access to a public street.)

Frontage - The side of a lot abutting the street. For corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage.

Garage, Public Parking - Any building which is used for commercial purposes and is used only for the storage of motor vehicles and is available to the general public.

Garage, Private - An accessory building or part of a principal building used only for the storage of motor vehicles as an accessory use. In a residential zone, a garage is intended for and used for storing privately

owned for motor vehicles, boats and trailers and personal belongings of the family or families resident in the principal residential use on the lot.

Garden Apartment - A group of architecturally harmonious multifamily dwellings in which there are no more than 2 1/2 habitable stories above curb level.

Gasoline Station - Any establishment, including any area of land or structures thereon, offering motor vehicle refueling services.

General Terms and Conditions - The conditions under which preliminary approval is granted, including zoning plat details, improvements, offsite improvements and design standards

Go-go Bar - Any building or place of business which offers alcoholic beverages, beer or wine for sale, and allows consumption of alcoholic beverages, beer or wine on the premises, and which also provides entertainment wherein a male or female dances while clad in a minimal amount of clothing, for the entertainment of patrons.

Governing Body - The Mayor and Council of the Borough of South River.

Grade, finished - - See definition in MLUL;; adopted herewith by definition.

Gross Density - The total number of dwelling units existing or permitted on a housing site divided by the total area of the tract. The result is expressed as dwelling units per acre.

Home Occupation - Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling and in connection with which there is no displays or commodities sold upon the premises, and which does not alter the exterior of the property. Beauty shops, barbershops and similar services shall not be included in this definition.

Home Professional Office - An office of a member of a recognized profession providing professional services on an appointment-only basis in his place of residence. The issuance of a state or local license for regulation of any gainful occupation shall not be deemed indicative of the occupation being classified as a recognized profession under the terms of this chapter. Recognized professions shall include only medical care for human beings; the clergy; architecture; engineering; law; accounting; planning; or similar professional occupations which may be so designated by the Planning Board upon finding both of the following: that such occupation is truly professional in character by virtue of the need for similar training and experience as a condition for the practice thereof and that such occupation serves clients on an appointment-only basis as opposed to serving a walk-in-off-the-street clientele. A "home professional office" shall not include the office of any person professionally engaged in the purchase or sale of economic goods. Dancing studios, real estate offices, convalescent homes, mortuary establishments and trades or businesses of any kind not herein expressly permitted shall not be deemed to be professional uses.

Homeowners Association - A community association other than a condominium association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities.

Hospital - An institution which maintains and operates organized facilities and services for the diagnosis, treatment or care of persons suffering from illness, injury or deformity and/or obstetrics and in which all diagnosis, treatment, surgery and care are performed under the direction of persons licensed to practice

medicine or osteopathy in the State of New Jersey, and which conform to the revised standards for hospital facilities as adopted by the State of New Jersey.

Hotel/Motel, Full-service - A building containing furnished rooms without kitchen facilities rented out to be occupied for sleeping purposes by transient guests who have their residence elsewhere and do not use for a permanent address. A general kitchen, dining room or meeting room may be provided within the building or as an accessory building, Customary hotel/motel services must be provided, such as but not limited to maid services, laundering of linen, telephone and secretarial or desk service and the use and upkeep of furniture. Full Service hotels always contain restaurants and possibly a bar or lounge with entertainment, personal services, health club and retail stores.

Hotel/Motel, Limited Service - A building containing furnished rooms without kitchen facilities rented out to be occupied for sleeping purposes by transient guests who have their residence elsewhere and do not use for a permanent address. A general kitchen, dining room or meeting room may be provided within the building or as an accessory building, Customary hotel/motel services must be provided, such as but not limited to maid services, laundering of linen, telephone and secretarial or desk service and the use and upkeep of furniture. A limited service hotel does not provide any restaurant or food service or recreational facilities.

Hotel/Motel, Extended-stay - A limited-stay hotel containing furnished rooms with refrigerator, cook tops, microwave ovens, dishes, and washers and dryers on the premises rented out to be occupied for by transient guests who have their residence elsewhere and do not use as a permanent address. The extended-stay facility is for transients staying 5 or more days, with an average of 7-10 days, and may contain a variety of room types, including studio and one- and two-bedroom suites.

Impervious (Surface) Coverage - The area which is improved and overlain by structures and/or materials which results in the reduction and/or prevention of absorption of water into the ground. It includes surfaces such as conventionally surfaced streets, roofs, sidewalks, driveways, parking lots, and other similar structures.

Industrial Park - A planned, coordinated development of a tract of land developed according to a comprehensive plan to provide two (2) or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.

Interested Party - In a criminal or quasi-criminal proceeding, any citizen of the State of New Jersey, and, in the case of a civil proceeding in any court or in an administrative proceeding before a municipal agency, any person, whether residing within or without the municipality, whose right to use, acquire or enjoy property is or may be affected by any action taken pursuant to Chapter 291 of the Laws of New Jersey 1975 (N.J.S.A. 40:55D-1 et seq.) or whose rights to use, acquire or enjoy property have been denied, violated or infringed by an action or failure to act pursuant to Chapter 291 of the Laws of New Jersey 1975 (N.J.S.A. 40:55D-1 et seq.).

Interior Lot - A lot bounded by a street on one side; any lot other than a corner lot.

Improvable - Land which is not prevented from having buildings, pavement or decking constructed on it due to development restrictions intended to protect environmental features such as wetlands, floodplains or waterbodies.

Juice Bar - Any building or place of business which does not offer alcoholic beverages, beer or wine for sale, and which also provides entertainment.

Junk Yard - An area, lot, structure, or part thereof, used primarily for the collecting, storage, sale, buying, trading, or abandonment of any refuse and/or discarded materials, or the collecting, auctioning dismantling, demolition, salvaging, cannibalizing, abandonment or processing of structures, automobiles, or other vehicle equipment and machinery, or parts thereof, with the deposit of domestic, commercial, industrial or sanitary waste water or garbage excluded. For purpose of this chapter, the use of more than 400 square feet of the area of any lot for storage, keeping or abandonment of junk, scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles not in operating conditions or other vehicles or machinery or parts thereof, which is not accessory to a permitted use, shall be classified as a junk yard.

Laboratory - A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Land - Includes improvements and fixtures on, above or below the surface.

Landscaping - Changing, rearranging, or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. It may include reshaping the land by moving the earth, as well as preserving the original vegetation or adding vegetation. The term includes lawns, trees, plants, and other natural materials, such as rock and wood chips, and decorative features, including sculpture, patterned walks, fountains, and pools.

Landscaped Area - Areas containing trees, shrubs and ground covers, unpaved pedestrian and recreation areas, ponds, streams or any other areas or features which can be reasonably included, but shall not include areas occupied by buildings or structures, paving for parking, loading or access thereto, required buffers or areas utilized for outside storage.

Local Utility - Any sewerage authority created pursuant to the Sewerage Authorities Law (N.J.S.A. 40:14A-1 et seq.); and utilities authority created pursuant to the Municipal and County Utilities Authorities Law (N.J.S.A. 40:14B-1 et seq.); or any utility authority, commission, special district or other corporate entity not regulated by the Board of Regulatory Commissioners under Title 48 of the New Jersey Revised Statutes that provides gas, electricity heat, power, water or sewer services to municipal residents thereof.

Lot - A designated parcel, tract or area of land established by a plat or otherwise permitted by law and to be used, developed or built upon as a unit.

Lot Area - An area of land which is determined by the limits of the lot lines bounding the area and shall be expressed in terms of square feet. Any portion of a lot included in a street right-of-way shall not be included in calculating lot area.

Lot Coverage Calculation/Building - Determined by dividing that area of a lot which is occupied or covered by the total horizontal projected surface of all buildings, including covered porches and accessory buildings, by the gross area of that lot.

Lot Depth - The shortest horizontal distance between the street line and the nearest part of the rear lot line. The greater frontage on a corner lot shall be its depth.

Lot Frontage - The horizontal distance between side lot lines measured along the street line. The minimum lot frontage shall be the same as the lot width, except that on curved alignments with an outside radius of less than 500 feet, the minimum distance between the side lot lines measured at the street line shall not be less than 60% of the required minimum lot width.

Lot, Corner - At the junction of and fronting on two or more intersecting streets when the interior angle of intersection does not exceed 135°. All lot lines that front on a street shall be considered front lot lines. There shall be no side lot line on the side of a building fronting on a street. The lot line or lines generally parallel to the rear of the building shall be considered the rear lot line or lines. In the case of a building facing toward the interior angle, rather than solely on one street frontage of the other, there shall be no side lot lines, and any lot lines other than those considered front lot lines shall be considered to be rear lot lines. Corner lots shall provide the minimum front yard setback for the respective zone for all intersecting streets, with the exception of lots with a fifty-foot frontage, where one of the front yard setbacks may be reduced to 15 feet. Residential corner lots on collector, major or arterial streets shall have driveway access only to the street of lesser traffic classification.

Lot, through - A lot running through from one street to another along two more or less parallel public streets or streets that do not intersect at the boundaries of the lot.

Lot line - The boundary line of a parcel of land as shown on a certified filed map or as defined by a filed map, or both. A lot line shall not be considered unless legally subdivided.

Lot line, front – Any line sharing commonality and coexistent with a street right-of-way line. All lot lines coincident with street right-of-way lines shall be considered front lot lines.

Lot line, side – Any lot line other than a front or rear lot line.

Lot line, rear - Any lot line, other than a street line, which is parallel to the front line or within forty-five (45) degrees of being parallel to the front lot line. A rear lot line shall also include any lot lines on an offset to a through lot which constitutes the rear lot line of an adjacent zoning lot. Lot lines for unusual lot configurations may be determined by the Director or Planning.

Lot Width - The straight and horizontal distance between side lot lines at setback points on each side lot line measured at equal distance back horizontal from the street line. The minimum lot width shall be measured at the minimum required building setback line. Where side lot lines are not parallel, the minimum lot width at the street line shall be not less than 60% of the required minimum lot width. The lesser frontage of a corner lot shall be its width.

Lowest Floor - The lowest floor of the lowest enclosed area (including basement) of a structure.

Manufactured Home or Mobile Home – See definition in MLUL; adopted herewith by definition.

Mobile Home: See Manufactured Home

Maintenance Guarantee - Any security, other than cash, which may be accepted by the Borough for the maintenance of any improvements required by this Ordinance.

Massage parlor - An establishment or place of business primarily engaged in providing body massage by persons who are not licensed by the State of New Jersey as physical therapists or other similar professions.

Major Site Plan - A development plan of one or more lots which proposes new development on five acres or more; involves planned development or any new street or extension of any off tract improvement which is to be prorated pursuant to Article II, §150-14C(3)[d][3] of this chapter.

Major Subdivision - Any subdivision not classified as a minor subdivision. In addition, any proposed subdivision which would otherwise qualify as a minor subdivision shall be classified as a "major subdivision" if the subdivision under consideration represents a further subdivision of an original tract of land for which previous minor subdivision(s) has been approved by the Board within the past three years. The original tract of land shall be considered any tract in existence at the time of the adoption of this Ordinance.

Master Plan - A composite of one or more written or graphic proposals for the development of the municipality as set forth and adopted pursuant to Article III of the Municipal Land Use Law.

Medical and Dental Office – any place used for the administering of medical or dental treatment free, or any place used as and inpatient or outpatient medical or dental treatment center wherein certain medical or dental conditions and disorders are treated primarily through surgical intervention that is commonly performed in normal, private medical or dental practice.

Minor Site Plan - A development plan of one or more lots which proposes new development less than five acres; does not involve planned development, or any new street or extension of any off-tract improvement which is to be prorated pursuant to this chapter; and contains the information reasonably required in order to make an informed determination as to whether the requirements of Article IV of this chapter have been met.

Minor Subdivision - A subdivision of land that does not involve the creation of more than three (3) lots, a planned development, and new streets or the extension of any off-tract improvement, the cost of which is to be prorated pursuant to this chapter. Only one minor subdivision shall be permitted on one parcel of land during any twelve-month period.

Mentally ill person – See definition in MLUL: adopted herewith by definition.

Mini-warehouse or Self-service Storage Facility - A building or group of buildings that have controlled access and security within a compound containing various sizes of structures which are compartmentalized, and/or controlled access stalls, and/or locker areas for lease to or rent to individuals for storage of goods within a building or buildings.

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.

Gasoline station mini-mart - A facility located on the same lot and as an accessory to a gasoline station, that also offers for sale prepackaged food items and tangible consumer goods, primarily for self-service by the consumer. Hot beverages, fountain-type beverages, and pastries may be included in the food items offered for sale, but food items that are prepared or individually proportioned on the premises shall be prohibited.

Motel – See Hotel/Motel

Municipal Agency - Refers to either the Municipal Planning Board or Zoning Board of Adjustment or the governing body when acting pursuant to the Municipal Land Use Law, depending on which Board has the reviewing authority. The word ‘agency’ shall mean ‘municipal agency’.

Nightclub - A commercial establishment serving alcoholic beverages for consumption on the premises and in which dancing is permitted and includes the term 'cabaret.'

Non-conforming Lot - A lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of a Zoning Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

Nonconforming Structure - A structure, the size, dimension or location of which was lawful prior to the adoption, revision or amendment of a Zoning Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

Nonconforming Use - A use or activity which was lawful prior to the adoption, revision or amendment of a Zoning Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

Nursing Home - A facility licensed by the state for five or more convalescent or aged people, which may include kitchen facilities, recreation areas and similar uses necessary adjunct uses for patient care.

Official Map - A map adopted by ordinance pursuant to N.J.S.A 40:55D-32.

Off-Site - Located outside the lot lines of the lot in question but within the property (of which the lot is a part) which is the subject of a development application or contiguous portion of a street right-of-way.

Off-Tract - Not located on the property which is the subject of a development application or on a contiguous portion of a street right-of-way.

On-Site - Located on the lot in question.

On-Tract - Located on the property which is the subject of a development application or on a contiguous portion of a street right-of-way.

Open Porch - A roofed structure supported by columns but having no side walls which projects beyond the main walls of a building.

Open Space - Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, provided that such areas may be improved with only those buildings, structures, streets and off street parking and other improvements that are designated to be incidental to the natural openness of the land.

Owner - Any person, agent, firm, corporation, or partnership that alone, jointly or severally with the others(1) has legal or equitable title to any premises, dwelling, or dwelling unit, with or without accompanying actual possession thereof; or (2) has charge, care or control of any premises, dwelling or dwelling unit, as agent of the owner or as executor, administrator, trustee, or guardian of the estate of the beneficial owner. The person shown on the records of the recorder of deeds of the county to be the owner of a particular property shall be presumed to be the person in control of the property.

Parking Space - An off-street space available for the parking of a motor vehicle, which shall be held to the area and dimension requirements specified in this chapter.

Party Immediately Concerned - For purposes of notice, any applicant for development, the owners of the subject property and all owners of property and government agencies entitled to notice under Section 7.1 of Chapter 291 of the Laws of New Jersey 1975 (N.J.S.A. 40:55D-11).

Performance Standards – (Standards of Performance) (1) Standards adopted by ordinance regulating noise levels, glare, earthborn or sonic vibrations, heat, electronic or atomic radiation, noxious odors, toxic materials, explosive and inflammable matters, smoke and airborne particles, waste discharge, screening of unsightly objects or conditions and such other similar matters as may be reasonably required by the municipality, (2) required by applicable Federal or State laws or municipal ordinances, (3) Required by the Borough Engineer specifically pertaining to design and construction of all facilities in a first-class manner.

Performance Guaranty - Any security which may be accepted by a municipality, including but not limited to surety bonds, letters of credit under the circumstances specified in N.J.S.A. 40:55D53.5, and cash.

Permitted Use - A use by right which is specifically authorized in a particular zoning district, subject to the restrictions applicable to the zoning district and without the need for special administrative review.

Personal Services Business - An establishment or businesses which provides services of a personal nature, such as hair care, nail and skin care, tanning salons, and other similar types of services. The term personal services business specifically excludes tattoo parlors, massage parlors and check cashing establishments.

Philanthropic use - Those active services or functions exclusively devoted to the active effort to promote human welfare, maintained or supported by act or gift or organized non-profit distribution of funds.

Place of Worship - A structure owned and/or used by a religious organization for worship, religious training, or education... may include, in addition to the principal structure, accessory structures and/or dwelling units for religious for religious organization personnel located within an accessory structure that is use primarily for religious training or educational purposes. This definition includes the terms church, synagogue, temple, mosque, or other facility that is used for prayer by persons of similar beliefs. (APA)

Planned Development - Planned unit development, planned unit residential development, residential cluster, planned commercial development or planned industrial development.

Plat/Plot - A map or maps of a subdivision or site plan.

Preliminary Approval - The conferral of certain rights pursuant to this chapter prior to final approval, after specific elements of a development application have been agreed upon by the municipal agency and the applicant.

Preliminary Plat - The preliminary map, with supporting documentation, indicating the proposed layout of the subdivision or site plan which is submitted to the municipal agency.

Projection - An extension of a building which protrudes or juts out from the vertical plane of the building not more than two feet.

Principal building - A building in which is conducted the primary use of the lot on which it is located.

Principal use - The main or primary use of land or structures as distinguished from a secondary or accessory use.

Professional Office - The office of a member of a recognized profession maintained for the conduct of that profession.

Property Line - A lot or parcel line that defines the limits of ownership for a piece of property; a line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

Public Drainageway – See definition in M.L.U.L., adopted herein.

Public Building - Any building or structure or part thereof, owned, leased, or managed by any branch of government or any of its departments, divisions, bureaus, boards, councils, authorities or other agencies.

Public Open Space - An open space area conveyed or otherwise dedicated to the municipality, municipal agency, Board of Education, state or county agency or other public body for recreational or conservational uses.

Public Parks and Playgrounds - A noncommercial, not-for-profit facility, designed to serve the recreation, either active or passive, needs of the residents of the community, and made available to the public. This definition may include public school and public institution ball fields, if they meet the above definition.

Public Utility - Any public utility regulated by the Board of Regulatory Commissioners and defined pursuant to N.J.S.A. 48:2-13.

Quasi-public - Private organizations and groups of a fraternal, church or charitable nature.

Recreation, commercial – Recreation facilities operated as a business and open to the general public for a fee.

Recreation, public – Recreation facilities operated as a non-profit enterprise by the Borough, other governmental entity or any non-profit organization and open to the general public.

Recreational Vehicle - Any building, structure, or vehicle designed and/or used for living or sleeping and/or used for recreational purposes and equipped with wheels to facilitate movement from place to place, and automobiles when used for living or sleeping purposes and including pick-up coaches (campers), motorized homes, boats, travel trailers, and camping trailers not meeting the specifications required for a manufactured home or a mobile home.

Rehabilitation - The repair, renovation, alteration or reconstruction of any building or structure; or the renovation of a previously deficient housing unit, which is occupied by a low or moderate income household, to meet municipal or other applicable housing code standards as further described in N.J.A.C. 5:94-4.2(b)3.

Reserve Strip - A privately owned strip of land of less than the lot depth required by the zoning ordinance and bounded on one side by a proposed street and on the other by the boundary of a subdivision containing said proposed street.

Residential Cluster - An area to be developed as a single entity according to a plan containing the residential housing units which have a common or public open space area as an appurtenance.

Restaurant - An establishment regularly and primarily used for the purpose of providing meals to the public, having an adequate kitchen and dining room equipped for the preparing, cooking and serving of foods for its customers and in which no other business except such as is incidental to such establishment

is conducted, wherein the food and drink are consumed within the principal building. Such uses shall not be interpreted to include and are hereby defined to exclude drive-in, drive-through, take-out, and fast food restaurants or other similar uses.

Restaurant, drive-in - An establishment where patrons are served food, soft drink, ice cream, and similar confections inclusive of refreshment stands, commonly called snack bars, dairy bars, hamburger stands or similar uses where customers and patrons are served food, soft drinks, or ice cream primarily for their immediate consumption outside the confines of the building or structure in which the business is conducted thereto, seats or other accommodations as provided for their patrons.

Restaurant, take-out - An establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant part of the consumption takes place outside the confines of the restaurant, and where ordering and pickup of food may take place from an automobile.

Restaurant, drive-through - An establishment that by design, physical facilities, service, and/or packaging procedures encourages and permits customers, being located in a designated drive-through lane, to receive quick food service using a window or series of windows while remaining in their motor vehicles. This is accomplished through a limited menu of items prepared and held for service or prepared quickly, and generally served in disposable wrapping or containers.

Restaurant, fast-food - A restaurant, which may or may not have tables but which is essentially designed to dispense quick, ready made food of a limited variety. The patron obtains food directly from the dispensing counter for consumption on or off such premises.

Re-subdivision – See definition in M.L.U.L. Adopted herewith by definition.

Right-of-way, public - (1) A publicly owned strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, crosswalk, railroad, for utilities, or for another special use. (2) Generally, the right of one to pass over the property of another.

Rooming House – A boarding house wherein no personal or financial services are provided to the residents. (N.J.S.A. 55:13B-3)

School, Private non-profit organization - Providing regular instruction in academic and/or religious subjects from kindergarten through Grade 12 during a normal school year; Offering a diploma, degree or certificate subject to regulations prescribed by the State of New Jersey, Department of Education, supported in whole or part by private funds and/or non-profit quasi-public agencies, administered supervised and directly affiliated with an exempted nonprofit religious and/or cultural organization. This shall not include a commercial or adult school or college giving special or limited instruction such as but not limited to business, art, music, dancing or a nursery school.

School, public - Any school operated under the administrative authority of a duly constituted state, county, regional or municipal Board of Education providing regular instruction of subjects from kindergarten through Grade 12 of a normal school year; Offering a diploma, degree or certificate subject to regulations prescribed by the State of New Jersey, Department of Education, supported in whole or part by public funds.

Screening - A visual barrier made up of planted or architectural materials for the purpose of preventing the view of an object area by the general public.

Service Drive - A roadway at least 22 feet in width which provides common access to two or more uses and, where adjacent to a public right-of-way, is separated from that right-of-way back by a planting strip at least five feet wide.

Setback line - A line established within any building lot that is parallel to any street line or property line, on the horizontal plane, and perpendicular to any street line or property line on the vertical plane, between which no building or portion thereof, may be erected.

Setback - The minimum horizontal distance between the street, rear or side lot lines and the closest part of any building. The term 'setback' is synonymous with 'required setback' and means a line beyond which a building is not permitted to extend. When two or more lots under one ownership are used the exterior property lines so grouped shall be used in determining 'setbacks.' The front setback shall be measured from any future right of way line as adopted in the Master Plan. .

Setback, front - A setback extending across the full width of the lot between a front lot line and the foremost point of any structure, excluding steps.

Setback, side - The minimum required horizontal distance between the required front setback to the required rear setback.

Setback, rear - Extends across the full required width of a site, the depth of which is the minimum horizontal distance between the rear property line and the building line, except that on a corner lot the rear yard shall extend only to the required front setback line offset dimension to the street line. (APA)

Self storage facility - See Mini-warehouse or Self-Service Storage Facility

Sex Club - A public or private place where persons pay either a membership fee or an admission fee and where the activity on the premises consists, in whole or in part, of direct sexual contact between and among the patrons. Notwithstanding the fact that the owners or operators of a "sex club" contend that the club is private, nevertheless such places shall be deemed to be public if there is nothing about the operation to distinguish a member from anyone else who seeks admittance to the premises.

Shopping Center - A group of commercial establishments planned, developed and managed as a unit in an enclosed building or buildings and utilizing such common facilities as customer parking areas, pedestrian walks, truck loading and unloading space and utilities and sanitary facilities.

Sign - Any structure or part thereof, or any device attached to a structure which shall display or include any letter, work, model, banner, pennant, flag, insignia, device, or representation used as, or which is in the nature of an announcement, direction or advertisement. A sign includes every billboard, ground sign, wall sign, roof sign, sign painted on the exterior surface of a building structure, illuminated sign, projecting sign, temporary sign, awning and canopy sign, and any announcement, declaration, demonstration, display, illustration or insignia use to advertise or promote the interests of any person, firm, or corporation when the same is placed out of doors in view of the general public. A sign does not include the flag, pennant, or insignia of any nation, group of nations, or of any state, city, or political unit.

Sign Area - The maximum projected area of the shape which encloses the sign, device or representation. In the case of lettering attached to building facades, the 'sign area' shall be the product of the maximum vertical dimension multiplied by the maximum horizontal dimension of all lettering and symbols which form the sign, including the empty space between the letters and symbols.

Sign, billboard - Any notice or advertisement, pictorial or otherwise, used as an outdoor display not related to a use on the lot, regardless of its size or dimension.

Sign, direction - Signs limited to directional messages such as 'one way,' 'entrance,' and 'exit,' and upon which no logo, advertisement or other identification is placed.

Sign, directory - A sign, other than an identification sign, listing the names, uses, tenants, occupants, or locations of the various businesses or activities conducted within a building or group of buildings, that is centrally located and intended to provide on-site directions.

Sign, free-standing - A sign supported by one or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structure.

Sign, projecting or overhanging - A sign attached to and perpendicular to an exterior wall of a building which overhangs the street right-of-way.

Sign, real estate - (1) A temporary sign that relates to the sale, lease, or rental of property or buildings, or to construction activities on site. (2) A sign indicating that a property or any portion thereof is available for inspection, sale, lease, rent, but not including temporary subdivision signs.

Sign, roof - A sign attached on a roof that projects higher than the highest part of the building; also includes signs inscribed or painted on a roof.

Sign, temporary - A sign, poster, handbill, circular or paper which is in any way attached to any pole, tree, sign or other stationary object or structure, or which is freestanding, which is intended to advertise a specific community or civil event such as, but not limited to, fairs, carnivals, converts, charitable functions, garage sales or auctions or any political campaign, candidate or event.

Sign, wall - A sign mounted flat against and projecting less than 4 inches from, or painted on the wall of, a building or structure with the exposed face of the sign in a plane parallel to the face of the wall. This does not include window signs.

Sign, window - A sign mounted flat against a glass window which does not exceed 15% of the total window area. Temporary community related posters are not included in the 15% calculation.

Single, Nonprofit Housekeeping Unit - One or more persons living together in one dwelling unit sharing, living, sleeping, cooking and sanitary facilities on a non-seasonal and nonprofit basis. Such living arrangements must comply with the space-related occupancy limitations set forth in the Property Maintenance Code of the Borough, including but not limited to sleeping and bathroom facilities and minimum amount of habitable floor area per occupant.

Site plan - A development plan of one or more lots on which is shown the existing and proposed conditions of the lot, including but not limited to topography, vegetation, drainage, floodplains, marshes and waterways; the location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures and signs, lighting and screening devices; and any other information that may be reasonably required in order to make an informal determination pursuant to this chapter.

Sketch Plat - The sketch map of a subdivision of sufficient accuracy to be used for the purpose of discussion and classification and meeting the sketch plat detail requirements of this chapter.

Special district - A district established to accommodate a narrow or special set of uses or for special purposes. The term can signify any district beyond the conventional residential, commercial, industrial, and agricultural districts .

Specified Anatomical Areas - Less than completely and opaquely covered human genitals, pubic area, buttocks, female breast below a point immediately above the top of the areola and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities – Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touchings of human genitals, pubic areas, buttocks or female breasts.

Story - The portion of a building included between the upper surface of a floor and the upper surface of the floor or the roof next above it. Underground space shall be considered a ‘story’ when the upper surface of the floor next above is more than six feet above the adjacent ground elevation at any point.

Story, half - That portion of a building under a gable, hip, or gambrel roof, the wall plates of which at least two (2) opposite exterior walls are not more then two (2) feet above the floor of such story. A cellar shall also be included as a half-story.

Street - Any street, avenue, boulevard, road, parkway, viaduct, drive or other way which is an existing state, county, or municipal roadway; or which is shown upon a plat heretofore approved pursuant to law; or which is approved by official action as pursuant to law; or which is shown on a plat duly filed and recorded in the office of the County Recording Officer prior to the appointment of a Planning Board and the grant to such Board the power to review plats; and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.

Street Line - The line determining the limit of the highway rights of the public, either existing or contemplated. “Street line” and “right-of-way line” are synonymous.

Street, Residential - A street, or portion thereof, which is located in a residential zone.

Structure - A combination of materials to form a construction of occupancy, use or ornamentation, whether installed on, above or below the surface of a parcel of land.

Structural Alteration - Any change in or rearrangement of the supporting members of a building or structure, such as walls, columns, beams, girders and foundations, including any enlargement or addition to the structure, or any change in the utility system or mechanical equipment of a structure which significantly alters its usability, capacity or function.

Subdivider - Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under this chapter to effect a subdivision of land hereunder for himself or for another.

Subdivision - The division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale or development. The following shall not be considered subdivisions within the meaning of this chapter if no new streets are created: divisions of land found by the municipal agency or Subdivision Committee thereof appointed by the Chairman to be for agricultural purposes where all resulting parcels are five acres or larger in size; divisions of property by testamentary or interstate provisions; divisions of property upon court order, including but not limited to judgments of foreclosure; consolidation of existing lots by deed or the recorded instrument; and the conveyance of one or more

adjoining lots, tracts or parcels of land owned by the same person or persons and all of which are found and certified by the Administrative Officer to conform to the requirements of this chapter and are shown and designated as separate lots, tracts or parcels on the Tax Map or Atlas of the municipality. The term “subdivision” shall also include the term “re-subdivision”. See Minor Subdivision, Major Subdivision.

Swimming pool, private - A swimming pool located as an accessory use on the same residential lot as the principal use it serves, is utilized only by the owner(s) or his nonpaying guests and is not operated for profit.

Swimming pool, public - A swimming pool open to the general public or open to members only of a club or organization, whether operated for profit or not.

Tattoo Parlor (Tattoo Parlor/Body piercing studio) – An establishment whose principle business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

Tavern or Bar - A place where the principal use or function is the selling of alcoholic beverages and incident thereto may be the retail sale or consumption of food as a permitted use, consistent with N.J.S.A. 33:12 et. seq.

Temporary structure - A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Temporary use - A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

Tract - A designated parcel or area of land, including a lot or lots, which is the subject of an application for development and which includes any contiguous portions of street rights-of-way in which the developer has property rights.

Trailer Home - Any dwelling unit for living or sleeping purposes which is equipped with wheels or some device used for the purpose of transporting such unit from place to place, whether by motor vehicle or other means, or any factory-built unit equipped with wheels used for living or sleeping purposes, whether the same is on blocks, posts or any other type of foundation. “Mobile home” shall be synonymous with “trailer home”.

Transcript - A typed or printed verbatim record of the proceedings or reproduction thereof.

Use - The specific purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

Use, accessory - A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

Use, nonconforming - A use or activity which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

Use, permitted - A use of a building or land that conforms to the provisions of this chapter.

Use, principal - A use which is the major use of the lot. In any residential zone, a dwelling on a lot shall be deemed the principal use of that lot.

Use, public - Any use of land or structure or structures thereon which is owned and used by the federal, state, county or municipal governments. Public use shall also include property not owned by a government entity but which is leased or used for that purpose.

Use, quasi-public - Any use which is public in nature but which is owned and used by a private interest group. Quasi-public uses include churches, parish houses, parochial schools, historical sites and similar uses, but do not include clubs, lodges or similar private uses.

Use, residential - The use of a building or part as a dwelling unit.

Visual Screening - Any fence, wall, tree, hedge, or shrub, or a combination of them which limits visibility or provides screening from adjacent use.

Wireless Communication - Any personal wireless service as defined in the FTA, i.e., FCC-licensed commercial wireless telecommunication services, including cellular, PCS, SMR, ESMR, paging and similar services that currently exist or that may in the future be developed. Wireless communication does not include any amateur radio facility that is under 70 feet in height and is owned and operated only by a federally licensed amateur radio station operator or is used exclusively to receive transmissions, nor does it include any parabolic satellite antennas, nor does it include non wireless telephone service.

Wireless Communications Antenna - Any device which is used for the transmission and reception of electromagnetic wave frequencies for the purpose of any wireless communication. For the purposes of this section, wireless communication antennas shall not be considered to be a public utility.

Wireless Communications Tower - A structure, often in the form of a monopole or lattice tower, on which one or more antennas are attached, but shall not mean existing structures such as silos, steeples, cupolas or water tanks.

Yard - An open space on the same lot with the principal building open, unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided by this chapter. The minimum required yard shall be the same as required setback.

Yard, front - The yard extending across the entire width of the lot between the street line and the nearest part of any building. On a corner lot, the front setback shall be required for all street frontages.

Yard, side - A yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the nearest part of the principal building.

Yard, rear - The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building.

Zoning Permit - A document signed by the administrative officer or his/her designee, which shall be required 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 acknowledges that such use, structure or building complies with the provisions of the Development Ordinance or variance there from duly authorized by the appropriate municipal agency.

§ 350-8. General regulations.

- A. Applicability of district regulations to all buildings, structures and land.
- (1) This chapter shall apply to the construction, nature and extent of the use of all buildings and to the nature and extent of the use of all land. Except as previously or hereinafter provided, no building, structure or land or any part thereof shall be used or occupied and no building or structure shall be erected, constructed, relocated, repaired, enlarged, converted or structurally altered, unless in conformity with all of the regulations of this chapter specified for the district in which it is located.
 - (2) All regulations set by this chapter within each of the districts shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.
 - (3) Any structure regulated by this chapter requiring a zoning permit shall be subject to payment of a zoning permit fee as set forth in the Fees Chapter of the Ordinances of the Borough of South River.
- B. Application to municipality. Any municipally owned, operated or controlled building, structure, facility or use, either existing or proposed, shall be permitted in any zone; it being the intention of this section that whatever the Borough may be authorized to do shall constitute a function of government, and that whenever the Borough shall act, pursuant to granted authority, it acts as government in the public interest and not as private entrepreneur.
- C. Applicability to structures having been granted or pending approval. Nothing contained in this chapter shall require any change in the plans, construction, size or designated use of any structure or part thereof for which a building permit has been heretofore issued or for which plans are on file with the Construction Official/ Department.
- D. Principal buildings.
- (1) Second dwelling prohibited. In no case shall there be permitted more than one residential building on each subdivision lot of record, except multifamily housing developments.
 - (2) All principal buildings shall be built upon a lot with frontage on a public street or on a private street approved by the Planning Board.
- E. Accessory Buildings.
- (1) General Regulations
 - (a) No accessory structure may be built upon any lot on which there is no principal building or principal structure.
 - (b) In any residential zone, no private detached garage, storage shed, or other accessory building shall be within a required front yard nor within a required side yard.
 - (c) An accessory building may be erected within a required side yard or rear yard of any residential zone; provided, however, that no building shall be erected closer than five (5) feet from the property line.
 - (d) Distance from adjacent buildings. The minimum distance of any detached accessory structure from the adjacent main building shall be five feet.
 - (e) Distance from street line. On through lots (any lot running from one street to another), no accessory building erected in the rear yard shall be nearer the street line than the minimum distance specified for a front yard setback on the street which the yard abuts.
 - (f) There shall be no utilities other than electric connected to any detached accessory building.
 - (g) No usable second floor area shall be provided in any accessory garage or building, said unusable second floor areas shall include but not be limited to the use of dormers, basements, etc.

- (h) No subfloor or rough floor shall be permitted on the joists of any accessory garage or building.
- (i) No accessory garage or building, erected in any lot within any zone shall be used for any form of residential dwelling or rooming unit purposes.
- (j) Only one accessory building shall be permitted per residential lot.
- (k) Nothing contained herein shall prevent the construction of a private garage as a structural part of a main dwelling, provided that when so constructed the garage wall shall be regarded as the walls of the main dwelling applying the front, rear and side yard regulations of this chapter. Any accessory structure attached to the main building shall be considered part of the main building.
- (l) In any residential district, a patio or deck located in conjunction with a single or two-family residential use shall not be considered an accessory structure, however, such patios and decks shall be subject to the "Patios and Decks" Subsection K of this chapter.

(2) Garden/Utility Sheds

- (a) In any residential district, a garden/utility shed may be erected for the purpose of storing materials and equipment customarily associated with a residential dwelling.
- (b) An garden/utility shed may be erected within a required side yard or rear yard of any residential zone; provided, however, that no storage shed shall be erected closer than three (3) feet from any property line.
- (c) All garden/utility sheds shall be permitted to have a maximum height of eight (8) feet.
- (d) All sheds shall be permitted to have a maximum permitted building area no greater than 100 square feet.
- (e) Only one (1) garden shed is permitted per residential dwelling unit.

(3) Detached residential garages

- (a) In any residential district, an accessory detached residential garage may be erected for the purpose of storing vehicles, materials and equipment customarily associated with a residential dwelling.
- (b) A detached residential garage may be erected within a required side yard or rear yard of any residential zone; provided, however, that no part of the garage shall be erected closer than five (5') feet from the property line.
- (c) Detached residential garages shall be permitted to have a maximum height of fifteen (15) feet.
- (d) Detached residential garages shall be permitted to have a maximum permitted building area no greater than 220 square feet.

F. Lot frontage.

- (1) In the case of lots fronting on the turnaround of a cul-de-sac street or fronting upon any other curved street, lot frontage (as distinguished from lot width) may equal, but shall be no less than 2/3 of the required lot width as set forth in the bulk table and as defined herein.
- (2) All front yards must face on a dedicated public street or on a private street approved by the Planning Board.
- (3) Where a building lot has frontage upon a street which on the Master Plan or Official Map of the Borough of South River is contemplated for right-of-way widening, the required front yard area shall be measured from such proposed future right-of-way line.

G. Required yards.

- (1) No yard or any other open space required about or in connection with any building or buildings for the purpose of complying with this chapter shall be included as part of a yard or open space similarly required for any other building.

- (2) No existing yard or existing lot shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet or exceed the minimum requirements established herein.
- (3) Except as hereinafter specified in this subsection, every part of a required yard shall be open to the sky, unobstructed except for the following man-made structures:
 - (a) Accessory buildings in a required rear or side yard in accordance with Subsection E above.
 - (b) The ordinary projection of parapets, cornices, eaves, leaders and other ornamental features not to exceed 12 inches.
 - (c) Over 20 feet above the average grade level, nothing in this chapter shall prevent the projection of a cornice, roof/gutter overhang over the front yard and rear yard to an extent not exceeding two (2) feet nor over a required side yard.
 - (d) An open fire balcony, lattice-enclosed fireproof fire escape or stairway projecting into a yard not more than four feet.
 - (e) Bay windows or balconies projecting not more than three (3) feet into a required yard.
 - (f) An above ground oil tank, providing a side/rear setback of at least five (5) feet to the nearest property line.
 - (g) Fences, in accordance with Subsection I.
 - (h) Private residential driveways, in accordance with Subsection J.
 - (i) Patios and Decks in accordance with Subsection K.
 - (j) Swimming Pools in accordance with Subsection L.
 - (k) Vision clearance on corner lots. In any district on any corner lot, within the triangular area determined as provided in this subsection, no wall, fence, sign or other structure shall be erected to a height in excess of three feet above curb level and no vehicle, object or any other obstruction of a height in excess of three feet shall be parked or placed, and no hedge, shrub or other growth shall be maintained at a height in excess of three feet, except that trees whose branches are trimmed away to a height of at least 10 feet above curb level shall be permitted. Such triangular area shall be formed by the two intersecting street center lines and by a diagonal line connecting points on these street center lines which are 90 feet from the intersection of the street center lines for local roads and 200 feet for all other roads.

H. Site plan requirement.

Except as hereafter exempted, no building permit shall be issued for any building or use or for the enlargement of any building or use unless a site plan is first submitted and approved in accordance with Chapter 295, Subdivision and Site Plan Review, and no certificate of occupancy shall be given unless all construction conforms to the approved plan, except that site plan approval shall not be required for single-family and two-family dwellings. However, all applications for one- and two-family dwellings, while not required to file for and receive site plan approval, shall be submitted to the Borough Engineer for a determination as to whether any off-site improvements are necessary or any municipal facilities need be extended off the site. If it is determined by the Engineer that such improvements are necessary, then no building permit shall be issued until a plot plan and other construction details showing such improvements as deemed necessary by the Borough Engineer are approved by the Engineer and filed with the Zoning Officer/Construction Official. If it is determined by the Engineer that any off-tract improvements are necessary, then the applicant shall be required to obtain site plan approval from the appropriate board.

I. Fences.

- (1) A zoning permit shall be issued by the Zoning Officer for all fences, except living fences, erected in the Borough.
- (2) No solid fence shall be erected in a required front yard area on any lot in any residential zone in the Borough. However, on a corner lot, such a fence may be permitted when it extends only to a

building corner, and does not encroach into a front yard any farther than the existing front building line.

- (3) For the purposes of this chapter, a split rail, chain link or equivalent fence shall not be considered solid fences, while stockade, board-on-board, solid vinyl, chain link with woven slats or the equivalent shall be deemed to be solid fences.
- (4) Fences at residential properties shall not exceed six (6') feet in height.
- (5) Fences at non-residential properties shall not exceed six (6') feet in height.
- (6) The height of all fences shall be measured from grade.
- (7) Fences proposed at any new construction project shall be included as part of the site plan proposal presented for consideration before the appropriate approving board.
- (8) The following materials are prohibited for use as fencing materials on any lot within the Borough:
 - (a) Barbed wire
 - (b) Sharp pointed materials of any type to form the top of the fence.
 - (c) Canvas, cloth or similar material
 - (d) Electrically charged fences.
 - (e) Temporary fences, such as but not limited to snow fences, expandable fences and collapsible fences, upon a lot with a dwelling or structure on it; however, temporary fences shall be permitted to protect any hazardous condition or excavation.
- (9) All fences shall be constructed with the face or finished side facing adjacent properties.
- (10) Living fences shall be maintained in a neatly trimmed condition and shall not extend into adjacent properties.
- (11) Fences shall be constructed in a manner so as not to restrict the flow of drainage.
- (12) Fences around swimming pools shall conform with the swimming pool subsection of this chapter.
- (13) No part of any fence, fence post or wall shall be erected closer than 1/2 foot from the property line.
- (14) A fence shall be required on any retaining wall over 36" in height.

J. Driveways.

- (1) Nothing contained herein shall prevent a residential dwelling from creating and maintaining a residential driveway on a residential lot, which is intended to serve as an accessory parking space for the principal single family or two-family residential dwelling located on the same lot.
- (2) Such driveways shall be designed so as to provide off-street parking so as to comply with the Residential Site Improvement Standards parking requirements.
- (3) Driveways may be located in the required front yard of the site, however, all driveways in all residential zones and for all residential uses shall not extend to within five (5') feet of a side property line.
- (4) All driveways shall be constructed of macadam, blacktop, concrete, stone pavers, or similar material as determined by the Zoning Officer. No stone, gravel, dirt, sand or grass driveways shall be permitted.
- (5) The perimeter of all residential driveways shall be surrounded by concrete, granite block, wood tie, natural stone, or similar material as determined by the Construction Official arranged so as to contain the parking of vehicles within the limits of the driveway.
- (6) The maximum driveway width at any point shall be no greater than twenty (20) feet, exclusive of any curb returns or aprons at the point of connection of the street.
- (7) For purposes of determining impervious surface coverage, all areas of a surface driveway shall be considered impervious, regardless of the materials of construction. Pervious and semi-pervious paving blocks constructed on top of a bed of compacted stone shall be considered fully impervious.

- (8) Residential driveways connecting to a County road shall provide a hammerhead or similar turn-around to prevent backing movements onto the County right-of-way.

K. Patios and wood decks.

- (1) In all residential zones and for all residential uses a patio, wood deck or any combination of the two shall only be permitted as accessory to a principal residential dwelling.
- (2) When a patio or deck is proposed on a residential lot, the applicant shall submit to the Construction Official a plot plan of the site showing all property lines, buildings, the location of the patio/deck and any surrounding walkways or other improvements. Such plot plan shall show the dimensions and the distance to all property lines for all existing and proposed improvements.
- (3) Patios shall be constructed of concrete, concrete or stone pavers, brick, slate, tiles, or other similar materials as determined by the Zoning Official.
- (4) Decks shall be constructed of natural or synthetic wood or a combination of the two materials.
- (5) Patios and decks may be erected within a required side yard or rear yard of any residential zone; provided, however, that no such structure shall be erected closer than five (5') feet to any side property line, and ten feet (10') to any rear property line.
- (6) No part of any patio or deck shall be located in a required front yard.
- (7) For purposes of determining impervious surface coverage, all areas under an on-grade patio or under an above grade deck shall be considered impervious, regardless of the materials or methods of construction. Pervious and semi-pervious paving blocks shall be considered fully impervious.
- (8) No patio or deck shall be erected which will have an area to exceed 10% of the total area of the lot(s) upon which it is located.

L. Swimming Pools.

- (1) When a private swimming pool is proposed on a residential lot, the applicant shall submit to the Construction/Zoning Official a plot plan of the site showing all property lines, buildings, the location of the pool and any surrounding walkway or other improvements. Such plot plan shall show the dimensions and the distance to all property lines for all existing and proposed improvements.
- (2) In all residential zones and for all residential uses, the minimum setback from all property lines with respect to the installation of above-ground swimming pools shall be a minimum of eight (8) feet measured from the edge of the water to the property line.
- (3) In all residential zones and for all residential uses, the minimum setback from all property lines with respect to the installation of in-ground swimming pools shall be a minimum of eight (8) feet measured from the edge of the water to the property line. Such pools may have a concrete or similar walkway or coping around the perimeter of the pool so as to provide safe movement, however, no part of any concrete walkway shall be closer than five (5') feet to any property line.
- (4) No part of any private swimming pool shall, including water surface, coping, walkways or pool equipment shall be located in a required front yard.
- (5) Pool maintenance equipment, filters, pumps and other equipment essential to the operation of any residential pool shall be set back a minimum of five (5') feet from any property line. When a pool house, shed or other accessory building is proposed to contain this equipment, this building shall be subject to the accessory building requirements of Subsection E of this chapter.
- (6) For purposes of determining impervious surface coverage, the surface area of open water shall be considered fully impervious and shall count towards an impervious coverage calculation. All concrete walkway and coping areas around an in-ground pool shall be considered fully impervious and shall count towards an impervious coverage calculation.
- (7) No private swimming pool shall be constructed on any plot or lot unless there is a residence thereon, and no property shall be subdivided if the result will be that the said pool will be separated in ownership from the residence property to which it was originally attached.

- (8) All swimming pools shall provide a 8' deep distance from the closest building line of the principal dwelling or accessory dwelling located on the same lot as the pool.
- (9) All swimming pools shall also comply with Private Swimming Pools Chapter of this Ordinance and all other State and building code regulations.

M. Corner Lots.

- (1) A lot at the junction of and fronting on the corner of two or more intersecting streets shall be classified as a corner lot and shall provide a front yard setback on all street frontages.
- (2) On a corner lot, all lot lines generally parallel to a streetline shall be side lot lines.
- (3) When a corner lot is shaped so as to have a lot line that is not a front lot line, nor a side lot line, all other lot lines shall be classified as rear lot lines.
- (4) The greater frontage on a corner lot shall be its depth and the lesser frontage shall be its width.

N. Community residences.

- (1) Community Residences, as defined by N.J.S.A. §40:55D-66.2, for the mentally and physically handicapped, victims of domestic violence, homeless veterans, the terminally ill, disabled persons, and all other groups specified by the Municipal Land Use Law and their resident staff shall be permitted in any residential zone in the Borough. Such community residences shall meet the minimum area, yard and building requirements set forth for single-family units in the zone in which located, in accordance with N.J.S.A. §40:55D-66.1.
- (2) If more than fifteen (15) persons, exclusive of resident staff, are placed in the residence, then the use becomes a conditional use which may be permitted, provided that all of the terms and conditions specified for this particular use in the Conditional Use subsection of this chapter are complied with.

O. Minimum amount of habitable floor area per occupant. Every new residential building shall have a minimum of 150 square feet of habitable floor area, exclusive of basement area, per occupant. However, if such basement area is so constructed and finished as to be usable for habitation and shall be intended for such use, then 50% of the basement floor area constructed and finished as such shall be counted in computing the total amount of habitable floor area.

P. Multifamily dwellings.

The following requirements shall apply to multi-family (3 units or greater) apartment buildings when proposed in the R-75 District

- (1) The project shall be developed in an area of not less than three acres.
- (2) The development shall not exceed a gross density of three and 3.3 units per acre.
- (3) The area of lot coverage by buildings, other than garages and exclusive of public ways, shall not be greater than 25%.
- (4) No structure shall contain in excess of 2 1/2 habitable stories above curb level.
- (5) No structure shall be built closer than 25 feet to any property line, nor 50 feet from the center line of any public way.
- (6) Each structure shall be so designed or so located in the project site that the distance from at least one window of every room used for human habitation shall be not less than 60 feet from the wall of any structure on the site, and the distance from all other windows shall be not less than 30 feet from the wall of any structure on the site, such distance to be measured by a line perpendicular to the plane of the surface of said window, except that this distance may be reduced to not less than 30 feet for one exposure where a room is a bathroom. No separate

freestanding building shall be closer than 15 feet to any other building on the site.

- (7) Adequate potable water and electricity must be available, and all waterlines, sanitary sewers, storm sewers and electrical distribution facilities shall be installed in accordance with the Borough's Subdivision and Site Plan Ordinance. Editor's Note: See Ch. 295, Subdivision and Site Plan Review.
 - (8) A minimum of 15% of the site shall be allocated, developed and improved for usable recreation space or spaces, such as tot lots, tennis courts and other similar organized activity areas as may be recommended by the Board. No such space shall be less than 2,500 square feet in size or less than 75 feet wide.
 - (9) All areas of a garden apartment development not used for the construction of buildings, roads, access-ways, parking areas or sidewalks shall be fully landscaped or grassed.
 - (10) No parking shall be permitted on any road or access-way within the garden apartment development.
 - (11) No parking area may be placed closer to a building than 20 feet.
 - (12) There shall be only one central television antenna in each building for use of occupants therein.
 - (13) No front yard shall contain service facilities for the dwellings, such as clothes drying, storage, or the like.
 - (14) The development shall exert no detrimental effect upon surrounding areas due to poor design, inadequate parking, traffic danger or destruction of neighborhood character.
- Q. Zero-line houses. Zero-lot-line houses wherein one side yard may be omitted entirely and two houses built semidetached:
- (1) Two zero-lot-line houses are built at the same time with a common party wall.
 - (2) Each remaining other side yard shall have a width equal to the aggregate prescribed for both side yards on any one lot.
 - (3) If the two lots upon which the zero-lot-line houses are proposed are under separate ownership, then application for conditional use shall be made jointly by both parties.
 - (4) All adjoining structures shall be constructed so as to be of the same exterior architectural style and design; and no structure shall be constructed, renovated, maintained or altered in any manner so as to change the exterior architectural style and design of said structure from that of the adjoining structure.
- R. Keeping of Livestock. Given that the Borough is almost entirely developed and that no farmland or farming activities are present in the Borough at the adoption of this ordinance, the following restrictions shall be in affect to protect the health, safety and welfare of all residents. The keeping of all livestock, farm animals, or exotic animals shall be prohibited in all districts. Prohibited animals shall include any animals kept outside a principal dwelling, within a barn or stable, in exterior cages, coops or runs, or in open pasture space. Prohibited species shall include all chickens, ducks, geese and similar waterfowl, goats, sheep, lambs, lamas, and/or similar ruminant animals, wild species including all wild cats, lions, tigers, all bear and wolf species, and all exotic animals typically found in zoo's including all pachyderms, and primates. Nothing contained herein shall prohibit any resident from keeping no more than three (3) domestic small animals in a cage, tank, or terrarium which is no greater than five (5) cubic feet in volume, and when the container is wholly contained within a

residential dwelling. Such typical permitted species shall be animals commonly available in a retail pet store such as fish, small birds, small mammals or small reptiles and similar animals weighing less than ten (10) pounds and as determined by the zoning officer. All animals shall be kept in accordance with the provisions of Chapter 108 Animals of the Code of the Borough of South River, and all state, local and federal laws governing such species. This section shall not apply to licensed domestic dogs and cats.

- S. On-site trailers. No shipping containers, tractor-trailer trailers, or modular buildings not permanently affixed to the ground shall be permitted in any zone unless use variance and Site Plan approval is granted in accordance with the Subdivision and Site Plan Chapter of this Ordinance. This section does not apply to recreation vehicles or manufactured housing.

§ 350-9. Affordable housing.

Reserved.

§ 350-10. Nonconforming lots, structures and uses.

The following regulations shall apply to all nonconforming lots, structures and uses existing at the time of adoption of this chapter:

- A. Intent. It is the intent of this chapter to permit any nonconformities to continue until they are removed but not to encourage their survival.
- B. Continuance of nonconforming uses. Any nonconforming use existing at the time of the passage of this chapter may be continued upon the lot or in the building so occupied. Except as required by the Borough to bring the building or premises up to code, no nonconforming use of the building or land shall be enlarged, structurally altered, extended to occupy a greater area of structure or land, or moved in whole or in part to any other portion of the lot occupied by such nonconforming use, unless the use thereof is changed to a use permitted in the district in which such building or premises is located.
- C. Continuance of nonconforming structures. A nonconforming structure, provided that the use of same is permitted in the district, may be enlarged, provided that said enlargement complies with all development regulations of the district.
- D. Prohibition against the conversion of one nonconforming use to another. Changes from one nonconforming use to another nonconforming use are prohibited.
- E. Conversion to permitted use. Any nonconforming building or use which has been changed to a conforming use shall not be changed back again to a nonconforming use.
- F. Abandonment. If any nonconforming use of a building or land ceases for any reason for 12 consecutive months or for 18 months during any three-year period, such structure and premises in combination shall be considered abandoned and shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- G. Restoration. Notwithstanding anything to the contrary hereinabove set forth, nothing in this chapter shall prevent the reconstruction, repairing, rebuilding and continued use of any nonconforming building or structure damaged or destroyed by fire, explosion, flood, windstorm or other act of God; provided, however, that there shall be no enlargement of the original structure and that the work shall be initiated within six months from the occurrence of such damage or destruction and shall be diligently pursued to completion.
- H. Repairs and maintenance of unsafe buildings. Nothing in this section shall be construed to prevent the strengthening or restoration to a safe and lawful condition any part of a building declared to be unsafe or unlawful by the Zoning Officer/Construction Official, Chief of the Fire Department or other duly authorized Borough official. Such repairs and maintenance work rendered necessary by wear and tear and required to keep it in sound condition may be made to a nonconforming structure, provided that no structural alterations shall be made to supporting members of the building (walls, columns, beams, girders) except such as are required by law, and also provided that such work does not exceed 50% of the market value of such structure at the time the work is to be done.
- I. Adjacent nonconforming lots in single ownership. If two or more lots, at least one of which is undeveloped, with continuous frontage are in single ownership of record, regardless of separate deeds, at the time of passage of this chapter, and if all or some of the lots do not meet the lot area or lot width requirements established by this chapter, the lands involved shall be considered to be an individual parcel for the purpose of this chapter, and no portion of said parcel shall be used or sold which does not meet lot area and width requirements established by this chapter, and any action to use such land as more than one lot shall require the granting of subdivision approval and the required variances.

§ 350-11. Exceptions and permitted modifications to bulk standards.

A. Exceptions to height limitations.

- (1) The provisions of this chapter with regard to height shall not apply to church spires, steeples, belfries, clock towers, noncommercial radio towers, flagpoles, chimney stacks, skylights, scenery lofts, antennas, water tanks, fire or parapet walls or roof structures for the housing of elevators, stairways, ventilating fans, air-conditioning equipment or similar equipment and structures, provided that such features shall be erected only to such height as is necessary to accomplish the purpose they are to serve.
- (2) No part of any structure erected pursuant to Subsection A(1) to a height in excess of the height limit for the zone in which it is situated shall:
 - (a) Have a lot coverage in excess of 10% of the lot area.
 - (b) Be used for residence or tenancy purposes.
 - (c) Have any sign, nameplate, display or advertising device of any kind whatsoever inscribed or attached to that part of the structure which exceeds the height limitation.

B. Exceptions to lot area and width requirements. Notwithstanding any provision of this chapter to the contrary, any parcel of land located in a residential zone with a lot area and/or width which is less than that prescribed for a lot in the zone in which such parcel is located may be used for single-family residential purposes, provided that the property owners shall submit proof by affidavit to the Zoning Officer/Construction Official of the following:

- (1) The property owner does not own any property adjoining such undersized parcel.
- (2) Dwellings or other principal uses are located on the lots adjacent to the undersized parcel.
- (3) The property owner cannot acquire property from any adjacent lot either because the owner of such lot refuses to sell or because such sale would render such adjacent lot in violation of this chapter with respect to side yard, width or bulk area requirements.
- (4) The undersized parcel and the dwelling to be erected thereon complies with all other requirements of this chapter.

C. Exceptions to yard requirements.

- (1) Where a lot is situated between two lots, each of which is developed with a main building which projects beyond the established front building line as required by this chapter and has been so maintained since the enactment of this chapter, the minimum front yard requirement of such lot may be the average alignment of the front yards of said existing buildings.

D. Exceptions to maximize solar gain. In order to promote the conservation of energy, variations in the front, side and rear yard and area requirements of this chapter may be permitted, provided the purpose of such variations is to orient buildings so as to permit said buildings to maximize solar gain and secure the full benefit of prevailing winds.

§350-12 Zoning District Regulations and Purpose

A. Zone Regulations

(1) Schedule of Limitations

The restrictions and controls designed to regulate the use of land, concentration of population, and traffic generation in each zone are set forth herewith and as further supplemented by this chapter.

(2) Purpose of Zone Districts

Zone districts are established in order to achieve the general purposes in Article I and for the following specific purposes:

- (a) To protect buildings and property against fire, explosion, noxious fumes, other hazards, offensive noise, vibrations, smoke, dust, odors, heat, glare and other objectionable influences.
- (b) To promote the aesthetic compatibility of all development with the community.
- (c) To protect residential and neighborhood commercial areas against congestion by regulating the bulk of buildings in relation to the land around them and to provide sufficient space in appropriate locations for development to meet the needs and demands of the anticipated growth in the population.
- (d) To maintain and protect existing residential neighborhoods throughout the Borough and increase residential land usage through infill, rehabilitation and redevelopment.
- (e) To encourage residential development which is compatible in density with the surrounding neighborhood.
- (f) To eliminate existing non-conforming uses in residential neighborhoods and prohibit any future obtrusive nonconforming uses from occurring.
- (g) To prevent increased deterioration and blight of existing residential neighborhoods through a continuation of current rehabilitation programs and the creation of innovative programs to increase home ownership and improve affordability to low and moderate income households.
- (h) To protect residential and commercial areas against the intrusion of abnormal vehicular traffic and to provide sufficient space for off-street parking.
- (i) To protect quasi-residential uses which require a residential environment to effectively provide essential health and welfare services to the Borough's residents.
- (j) To promote the creation of a business, professional and service oriented commercial environment.
- (k) To encourage the tendency of commercial development to cluster to the mutual advantage of both customers and merchants and thus promote and establish prosperity and welfare.
- (l) To promote the creation of a pedestrian-oriented neighborhood commercial environment which encourages maximum pedestrian activity.
- (m) To provide sufficient space in appropriate locations for attractive, modern, landscaped industrial complexes which do not create any hazards, nuisances or other objectionable influences, such as heavy trucking, which would be offensive to adjoining lands that require an environment free from these influences.

§350-13 R-100 Single Family Residential District.

- A. Permitted principal uses. No building, structure or premise shall be used and no building or structure shall be erected or structurally altered, except for the following uses:
 - (1) Detached single-family dwellings.
 - (2) Public utility structures other than storage and maintenance uses and garages.
 - (3) Community residences subject to the General Regulations chapter of this ordinance.

- B. Permitted accessory uses and buildings. Uses and buildings incidental to the above uses, including but not limited to those specific below:
 - (1) Private 1-car, 2-car or 3-car garages for the storage of personal automobiles.
 - (2) Private swimming pools.
 - (3) Residential garden/utility sheds, decks and patios.

- C. Conditional uses. The following conditional uses may be permitted, provided that all of the terms and conditions specified for the particular use in the Conditional Use chapter are complied with:
 - (1) Licensed nursing homes including assisted living facilities and adult day care.
 - (2) Nursery schools.
 - (3) Home professional offices & home occupations.
 - (4) Quasi-public clubs and organizations, and public and private, nonprofit philanthropic, educational and charitable institutions.
 - (5) Houses of Worship.

- D. Bulk requirements. As specified in the schedule of regulations, except as hereinafter provided:
 - (a) Houses of Worship, and Quasi-public clubs and organizations, and public and private, nonprofit philanthropic, educational and charitable institutions shall provide:
 - (1) A minimum lot area of one-half (1/2) acre.
 - (2) Minimum front yard, side yard and rear yard of thirty (30) feet each.
 - (3) A minimum lot width of one hundred fifty (150) feet.
 - (4) All other bulk standards of the zone apply.

- E. The maximum gross density permitted in this zone shall be four (4) dwelling units per acre for tracts of land >1 acre (43,560 sf).

- F. Off-street parking requirements. As specified in Parking Chapter of this ordinance.

- G. Signs. As specified in Sign Chapter of this ordinance.

- H. Prohibited uses. All uses not specifically permitted are prohibited.

§350-13 R-75 Single Family Residential District.

- A. Permitted principal uses. No building, structure or premise shall be used and no building or structure shall be erected or structurally altered, except for the following uses:
 - (1) Detached single-family dwellings.
 - (2) Public utility structures other than storage and maintenance uses and garages.
 - (3) Community residences subject to the General Regulations chapter of this ordinance.

- B. Permitted accessory uses and buildings. Uses and buildings incidental to the above uses, including but not limited to those specific below:
 - (1) Private 1-car, 2-car garages for the storage of personal automobiles.
 - (2) Private swimming pools.
 - (3) Residential storage sheds, decks and patios.

- C. Conditional uses. The following conditional uses may be permitted, provided that all of the terms and conditions specified for the particular use in the Conditional Use chapter are complied with:
 - (1) Licensed nursing homes including assisted living facilities and adult day care.
 - (2) Nursery schools.
 - (3) Home professional offices & home occupations.
 - (4) Quasi-public clubs and organizations, and public and private, nonprofit philanthropic, educational and charitable institutions.
 - (5) Houses of Worship.
 - (6) Multi-family dwellings.

- D. Bulk requirements. As specified in the schedule of regulations, except as hereinafter provided:
 - (1) Houses of Worship, and Quasi-public clubs and organizations, and public and private, nonprofit philanthropic, educational and charitable institutions. shall provide:
 - (a) A minimum lot area of 0.4 acres.
 - (b) Minimum front yard, side yard and rear yard of twenty five (25) feet each.
 - (c) A minimum lot width of one hundred fifty (100) feet.
 - (d) All other bulk standards of the zone apply.

- E. The maximum gross density permitted in this zone shall be five and eight-tenths (5.8) dwelling units per acre for tracts of land >1 acre (43,560 sf).

- F. Off-street parking requirements. As specified in Subsection 204-8B of the Borough of South River Land Development Ordinance.

- G. Signs. As specified in Parking Chapter of this ordinance.

- H. Parking restrictions. Same as prescribed in the R-100 Residential District.

- I. Prohibited uses.
All uses not specifically permitted are prohibited.

§350-14 B-1 Neighborhood Business District

- A. Permitted principal uses. No building, structure or premise shall be used and no building or structure shall be erected or structurally altered, except for the following uses:
- (1) All uses permitted in the OP Office Professional District.
 - (2) Professional offices, including the office of a physician, dentist, minister, architect, engineer, attorney or member of a similar profession.
 - (3) Banks, finance real estate offices and insurance offices.
 - (4) Retail shopping facilities where goods are sold only to the local trade and where nothing is fabricated or manufactured, such as or similar to the following: grocery store, bakery, delicatessen, drugstore, packaged liquor store, garden and flower shop, apparel store, stationery store, computer store.
 - (5) Restaurants, Café's and Taverns.
 - (6) Personal service establishments providing a service primarily for the surrounding neighborhood, such as or similar to the following: beauty or barber shops, dry-cleaning or tailoring shops, electrical repair establishments, printing shops and studios for instruction in music, singing, dancing, karate or art.
 - (7) Funeral homes.
 - (8) Mixed Use Buildings. The permitted uses listed above may be permitted in conjunction with one another in the same building and on the same lot provided that non-residential uses occupy the ground floors and that residential uses may only occupy upper floors within a multi-story building.
- B. Permitted accessory uses and buildings.
- (1) All uses and buildings deemed customary and incidental to the principal use thereon.
 - (2) Off-street parking areas.
- C. Conditional uses. The following conditional uses may be permitted, provided that all of the terms and conditions specified for the particular use in the Conditional Use chapter are complied with:
- (1) Home professional offices & Home occupations.
 - (2) Quasi-public clubs and organizations, and public and private, nonprofit philanthropic, educational and charitable institutions.
 - (3) Houses of Worship.
- D. Bulk requirements. As specified in the Schedule of Regulations, except as hereinafter provided:
- (1) Freestanding residential uses in the B-1 District shall comply with the bulk regulations established for the R-75 Zone.
 - (2) Houses of Worship, and Quasi-public clubs and organizations, and public and private, nonprofit philanthropic, educational and charitable institutions. shall provide:
 - (a) A minimum lot area of 0.4 acres.
 - (b) Minimum front yard, side yard and rear yard of twenty five (25) feet each.
 - (c) A minimum lot width of one hundred fifty (100) feet.
 - (d) All other bulk standards of the zone apply.
- E. Off-street parking requirements. As specified in Parking Chapter of this ordinance.
- (1) Notwithstanding any restrictions above, commercial enterprises may park marked fleet vehicles that are an integral part of their business or industrial on their private property but not on the street.

- F. Signs. As specified in Signs Chapter of this ordinance.
- G. Landscaping and Buffers. As specified in Landscaping Chapter of this ordinance.
- H. Prohibited uses and buildings.
 - (1) All adult uses including sex clubs, juice bars, go-go bars, pole dancing clubs, nude clubs, adult book/novelty sales, and unlicensed massage parlors are prohibited in this zone.
 - (2) All uses not specifically permitted are prohibited.

§350-15 B-2 Business District.

- A. Permitted principal uses. No building, structure or premise shall be used and no building or structure shall be erected or structurally altered, except for the following uses:
 - (1) Uses permitted in the O-P and B-1 Districts.
 - (2) Retail stores serving a widely distributed clientele including automobile sales and lumber and building material suppliers.
 - (3) Recreational and amusement facilities operated for private profit, including bowling alleys, skating rinks and similar indoor theaters
 - (4) Personal services and service agencies serving a widely distributed clientele, motels, hotels, small animal hospitals, diners and nightclubs.
- B. Permitted accessory uses and buildings. Uses and buildings incidental to the above uses, including but not limited to maintenance and storage buildings.
- C. Conditional uses. The following conditional uses may be permitted, provided that all of the terms and conditions specified for the particular use in the Conditional Use chapter are complied with:
 - (1) Gasoline service stations and repair garages, auto-body garages
 - (2) All conditional uses permitted in the B-1 Zone with the same conditions listed therein.
- D. Bulk requirements. As specified in the schedule of regulations, except as hereinafter provided;
 - (1) Freestanding residential uses in the B-1 District shall comply with the bulk regulations established for the R-75 District.
- E. Parking restrictions. Parking is subject to the parking regulations chapter of this ordinance.
- F. Signs. Signs are subject to the sign regulations chapter of this ordinance.
- G. Prohibited uses.
 - (1) All adult uses including sex clubs, juice bars, go-go bars, pole dancing clubs, nude clubs, adult book/novelty sales, and unlicensed massage parlors are prohibited in this zone.
 - (2) All uses not specifically permitted are prohibited.

§305-16 O-P Office Professional District

- A. Permitted principal uses. No building, structure or premises shall be used and no building or structure shall be erected or structurally altered, except for the following uses:
 - (1) Business and professional offices and office buildings.
 - (2) Finance, real estate and insurance offices.
 - (3) Medical offices, clinics and testing laboratories.
 - (4) Education training centers.
 - (5) Single-family detached dwellings.
 - (6) Municipal emergency service facilities.

- B. Permitted accessory uses and buildings. Uses and buildings incidental to the above uses, including but not limited to those specified below:
 - (1) All uses permitted in the R-100 Residential District.
 - (2) Off-street parking areas.
 - (3) All uses and buildings deemed customary and incidental to a permitted principal use.

- C. Conditional uses. The following conditional uses may be permitted, provided that all of the terms and conditions specified for the particular use in the Conditional Use chapter are complied with:
 - (1) Licensed nursing homes including assisted living facilities and adult day care.
 - (2) Nursery schools.
 - (3) Home professional offices & home occupations.
 - (4) Quasi-public clubs and organizations, public and private non-profit philanthropic, educational and charitable institutions.
 - (5) Houses of Worship.

- D. Bulk requirements. As specified in the schedule of regulations.

- E. Conditional uses. The following conditional uses may be permitted, provided that all of the terms and conditions specified for the particular use in Subsection 204-7 are complied with:
 - (1) Home professional offices and occupations.
 - (2) Quasi-public clubs and organizations.

- F. Off-street parking requirements. Parking is subject to the parking regulations chapter of this Subsection.
 - (1) Notwithstanding any restrictions herein above contained, commercial or industrial enterprises may park marked fleet vehicles that are an integral part of their business or industrial on their private property but not on the street.

- G. Signs. Signs are subject to the sign regulations chapter of Subsection.

- H. Prohibited uses.
 - (1) All uses not specifically permitted are prohibited.
 - (2) All adult uses including sex clubs, juice bars, go-go bars, pole dancing clubs, nude clubs, adult book/novelty sales, and unlicensed massage parlors are prohibited in this zone.

§350-17 L-I Light Industrial District.

- A. Permitted principal uses. No building, structure or premises shall be used and no building or structure shall be erected or structurally altered, except for the following uses:
- (1) Uses permitted in the B-1 Commercial District, excluding all residential, fraternal, quasi-public uses, Houses of Worship and nursing homes.
 - (2) Research institutions and laboratories for scientific or industrial research or testing, including experimentation and product development, provided that no such operation shall be conducted or equipment used which would create hazardous, noxious or offensive conditions beyond the boundaries of the site.
 - (3) Utility and service activities of an industrial character, such as repair and maintenance yards, storage facilities, depots and stations.
 - (4) Activities of a general industrial nature, such as light manufacturing, fabrication, textiles, processing or assembling of goods, that will not result in any nuisance or hazard beyond the limits of the lot occupied by such activity
 - (5) Warehousing and storage buildings, except for bulk storage and hazardous materials.
 - (6) Auto sales, service garages, body shops, auto inventory storage, commercial parking lots.
- B. Permitted accessory uses and buildings. Uses and buildings incidental to the above uses, including but not limited to those specified below:
- (1) Off-street parking areas.
 - (2) All uses and buildings deemed customary and incidental to a permitted principal use.
- C. Conditional uses. The following conditional uses may be permitted, provided that the applicant can demonstrate that the business will not create any conditions that are toxic, corrosive, noxious, hazardous, injurious or offensive by reason of the emission of odor, dust, refuse matter, garbage, smoke, gas fumes, vapor or noise that is dangerous to the comfort, peace, enjoyment, health or safety of the community and also fully comply with subsection K of this chapter: Additional industrial activity and material storage requirements which shall also be conditional use criteria:
- (1) Gasoline service stations, repair garages, and body shops. provided that all of the terms and conditions specified for the particular use in the Conditional Use chapter are also complied with.
 - (2) Bulk assembly and fabrication of iron, steel and metal products, metal processing, including metal treatment and processing, such as enameling, galvanizing and electroplating, reduction, smelting and refining of precious or rare metals; and casting of lightweight nonferrous metals.
 - (3) Manufacture of stone, clay, ceramic, macadam or cement products.
 - (4) Chemicals product manufacturing not involving noxious odors or danger from fire.
 - (5) Bulk processing of wood and lumber.
- D. Prohibited uses.
- (1) No building or premises shall be used for any heavy industry, mining trade, or any business or purpose of any kind that is toxic, corrosive, noxious, hazardous, injurious or offensive by reason of the emission of odor, dust, refuse matter, garbage, smoke, gas fumes, vapor or noise that is dangerous to the comfort, peace, enjoyment, health or safety of the community.
 - (2) Residential uses and all other uses permitted in any residential zone in the Borough.
 - (3) All uses not permitted are prohibited.
 - (4) Sex clubs and massage parlors are prohibited.
 - (5) All uses not specifically permitted are prohibited.
- E. Bulk requirements. As specified in the schedule of regulations.

- F. Off-street parking requirements. As specified in Parking subsection of the Borough of South River Land Development Ordinance.
- (1) Notwithstanding any restrictions herein above contained, commercial or industrial enterprises may park marked fleet vehicles that are an integral part of their business or industrial on their private property but not on the street.
- G. Landscape Requirement. Subject to the Landscaping chapter of this subsection.
- H. Buffer Requirement. Where any lot in this zone abuts a zone line of any other district other than the L-I district, a landscape buffer area shall be established. Such buffer shall be located on the lot(s) in this zone and shall be no less than 50' deep and shall consist of an undulating earthen berm, average 8' in height, which shall be planted upon with a dense mixture of shade and evergreen trees for the purpose of establishing a physical separation of the sound and visual impacts of industrial uses. Fencing, walls, and other screening methods may be incorporated into the buffer area. Where the property line in this zone abuts the R-75 or R-100 Residential Districts, the buffer shall be increased to 100' in depth.
- I. Signs. Signs are subject to the sign regulations of signs chapter of this subsection.
- J. Requirements for the storage of materials. All materials and equipment not stored within the main buildings shall be stored in completely enclosed buildings or otherwise shall be screened by walls, fences or landscaping to screen such materials and equipment from outside the boundaries of the lot.
- K. Additional industrial activity and material storage requirements. All uses involving the storage or handling of flammable or explosive materials or hazardous chemical substances shall comply with the following additional standards:
- (1) All activities involving flammable or explosive material and/or storage of same shall, at a minimum, comply with the most stringent standards and regulations set forth in the most current editions of the BOCA Basic Building Code and the BOCA Fire Prevention Code.
 - (2) All utilitarian, material storage or exposed equipment areas of the site shall be fully screened from view with a solid fence, no less than six feet (6') in height.
 - (3) The applicant shall furnish to the reviewing board, Health Department and Environmental Commission information identifying all chemicals and substances to be used and stored on site, as well as all pollutants to be generated and all wetlands, watercourses and/or floodplains on the site and the impact of the facility on such.
 - (4) The applicant shall furnish the above-named municipal agencies with copies of all applications and permits presently on file or which are proposed to be filed with state and federal agencies with respect to discharges into air or water. These applications and permits shall disclose quantities, chemical nature and physical characteristics of discharge, such as but not limited to temperature and velocity.
 - (5) Uses with accessory outdoor storage areas, such as building materials, equipment or outdoor storage tanks or vessels, shall be provided in such a manner so as to ensure that there will be no infiltration into or contamination of the Borough water resources, including the Farrington Sands, Old Bridge Sands and surface water sources. The contact of hazardous chemical substances and salts with rainfall water, overland water flow and/or storm runoff shall be prevented by adequate cover and containment mechanisms, including but not limited to sheds, impervious membranes or ground cover and berms.
 - (6) All outdoor above ground facilities for the storage of any hazardous chemical substance shall be located at a minimum distance of five hundred (500) feet from any residential development or residential zone and one hundred (100) feet from a public right-of-way. Tanks or drums of fuel directly connecting with heating devices or appliances located on the same premises as the tanks

- or drums of fuel are excluded from this provision. All outdoor storage of toxic chemicals is prohibited and shall not occur in areas identified as groundwater recharge areas.
- (7) The applicant shall provide the municipal agencies with a spill prevention and containment control plan setting forth the manner in which spillage of materials will be prevented and measures to be taken on the event of a spill.
 - (8) If the appropriate Board determines the need to have a technical expert review an application which proposes to use or store hazardous chemicals or toxic substances or to determine if said chemicals are hazardous substance or toxic, the applicant shall deposit, in addition to the fees set forth in Subsection 204-4C, sufficient money as may be determined by the appropriate Board for the payment of review fees for a technical expert. A technical expert is a licensed professional person with a specific knowledge of the proposed use of the applicant, which knowledge is not within the expertise of the Borough Planner and/or Borough Engineer. The deposit for the technical review fee need not be paid until the Planning Board shall first determine the need to hear a technical expert and the amount of deposit to be required. To the end that there should be any amount unexpended for technical review of any application, the unexpended balance shall be refunded to the applicant, and, should the fee deposited be insufficient to satisfy the expense of the technical review, the applicant shall be required to deposit such additional funds as may be necessary in order to satisfy such expense within ten (10) days of being notified of the amount of additional funds required.
 - (9) For the purposes of this section, a hazardous chemical substance shall be defined as any radioactive material or single substance or mixture containing a substance described in the most recent edition of the New Jersey Department of Environmental Protection, Hazardous Waste Management Regulations, New Jersey Administrative Code Title 7, Subchapter F, Chapter 26, Subchapter 6.
 - (10) All tank car and tank-truck loading, unloading or storage areas employed in the transfer or storage of hazardous substances shall be designed such that a spill will be prevented from entering any groundwater, other than a drain which leads to an approved industrial waste, water treatment plant or other facility which will effectively contain the spilled hazardous substance. Satisfactory provisions for neutralizing leakage or spills of hazardous chemicals or corrosive liquids shall be provided. All vehicles and rail cars carrying hazardous chemicals or explosive materials as defined under this section shall stand or be parked only in a secure area where they are under the care, custody and control of an owner or operator, who shall provide a qualified person to ensure that movement of any vehicle or rail car complies with this chapter. No transfer or storage of incompatible toxic hazardous substances shall occur without applicable state and federal requirements of proper labeling and storage having been met.
 - (11) Diking requirements. All chemical handling and storage areas and all above ground areas for the storage of bulk oil or gasoline shall be diked in a manner acceptable to the Borough Engineer in order to prevent pollution due to spillage of such materials. Any diking recommended by the Department of Environmental Protection shall also be required.

§350-18 W-R Waterfront Revitalization District.

A. Intent and Purpose.

The intent of the Waterfront District shall be to comprehensively revitalize the South River waterfront. This aims to encourage economic development and inject into all properties in the district opportunities for development, growth and prosperity. This ordinance intends to promote retail, commercial and pedestrian activity to create a vibrant mixed-use area.

B. Revitalization District Goals.

- (1) To create an attractive mixed-use district along the South River waterfront to attract economic activity to the area.
- (2) To create linkages to/from existing public parks and open space to each other and the river.
- (3) To create a highly visual public access-way leading to or along the waterfront and to create opportunities to develop a landmark waterfront-public space for the Borough.
- (4) Provision for three story development for property owners/developers in the district to encourage development.
- (5) To provide a coordinated parking program intended for non-residential uses.
- (6) To discourage residential uses from this area so as to secure them from fire, flood, panic and other man-made or natural disasters.
- (7) To create a long-term land use policy for the district which recognizes the history of flooding problems in this area, and aims to protect the health, safety and welfare of the citizens of the Borough during periods of mandatory flood evacuation of this area.
- (8) To encourage large scale (5 acres or more) development of the area.

C. District Location. The location of the Main Street Revitalization Zone shall be indicated on the Zoning Map of the Borough of South River, based on the recommendations found in the 2011 Master Plan and shall include all parcels of lands contained therein.

D. Permitted principal uses.

- (1) All uses permitted in the B-1 Neighborhood Business Zone, except detached single-family residential dwellings.
- (2) All office and personal service uses permitted in the O-P Office Professional Zone.
- (3) Mixed-use retail shopping centers, outlet malls, shopping villages and office parks.
- (4) Active recreation uses, including marinas, boat clubs, and other commercial waterfront recreation.
- (5) Art/artisan galleries, museums, art studios, health and fitness centers, day spas, licensed physical therapists and licensed massage and acupuncturists.
- (6) Restaurants, cafes, excluding drive-in and drive-through restaurants.
 - (a) Restaurants and eating establishments shall be permitted to entertainment in the form of various acts including musicians, comedians, magicians, diverse musical groups.
 - (b) Restaurants in this zone are permitted and encouraged to provide outdoor eating areas
- (7) In no fashion should any use permitted in this code be intended to permit any type of entertainment or adult use in this zone or permit any use that would violate Alcoholic Beverage Control, Health Regulations, or Police/Fire Regulations.

E. Accessory uses. Uses and buildings incidental to the above uses, including any use on the same lot with and customarily incidental to any use permitted in this district.

F. Conditional uses.

- (1) Taverns and nightclubs shall be conditional uses and shall be subject to site plan review and approval from the appropriate Board.

G. Prohibited uses.

- (1) Adult uses of any kind including strip clubs, juice bars, go-go bars, pole dancing, nude clubs, adult book/novelty sales, and unlicensed massage parlors.
- (2) Boarding or rooming houses.
- (3) Drive-through or drive-in uses.
- (4) Gasoline stations, automobile sales, service and repair garages.
- (5) All uses not specifically permitted are prohibited.
- (6) Single-family residential dwellings. Due to the danger to human life and the interest of securing life and property from damage due to flooding, single-family residential dwellings shall not be a permitted use in this zone. However, any single family home damaged by flooding or flood-related natural disaster shall be permitted to be reconstructed as long as the damage to the building does not exceed fifty percent (50%) of the pre-disaster condition of the building. Such determination shall be made by the Zoning Officer/Construction Official. This subsection is enacted in accordance with Chapter 291 §40:55D-65(e).

H. Bulk requirements.

The bulk standards of the L-I Light Industrial District shall apply:

- (1) Minimum lot area shall be 20,000 square feet.
- (2) Minimum lot width shall be one hundred feet (100'). Minimum lot depth shall be one-hundred feet (100').
- (3) Front setback shall be twenty five feet (25').
- (4) Minimum one side yard shall be ten feet (10'). Both side yards shall be a minimum of twenty five feet (25').
- (5) The rear yard setback shall be twenty feet (20').
- (6) Maximum building height: three (3) story or forty feet (40'), whichever is the lesser.
- (7) The maximum percent of building coverage shall be forty percent (40%). The maximum percent of impervious coverage shall be seventy (70%) percent.
- (8) All accessory building shall have a minimum side and rear setback of five feet (5').

I. Waterfront Access Requirement

Public access along/to the waterfront shall be provided to the public via a walkway/pathway.

J. Mixed-Use Requirements.

- (1) All retail uses shall be located in ground floor locations in all buildings in this zone. Retail uses may be extended to the 2nd floor and then the 3rd floor space above an existing ground floor retail space when interior stairways or elevators are provided to connect the spaces.
- (2) All office and personal service uses shall be located on the ground floor, 2nd floor or 3rd floor, provided that no office or personal service use shall be located over a residential use.

K. Parking requirements.

- (1) Unless hereinafter specified, all parking designs requirements of the Parking Chapter of this ordinance shall apply.
- (2) To encourage a scale of development appropriate for this area, mixed-use on parcels of 2 acres or more may propose a shared parking arrangement for a particular development site. Such a proposal should be submitted in the form of a parking study.
- (3) All on-site parking and loading facilities shall be located in the side or rear yards of each property, subject to all other requirements of the Parking Chapter of this ordinance.

L. Loading Requirements. Loading shall be subject to the loading chapter of this ordinance.

M. Landscaping Requirements. Landscaping in this zone shall be subject to the landscaping chapter of this ordinance.

N. Signs.

- (1) All signs are subject to the sign regulations chapter of this ordinance.
- (2) All billboard signs are prohibited.

O. Architectural Design Standards.

- (1) All buildings in this zone shall be required to submit color elevations or photo-simulations showing the appearance, colors, materials and textures of all proposed development to the appropriate Board.

P. Public and Quasi-Public Improvements.

- (1) Public Plaza. The 2011 Master Plan envisions a public plaza at a highly-visible location creating an “entrance way” into the Waterfront Revitalization District. To accomplish this, any developer may, as a part of any development application may propose the creation of this plaza as a public or quasi-public space. Such a plaza may contain civic monuments, pedestrian areas, transportation links, and public art. It should be barrier free, extensively landscaped and situated to attract pedestrians into abutting activity spaces.
- (2) Outdoor Dining. Outdoor dining in this district is contemplated for areas facing quasi-public areas and the water, although outdoor dining is permitted in all locations subject to the following:
 - (a) Tables, chairs, umbrellas, small private trash containers, and planters are all permitted.
 - (b) All furniture should be made of painted metal, painted wood, stained wood, or of some combination of these materials. The character of all furniture should complement the design of the building and the business that they adjoin.
 - (c) The size of the table and chair groupings is limited to that which will maintain a 4’ 0” clear walking path on the sidewalk, right-of-way, or walkway, sufficient width to permit pedestrians to pass.
 - (d) Overhead elements, such as umbrellas in quasi-public spaces should allow for clearance for passing pedestrians.
 - (e) Outdoor dining uses shall comply with all other dining chapters in this ordinance.

§350-19 MSR – Main Street Rehabilitation District.

A. Intent and Purpose.

The intent of the Main Street Rehabilitation District shall be to encourage economic development and revitalization and inject into all properties in the district opportunities for growth and prosperity in conjunction with aesthetic improvements. This ordinance intends encourage building rehabilitation and promote pedestrian traffic to create a vibrant mixed-use neighborhood.

B. Rehabilitation District Goals.

- (1) To create an attractive mixed-use district along Main Street/Ferry Street with an appropriate tempo and scale of buildings for a downtown setting.
- (2) To improve the aesthetics of the Main/Ferry Street district with streetscape improvements including street trees, sidewalk improvements and street lighting to create a sense of place.
- (3) To recognize the role this area plays and its importance to the character of the South River community.
- (4) To create opportunities to create a landmark public space for the Borough.
- (5) Creation of a visual terminus point at key locations through the use of building massing and visual corner elements.
- (6) Provision of new retail or other non-residential space along Main Street wrapping around corners of other collector streets.
- (7) Provision for a “density bonus” or “floor area bonus” for property owners/developers in the zone to encourage development.
- (8) To provide a coordinated parking program intended to meet residential need and to encourage non-residential uses.
- (9) To eliminate buildings in poor repair and inappropriate land uses and to encourage development at a pedestrian-friendly scale and with linkages to public transit.

C. District Location. The location of the Main Street Revitalization Zone shall be indicated on the Zoning Map of the Borough of South River, based on the recommendations found in the 2011 Master Plan and shall include all parcels and public lands contained therein.

D. Permitted principal uses.

- (1) All uses permitted in the B-1 Neighborhood Business Zone.
- (2) Residential apartments (on upper floors only).
- (3) All office and personal service uses permitted in the O-P Office Professional Zone.
- (4) Art/artisan galleries, museums, art studios, health and fitness centers, day spas, licensed physical therapists and licensed massage and acupuncturists.
- (5) Restaurants, cafes, excluding drive-in and drive-through restaurants
 - (a) Restaurants and eating establishments shall be permitted to entertainment in the form of various acts including musicians, comedians, magicians, diverse musical groups.
 - (b) Restaurants in this zone are permitted and encouraged to provide outdoor eating areas with tables and chairs, provided that all eating areas on the front façade of a building shall be of temporary nature and shall not block pedestrian circulation on any Borough sidewalk.
- (6) In no fashion should any use permitted in this code be intended to permit any type of entertainment or adult use in this zone or permit any use that would violate Alcoholic Beverage Control, Health Regulations, or Police/Fire Regulations.

E. Accessory uses. Uses and buildings incidental to the above uses, including any use on the same lot with and customarily incidental to any use permitted in this district.

F. Conditional uses.

- (1) Recreational facilities, video arcades, entertainment facilities including bowling alleys, staking rinks, indoor theatres, taverns, nightclubs shall all be conditional uses and shall be subject to site plan review and approval from the appropriate Board.

G. Prohibited uses.

- (1) Adult uses of any kind including strip clubs, juice bars, go-go bars, pole dancing, nude clubs, adult book/novelty sales, and unlicensed massage parlors.
- (2) Boarding or rooming houses.
- (3) Freestanding residential uses.
- (4) Drive-through or drive-in uses.
- (5) Gasoline stations, automobile sales, service and repair garages.
- (6) Houses of worship.
- (7) All uses not specifically permitted are prohibited.

H. Bulk requirements.

- (1) Minimum lot area shall be 2,500 square feet.
- (2) Minimum lot width shall be twenty five (25'). Minimum lot depth shall be one-hundred feet (100').
- (3) All buildings having a frontage on Main Street and Ferry Street shall be located so as to provide a zero feet (0') setback to those streets, with a tolerance of five feet (5'). In the case of in-fill development, new buildings shall be aligned with the average front alignment of the surrounding buildings. In no case shall any building have a front setback to Main or Ferry Street greater than five feet (5').
- (4) All buildings fronting on all streets other than Main and Ferry Street shall provide a front setback of ten feet (10') to those streets. In the case of in-fill development, new buildings shall be aligned with the average front alignment of the surrounding buildings.
- (5) The side yard setback shall be zero feet (0') provided that the lot line does not abut a residential district in which case the minimum requirement will be fifteen feet (15').
- (6) The rear yard setback shall be twenty feet (20').
- (7) When due to building orientation, lot configuration or other conditions that preclude entry into the rear of the property for parking area access, loading, refuse collection, emergency access, or similar purpose, a paved alleyway no greater than fifteen feet (15') shall be permitted alongside or within the frontage of the building. Where a building shall contain more than one (1) story, additional stories may be constructed above said alleyway pursuant to all applicable building codes with the aforementioned side yard requirements.
- (8) All buildings shall be two and a half (2½) story or three (3) story buildings with a maximum building height of forty feet (40').
- (9) The maximum percent of building coverage shall be seventy percent (70%). The maximum percent of impervious coverage shall be ninety five (95%) percent.

I. Mixed-Use Requirements.

- (1) All retail uses shall be located in all ground floor locations in all buildings in this zone. Retail uses may be extended to the 2nd floor and then the 3rd floor space above an existing ground floor retail space when interior stairways or elevators are provided to connect the spaces.
- (2) All office and personal service uses shall be located on the ground floor, 2nd floor or 3rd floor, provided that no office or personal service use shall be located over a residential use.
- (3) All buildings may provide residential uses on any floor except the ground floor or the basement floor. No more than 67% of the total floor area of any building shall be dedicated to residential use.

- (4) Regardless of the gross floor area of any building, the maximum floor area of each and any separate and individual permitted use shall be no greater than 2,500 square feet. Each single space greater than 2,500 square feet shall require relief from the appropriate Board.

J. Requirements for Buildings.

- (1) Maximum building footprint shall be 10,000 square feet.
- (2) No building shall exceed a building width of 200' along a single street frontage unless broken up by a plaza or courtyard.
- (3) Buildings should be placed to frame street corners.
- (4) To be compatible with a pedestrian scale, each ground level individual business shall provide a functioning, direct primary street entry. A shared entry is permitted for access to upper level units and shall provide a glazed commercial doorway and an entrance lobby area.
- (5) All building shall have a base, middle and top with the base differentiated with different materials than the upper floors. The top portions of all flat roof buildings should provide parapets or deep cornices on front facades.
- (6) Buildings shall present a complete and discrete vertical façade composition at an average street frontage of every 50 feet.
- (7) Allowable projections on any 2nd or 3rd floor façade include bow windows, and flat canopies and may project two feet (2') into a front right-of-way. French balconies shall project not more than one foot (1').
- (8) Corner and tower elements are encouraged to create an architectural focus for the area. Such an approved element may exceed the building height without violating this ordinance so long as the element does not exceed the building height by eight feet (8') for a total height of no greater than forty eight feet (48').

K. Parking requirements.

- (1) Unless hereinafter specified, all parking designs requirements of the Parking Chapter of this ordinance shall apply.
- (2) All properties within this district with street frontage along any street are subject to the special parking requirements on that frontage.
- (3) Due to the availability of existing parking for individual properties and existing street parking spaces along Main and Ferry Streets and along its streets, all ground floor retail, personal service and restaurant uses that are permitted within the geographic limit of this Zone shall not be subject to any parking requirement. Future parking needs, as they become evident, shall be satisfied through the construction of strategic parking lots on properties to be rendered available along or in the vicinity of Main Street.
- (4) All office, bank and commercial uses that are permitted within the geographic limit of this Zone shall be subject to parking requirements specified in Parking Subsection of the Borough of South River Land Development Ordinance.
- (5) All residential uses that are permitted or approved by variance within the geographic area of the Zone shall have parking requirements based on the Residential Site Improvement Standards. Residential parking shall be provided off-street.
- (6) All on-site parking facilities shall be located in the side or rear yards of each property, subject to all other requirements of the Parking Chapter of this ordinance. All parking shall be prohibited in front yards.
- (7) Buildings on individual parcels in the Zone are permitted to have contiguous on-site parking areas with free flowing traffic between said parking areas.
- (8) No parking lots shall be no closer than five (5) feet to any property line of the parcel on which they are located, except for points of cross-access. There shall be available as necessary, access to the rear of such properties for accessing parking areas, refuse collection, loading/unloading, entry of public safety vehicles and other necessary functions which require such entry.

L. Loading Requirements.

- (1) Loading shall be subject to the loading chapter of this subsection.
- (2) On street loading/unloading and dumpster tipping in the MSR District shall be prohibited between the hours of 10:00 p.m. and 6:00 a.m.
- (3) All loading/unloading shall be permitted in the rear yard area only.
- (4) Where rear or side yard parking, loading or other utilitarian activities are proposed, a minimum ten (10) foot wide buffer area shall be required adjacent to all residential uses, all rights-of-way, and all residential zones. Said buffer screen shall be comprised of a five (5) foot to six (6) foot high living evergreen wall and six (8) foot high solid fencing to provide screening for the abutting incompatible uses.

M. Landscaping Requirements. Landscaping in this zone shall be subject to the landscaping chapter of this subsection.

N. Signs.

- (1) All signs are subject to the Sign regulations chapter of this ordinance.
- (2) No ground signs shall be permitted. Only façade signs are permitted in this district.
- (3) The maximum permitted sign area shall be ten (10%) percent of the front façade. On corner lots, signs may increase to account for both façade areas. There shall be a limit of one sign per use or tenant.
- (4) When a ground sign is proposed such signs shall be monument style signs with a height no greater than four (4') feet. A planter base shall be provided around the base of the sign. Such signs shall require relief from the appropriate Board.
- (5) Shingle signs are permitted on the first and second floors. The maximum area should not exceed 4 square feet, the materials should be either painted wood or painted metal, and they should include ornamental metal brackets of some kind. They should only be externally illuminated and the message should only give the symbol or the name of the business.
- (6) Surface mounted signs on the first floor cornice/sign band shall contain individually mounted letters or symbols and not be a large board sign that obscures the cornice and its details. They should be externally illuminated and the message should only contain the name or the symbol of the business.
- (7) Surface mounted signs are not permitted above first floor.
- (8) Awning signs shall be limited by the size of the fringe or the main area of the awning, depending on the location of the sign.
- (9) All billboard signs are prohibited.

O. Awnings.

- (1) Cloth and canvas awnings are encouraged over building entrances and shall provide a minimum of eight foot (8') clearance and shall not extend more than four feet (4) from the building façade.
- (2) If an awning is so steeply sloped that it serves as a sign rather than as shelter, the sign must meet all the criteria (size, message, lighting, etc.) for wall signs that could be above the first floor.
- (3) All types of colors and patterns are acceptable if they meet the criteria for colors and signs: plain, striped, patterned, decorative, and so on. They must however, be compatible with the overall building.
- (4) If a single building contains more than one shop front and more than one shop, the two awnings can either be identical to complement the building, or they can differ, to add variety and to express the identity of the individual shops. 2) If a single shop occupies the ground floor of two adjacent buildings, the awnings in each building can be identical, since the objective of maintaining the identity of the two buildings is met by the building designs.

P. Architectural Design Standards.

- (1) The following activities regarding any of the buildings in the AAR Zone shall render the building(s) subject to the "Architectural Appearance requirements: listed below:
 - (a) The new construction of a primary use building on a parcel of land.
 - (b) The addition to an existing primary use building that is ten (10%) percent or more of the gross floor area of the existing building.
 - (c) The renovation or alteration in any manner of any outer wall of a building that faces street frontage or is considered the front of the building including addition of windows, doors or similar elements.
 - (d) The renovation or alteration in any manner of any outer wall or combination of outer walls of a building.
 - (e) The major internal renovation or alteration of a building which constitutes forty-nine (49%) percent or more of the gross floor area.

- (2) Architectural Appearance Requirements"
 - (a) Since all of the existing buildings within the limits of this Zone vary considerably in age and architecture in their present state, it is difficult to impose on them a rigid architectural design standard. Although beauty and character are subjective, there shall be an underlying design theme to the buildings and specifically to the facades so that a sense of conformity to a time period is achieved. Variation, creativity, uniqueness and distinction are encouraged provided that there is a visual flow from building to building with no evidence of abrupt change or disruption in design or theme. Each building, although having its own identity should compliment the others in style and taste without the look of an exact copy.
 - (b) The prominent veneers to be used for facades and sides of buildings facing the street shall be real brick, (mortar or painted), limestone, unpolished granite.
 - (c) The unpainted brick colors shall be in the brown, beige or red tones. Stone coloring shall be more flexible but maintain a subdued color scheme in keeping with the brick tones.
 - (d) Other veneers such as wood shingles, hardi-plank, cementitious fiber shingles, cast iron, terra cotta, fiberglass, glazed tile, painted wood or metal or other manmade siding products and wood veneer products shall be considered secondary veneers to compliment the brick or stone. The colors of such veneers shall be in subdued tones to blend in a compatible and aesthetic fashion. The use of fluorescent colors is prohibited as are abrupt color changes, even in the subdued tones, that clash visually.
 - (e) Aluminum siding, vinyl siding, faux brick face, metal panels, stucco/EIFS treatments are strongly discouraged except in utilitarian areas not visible from the street.
 - (f) No blank walls. All facades or sides of buildings facing the street shall have a décor that prohibits for a maximum distance of fifteen (15) feet horizontally, bare unadorned walls along each floor. These walls shall have appurtenances either decorative or functional to satisfy the condition. Such appurtenances shall consist of windows, doors, columns, lintels, cornices, balconies, overhangs, awnings, arches, railings or any other architectural items that fit the herein recommended design theme.
 - (g) Roofs should create visual interest. Roofs shall be of the "A" frame peak type wherever possible and include turrets, dormers, cupolas, towers and gables to reflect "turn of the century" attributes. Where it is necessary to install other than a peaked roof due to structural or height restrictions, parapets, cornices, eaves, turrets and other architectural devices that also reflect the above stated attributes shall be utilized.
 - (h) Windows for upper floors shall provide exterior muntins, casings, aprons, trims, shutters, etc to provide an attractive and visually interesting façade.
 - (i) Window glass shall be clear or lightly tinted. Dark tinted or mirrored windows are prohibited.

- (j) Windows should occupy 70% of the linear expanse of a retail façade. Night security gates, grills or other security coverings of windows is prohibited.
- (k) Exterior façade sconce or gooseneck style lighting is encouraged.
- (l) Rooftop mechanical equipment shall be fully screened from the street.
- (m) Buildings shall be richly detailed to create a visually interesting façade.

Q. Public and Quasi-Public Improvements.

- (1) Public Plaza. The 2011 Master Plan envisions a public plaza at a highly-visible location creating an “entrance way” into the Main Street Revitalization District. To accomplish this, any developer may, as a part of any development application may propose the creation of this plaza as a public or quasi-public space. Such a plaza may contain civic buildings, civic monuments, pedestrian areas, transportation links, and public art. It should be barrier free, extensively landscaped and situated to attract pedestrians into abutting retail spaces.
- (2) Off-site improvements. Within all lots in the district, the developer/property owner shall construct and maintain all streetscape improvements located on the street frontage of each property. This shall include installing sidewalks, access alleys, utility easements, curbs, gutters, undergrounding utilities, street furniture: benches, trash receptacles, bicycle racks, street trees and planters, and street lights.
- (3) Outdoor Dining.
 - (a) Tables, chairs, umbrellas, small private trash containers, and planters are all desirable elements of the street furnishings.
 - (b) All furniture should be made of painted metal, painted wood, stained wood, or of some combination of these materials. The character of all furniture should complement the design of the building and the business that they adjoin.
 - (c) The size of the table and chair groupings is limited to that which will maintain a 4’ 0” clear walking path on the sidewalk—a sufficient width to permit pedestrians to pass but also to create the slightly crowded feeling of a truly vibrant place.
 - (d) Overhead elements, such as umbrellas, should allow for clearance for passing pedestrians. A 7’-0” clearance height is required which is adequate for most pedestrians, and yet preserves the sense of intimacy and shelter that an umbrella gives to a seated group.
 - (e) Outdoor dining uses shall comply with all other dining chapters in this ordinance.
- (4) Planters.
 - (a) Planters that sit on the sidewalk should be made of durable materials. Plain ceramic pots and ornamental ceramic pots are the most common style, but stone, some ornamental concrete designs and certain large fiberglass pots can also be appropriately attractive.
 - (b) The size of these pots should allow a walking clearance on the sidewalk of at least 4’ 0”.
 - (c) Pots can be located either along the storefront or at the curb; if at the curb they cannot be in the way of swinging car doors – 1’-6” clear of the inside face of the street curb.
 - (d) Wooden window boxes under the storefronts are permitted.
 - (e) Plants should be selected which can stand the downtown climatic conditions and which need a minimum of maintenance. Merchants and/or building owners shall maintain all planters they use on their property.

§350-20 PR – Park, Open Space, Recreation and Conservation District.

- A. The purpose of the Park, Recreation and Open Space Conservation Zone is to preserve within the Borough lands that identified as open space, recreational facilities, environmentally sensitive, or lands restricted to stormwater management use. Placed in this zone will be public and quasi-public and other parcels that would be inherently suitable for this zone based on their use and purpose. All Federal, State, County and Municipal parks, private recreational lands, and lands containing stormwater management facilities or similar facilities encumbered by easement or deed shall be included in this zone.
- B. Permitted principal uses. No building, structure or use shall be used and no building or structure shall be erected or structurally altered, except for the following uses:
 - (1) Public Parks and Recreation facilities
 - (2) Municipal, County, State owned or preserved Open Space
 - (3) Environmental Education centers
 - (4) Private stormwater management facilities, drainage structures, basins and swales
 - (5) Private lands of an environmentally sensitive nature encumbered by conservation easements or similar deed restrictions.
 - (6) Municipal Utilities
- C. Permitted accessory uses and buildings. Uses and buildings incidental to the above uses, including but not limited to those specified below:
 - (1) Active and passive recreation fields and sports courts, recreation centers, seating, shelters, picnic facilities
 - (2) Recreation offices and maintenance buildings related to the recreation or conservation use.
 - (3) Public restroom facilities, lighting, parking and similar utilities related to the healthy and safety of any permitted use.
- D. Conditional uses. The following conditional uses may be permitted, provided that all of the terms and conditions specified for the particular use in Subsection 204-7 are complied with:
 - (1) Notwithstanding any restrictions found herein, nothing in this ordinance shall prohibit any organization from using its own private lands for the purposes of outdoor fundraising activities including carnivals and amusement facilities consisting of mechanical or electronic amusement devices, conditioned upon issuance of all necessary permits from the Borough.
- E. Bulk requirements. Buildings in this zone shall be subject to the bulk standards of the R-100 Zone.
- F. Off-street parking requirements. As specified in the Parking Chapter of this ordinance. Development Ordinance.
- G. Signs. Signs are subject to the sign regulations of chapter of this ordinance.

§350-21 CEM - Cemetery Conservation District.

- A. The intent of the Cemetery Conservation Zone shall be to preserve within the Borough lands that are currently operating as, or have historically been used as cemeteries and burial grounds. Placed in this zone will be public, quasi-public and private parcels that would be inherently suitable for this zone based on their current use and purpose. This ordinance seeks to protect existing cemetery parcels from development that would be incompatible with the intent of this zone, and to clarify the uses and building standards permitted therein.
- B. Permitted principal uses. No building, structure or land shall be used and no building or structure shall be erected or structurally altered, except for the following uses:
 - (1) Cemeteries and burial grounds, public and private.
 - (2) Mausoleums.
 - (3) Chapels and similar buildings for funeral or memorial services.
 - (4) Buildings for the sole purpose of cemetery administration and maintenance.
- C. Permitted accessory uses and buildings. Uses and buildings incidental to the above uses, including but not limited to those specified below:
 - (1) Flagpoles, Monuments, Gazebos, arbors, and similar structures and buildings.
 - (2) Maintenance and storage buildings for articles in connection with any of the above permitted uses.
 - (3) Traditional flag poles.
 - (4) Fences, walls, gates and similar hard-scape and landscape structures
 - (5) Parking lots for cemetery and funeral use
 - (6) All other uses deemed customary and incidental to the operation of a cemetery.
- D. Bulk requirements.
 - (1) Minimum lot area shall be 2 acres.
 - (2) Buildings in this zone shall be subject to the bulk standards of the R-100 Zone.
- E. Off-street parking requirements. As specified Parking chapter of this ordinance.
- F. Signs. Signs are subject to the sign regulations of this ordinance.
- G. Parking restrictions. No parking shall be permitted within any required front, side or rear yard.
- H. Prohibited uses.
 - (1) All uses not specifically permitted are prohibited.

§350-22 E-I Educational Institution District.

- A. The intent of the Educational Institutional Zone shall be to preserve within the Borough lands containing public, private, parochial schools, non-profit commercial schools, seminaries, colleges, academies or similar educational institution for academic instruction teaching an approved curriculum by the New Jersey Department of Education. Placed in this zone will be public, quasi-public and private parcels that would be inherently suitable for this zone based on their current use and purpose.
- B. Permitted principal uses. No building, structure or premise shall be used and no building or structure shall be erected or structurally altered, except for the following uses:
 - (1) Public schools, private schools, parochial schools, non-profit commercial schools, seminaries, colleges, academies or similar educational institutions
 - (2) Offices for the administration of a permitted educational institution.
 - (3) Municipal facilities and utilities.
- C. Permitted accessory uses and buildings. Uses and buildings incidental to the above uses, including but not limited to those specified below:
 - (1) Recreational facilities, sports fields and stadiums operated in conjunction with a permitted educational institution use
 - (2) Maintenance and storage buildings for equipment in connection with any of the above permitted uses.
 - (3) Parking lots for official school use operated in connection with any of the above permitted uses.
- D. Conditional uses. The following conditional uses may be permitted, provided that all of the terms and conditions specified for the particular use in Subsection 204-7 are complied with:
 - (1) Houses of worship, subject to the same conditional requirements found in the R-100 district.
 - (2) Quasi-public clubs and organizations, and public and private, nonprofit philanthropic, educational and charitable institutions, subject to the same conditional requirements found in the R-100 Zone.
- E. Height, area and yard requirements.
 - (1) Minimum Lot area shall be 2 acres.
 - (2) Buildings in this zone shall be subject to all other bulk standards of the R-100 Zone.
- F. Off-street parking requirements. As specified in Parking Chapter of this ordinance.
- G. Signs. Signs are subject to the sign regulations of this ordinance.
- H. Parking restrictions. No parking shall be permitted within any required front, side or rear yard.
- I. Prohibited uses.
 - (1) All uses not specifically permitted are prohibited.

§ 350-23. Reserved.

§ 350-24. Conditional uses.

A. Intent.

- (1) Recognizing the necessity for certain specific uses, while at the same time appreciating the fact that they may be or may become inimical to the public health, safety and general welfare of the community if improperly designed or located without due consideration to the existing conditions and surroundings, the standards and procedures in this section are hereby established.
- (2) A conditional use is a permitted use, not as a matter of right, but rather at the discretion of the Planning Board based upon satisfactory compliance with articulated criteria and standards as specified herein.
- (3) These standards are intended to provide the Planning Board with a guide for the purpose of reviewing applications for conditional uses as provided for by this chapter. In reviewing an application, the Planning Board may act on site plans submitted to it or may suggest modifications and changes. In approving an application, the Planning Board may require, in addition to features specified, such other features or design, in keeping with the intent thereof, that will further the purpose of these standards and regulations. Such features shall be provided and maintained as a condition of the establishment and maintenance of any use to which they are a condition of approval.
- (4) Notwithstanding compliance with specific conditional use standards hereinafter set forth, no conditional use will be permitted if the use at the proposed location would be detrimental to the health, safety and general welfare of the community.

B. Licensed nursing homes including assisted living facilities and adult day care may be permitted in the R-100 and R-75 residential zones, provided that:

- (1) Such use fronts upon a street classified in the Borough's Master Plan as other than a local street.
- (2) Such building shall be a minimum of 150 feet from any other dwelling, house or structure used for the housing of human beings or from a church, library, school or other public building.
- (3) The applicant shall comply with all state requirements for such use.
- (4) Such building shall be set back at least 40 feet from the street and rear lot lines and at least 20 feet from side lot lines.
- (5) Off-street parking shall be provided for at least one space for each three beds, plus one space for each staff member and employee, based upon the maximum number estimated to be on duty at any one time. Such off-street parking area shall be suitably screened from adjoining residential lots by appropriate landscaping and/or fencing.
- (6) Areas for outdoor recreation of a size and location sufficient to properly serve the needs of the occupants are provided.
- (7) It is ascertained by the Planning Board that the use will meet a community need without adversely affecting the character of the neighborhood.

C. Nursery schools. Nursery schools and child care centers may be permitted in the R-100, R-75 Zones, provided that:

- (1) Ingress and egress to the facility is such that the safety of the children is protected to the satisfaction of the Planning Board.
- (2) The building is appropriately designed and provides adequate fenced yard space developed for recreational purposes.

- (3) There are no home professional or home occupation uses carried on in the building.
- (4) The nursery school shall be licensed by the State of New Jersey Board of Education.
- (5) It is ascertained by the Planning Board that the use will meet a community need without adversely affecting the character of the neighborhood.

D. Gasoline service stations and repair garages, auto body garages

- (1) Such use shall not have an entrance or exit on the same side of the street and within 200 feet of an entrance or exit to a public or private school, public library, theater, church, public park or playground, orphanage or children's home, nursery school or fire station nor within 100 feet of a residential district except where and when the property is in another block or on another street which the lot in question does not abut. Such distance is to be measured along a straight line between the properties involved.
- (2) A description of the nature and extent of the proposed use shall be provided to the Planning Board.
- (3) No gasoline pumps shall be placed within 25 feet of any street or lot line.
- (4) There shall be no more than two access driveways along any one street. The minimum distance between driveways on the site shall be 25 feet, and access driveways shall be at least 15 feet from the nearest lot line and at least 25 feet from the nearest street intersection.
- (5) No part of any garage shall be nearer than 25 feet to any street line or 15 feet to any lot line.
- (6) No commercial repair work, except minor repair work, shall be conducted outdoors on the property.
- (7) Such use shall be adequately buffered and screened from any adjacent residential use as determined by the Planning Board by fencing and vegetation of a minimum 6' height and providing a 10' deep, heavily buffered planting area.
- (8) The use of strings of pennants, flags or similar decorations, such as whirling displays, are expressly prohibited, but shall be allowed for a period of one week to mark a grand opening.
- (9) No more than three vehicles per service bay shall be stored outside overnight on the premises, excluding vehicles owned or leased by the proprietor(s).

E. Quasi-public nonprofit clubs and organizations, and public and private non-profit, educational and charitable institutions:

- (1) Such use, when taken in conjunction with other existing land uses, will not generate traffic that would result in an undue burden upon the available access streets, resulting in a traffic movement on adjacent streets.
- (2) A statement setting forth full particulars of the operation of the use and the total number of proposed charter members (for membership clubs) shall be filed with the Planning Board.
- (3) It is ascertained by the Planning Board that the proposed use is a bonafide nonprofit organization operated solely for the recreation and enjoyment of the members of said organization or for civic, humanitarian or charitable purposes.
- (4) It is ascertained by the Planning Board that the proposed use in the proposed location shall in no way adversely affect the safe and comfortable enjoyment of property rights in the area in which it is located or otherwise adversely affect the value of adjacent properties.

- (5) The design of any structures erected in connection with such use are in keeping with the general character of the area and sufficient landscaping, including trees, shrubs and lawns, is provided to serve as buffer between said use and adjoining residential properties.
- (6) The maximum membership limit of said organization shall be fixed at the time of application and shall be commensurate to the amount of land to be used and the exact nature of the use. No further expansion of said membership shall be made unless supplemental approval is granted by the Planning Board.
- (7) Off-street parking shall be provided for at least one space for each 200 square feet of floor area, plus additional spaces determined by the Board based upon anticipated usage. Such off-street parking area shall be suitably screened from adjoining residential lots by appropriate landscaping and/or fencing.

F. Home occupations.

- (1) The dwelling unit proposed to house such use is a single-family unit.
- (2) Such occupation shall be conducted solely by members of the resident family.
- (3) Such use shall occupy an area equivalent to not over 35% of the floor area of one story.
- (4) There shall be no conspicuous display of goods or advertising to be seen from outside the premises.
- (5) Such use does not involve the use of any machinery or equipment which will cause electrical or other interference with radio and television reception in adjacent residences or which will cause offensive noise or vibration.
- (6) Such use shall in no way be objectionable or detrimental to the well-being or to the harmonious character of the neighborhood.

G. Home professional offices.

- (1) The lot meets the minimum requirements of the Zoning Ordinance with respect to lot area and lot width.
- (2) No structural alterations to accommodate the use of the dwelling for office use are required.
- (3) Such use shall occupy an area equivalent to not over 50% of the floor area of one story.
- (4) Such use shall not involve the sale of any goods, products or merchandise.
- (5) The dwelling unit proposed to house such use is a single-family unit.
- (6) Sufficient off-street parking space, as determined by the Planning Board on a case-by-case basis, is provided in the rear or side yards. Such parking area is to be suitably shielded from adjacent properties by means of appropriate landscaping and/or fencing.

H. Community residences for the mentally and physically handicapped, victims of domestic violence, terminally ill, or persons with head injuries. Qualifying community residences for the placement of more than six but less than 16 persons, exclusive of resident staff, may be permitted in all residential zones pursuant to N.J.S.A. §40:55D-66, provided that:

- (1) Sufficient off-street parking space, as determined by the Planning Board on a case-by-case basis, is provided in the rear or side yards. Such parking is to be suitably shielded from adjacent properties by means of appropriate landscaping and/or fencing.
- (2) The lot area for such use is equal to at least the minimum lot area required for the zone in which the use is to be located; provided, however, that greater lot area may be required on a case-by-

case basis depending upon the anticipated number of occupants.

- (3) In order that the health and safety of the occupants not be endangered by heavy traffic volumes, such use shall not be located on any street other than those classified as local streets in the Master Plan of the Borough of South River.
- (4) Ingress and egress to the building is such that the safety of the occupants is protected to the satisfaction of the Planning Board.
- (5) Sufficient off-street area is provided for the pickup and discharge of occupants by vans or other vehicles servicing the handicapped.
- (6) Such uses shall be subject to the same bulk requirements as a single family unit in the zone.
- (7) Such use shall not have an entrance or exit on the same side of the street and within 200 feet of an entrance or exit to a public or private school, garage or service station, theater, rescue squad or fire station, except where and when the property is in another block or on another street which the lot in question does not abut.

I. Billboards, signboards and advertising signs. Billboards, signboards and advertising signs may be permitted in the L-I zone only, provided that:

- (1) No structure for this purpose shall be closer than 15 feet to any front lot line or 10 feet to any side lot line.
- (2) No such sign shall be within 500 feet of a residential district.
- (3) No billboard or outdoor advertising sign shall have less than four feet of clear space between it and the ground nor shall, at any point, be higher than 16 feet above ground level.
- (4) No billboard or outdoor advertising sign shall have a horizontal dimension of more than 15 feet.
- (5) All rubbish and vegetation more than six inches high shall be kept constantly removed from a space at least five feet in all directions around such billboards or signboards.

J. Recreational facilities, video arcades, entertainment facilities including bowling alleys, staking rinks, indoor theatres, taverns, nightclubs shall all be conditional uses and shall be subject to site plan review and approval from the appropriate Board. provided that:

- (1) The premises shall be so arranged as to permit a clear view of each mechanical amusement device from the exterior at all times.
- (2) No operator shall knowingly permit any person convicted of a crime involving moral turpitude to be associated with him in the ownership or management of the business or to be in his employ or to loiter on the premises.
- (3) No operator shall offer or permit to be offered any prizes or awards, whether in cash or otherwise, as an inducement to use mechanical amusement devices except for trophies, plaques or items of a similar nature or nominal value.
- (4) No operator shall permit any minor under the age of 16 years, unaccompanied by a parent or guardian, to remain on the premises after 10:00 p.m.
- (5) No operator shall permit any activity which is illegal or immoral or which creates an undue amount of noise or a danger of a breach of the peace to occur on the premises.
- (6) No operator shall permit the operation of his premises between the hours of 12:00 midnight and 9:00 a.m.
- (7) There shall be conspicuously displayed on the premises in capital letters six inches in height a

notice stating:

- (a) The prohibited hours of operation.
 - (b) The fact that no minor under the age of 16 years, unaccompanied by a parent or adult guardian, may remain on the premises at 10:00 p.m.
- (8) Erection and installation of coin-operated or non-coin-operated mechanical amusement devices shall comply with all local, state and federal fire and safety regulations, statutes and codes. In addition, for each one square foot of floor space occupied, taken up or covered by a machine (to be measured at its widest, deepest and longest points whether touching the surface of the floor or not) a minimum of three square feet of open space in order to provide an established ratio between occupied space and space for the unobstructed flow of customers. If machines are located along an aisle way, the minimum width of aisles between the machines shall be eight feet. In computing open space as used in this section, any and all interior sections of the structure reserved for an office, rest room, operation, storage or other facilities shall be deducted and only the actual open unobstructed floor space shall be considered open for purposes of this calculation.
- (9) During the hours of operation, the premises must be supervised at all times by at least one responsible adult individual, who shall be an employee of the owner or operator of the premises and who shall be responsible for the supervision, maintenance and operation of the premises. At least one such individual shall be visibly present on the premises during all hours of operation.

K. Houses of Worship.

- (1) Such use, when taken in conjunction with other existing land uses, will not generate traffic that would result in an undue burden upon the available access streets, resulting in a traffic movement on adjacent streets.
- (2) A statement setting forth full particulars of the operation of the use and the total number of proposed worshipers shall be filed with the Planning Board.
- (3) It is ascertained by the Planning Board that the proposed use is a bonafide religious organization operated solely for the spiritual needs of the members of its organization and for humanitarian or charitable purposes.
- (4) It is ascertained by the Planning Board that the proposed use in the proposed location shall in no way adversely affect the safe and comfortable enjoyment of property rights in the area in which it is located or otherwise adversely affect the value of adjacent properties.
- (5) The design of any structures erected in connection with such use are in keeping with the general character of the area and sufficient landscaping, including trees, shrubs and lawns, is provided to serve as buffer between said use and adjoining residential properties.
- (6) The maximum membership limit of said organization shall be fixed at the time of application and shall be commensurate to the amount of land to be used and the exact nature of the use. No further expansion of said membership shall be made unless supplemental approval is granted by the Planning Board.
- (7) The proposed use shall comply with all off-street parking and landscaping requirements of the ordinance.

L. Multifamily dwellings.

The following requirements shall apply to multi-family (3 units or greater) apartment buildings when proposed in the R-75 District.

- (1) The project shall be developed in an area of not less than three acres.
- (2) The development shall not exceed a gross density of three and 3.3 units per acre.
- (3) The area of lot coverage by buildings, other than garages and exclusive of public ways, shall not be greater than 25%.
- (4) No structure shall contain in excess of 2 1/2 habitable stories above curb level.
- (5) No structure shall be built closer than 25 feet to any property line, nor 50 feet from the center line of any public way.
- (6) Each structure shall be so designed or so located in the project site that the distance from at least one window of every room used for human habitation shall be not less than 60 feet from the wall of any structure on the site, and the distance from all other windows shall be not less than 30 feet from the wall of any structure on the site, such distance to be measured by a line perpendicular to the plane of the surface of said window, except that this distance may be reduced to not less than 30 feet for one exposure where a room is a bathroom. No separate freestanding building shall be closer than 15 feet to any other building on the site.
- (7) Adequate potable water and electricity must be available, and all waterlines, sanitary sewers, storm sewers and electrical distribution facilities shall be installed in accordance with the Borough's Subdivision and Site Plan Ordinance. Editor's Note: See Ch. 295, Subdivision and Site Plan Review.
- (8) A minimum of 15% of the site shall be allocated, developed and improved for usable recreation space or spaces, such as tot lots, tennis courts and other similar organized activity areas as may be recommended by the Board. No such space shall be less than 2,500 square feet in size or less than 75 feet wide.
- (9) All areas of a garden apartment development not used for the construction of buildings, roads, access-ways, parking areas or sidewalks shall be fully landscaped or grassed.
- (10) No parking shall be permitted on any road or access-way within the garden apartment development.
- (11) No parking area may be placed closer to a building than 20 feet.
- (12) There shall be only one central television antenna in each building for use of occupants therein.
- (13) No front yard shall contain service facilities for the dwellings, such as clothes drying, storage, or the like.
- (14) The development shall exert no detrimental effect upon surrounding areas due to poor design, inadequate parking, traffic danger or destruction of neighborhood character.

§ 350-25 Signs.

A. Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

B. General provisions.

- (1) Reference to zoning districts. Except as otherwise provided in this section, no outdoor sign or other form of exterior advertising shall be erected or maintained unless the same complies with the requirements of this subsection and those established for the zoning district in which such sign is located.
- (2) Drop awnings attached to buildings shall extend not more than five feet out from a building, and the curtain of the awning shall be no closer to the ground than seven feet.
- (3) Illumination. Lighted signs shall comply with the National Electrical Code and bear the Underwriters' Laboratories seal. All externally illuminated signs shall be lighted from the bottom, with said source of illumination so placed and screened as to prevent direct rays of light from being cast beyond the premises.
- (4) Setback. No sign shall permitted shall be located closer than 15' feet to any property line. No sign permitted in a nonresidential district shall be located closer than 25 feet to any residential zone boundary, and further, no sign shall be located in any required buffer area.
- (5) Nonconforming signs. Nonconforming signs may be continued in use but may not be enlarged, relocated, altered or rebuilt. Failure to keep signs painted and in good repair for a period of six consecutive calendar months shall constitute abandonment, and such sign may not then be replaced or reused and must be removed by the owner upon notice, in writing, from the Construction Official.
- (6) Maintenance. The issuance of a permit shall not relieve the owner or lessee of the premises from the duty of maintaining any such structure. Every sign constructed or maintained shall be plainly marked with the name of the person, firm or corporation erecting or maintaining such sign. All signs shall be painted, properly illuminated and maintained in good repair at all times. Any sign that is or shall become dangerous or unsafe in any manner whatsoever shall be repaired and made safe, in conformity with this chapter, or shall be removed by the owner, lessor, agent or occupant of the building, property or land upon which it is placed or to which it is attached. A written notice shall be served upon the owner, lessor, agent, or occupant of a building, property or land upon which a dangerous or unsafe sign is located. Said notice shall require necessary action to be taken within 10 days from the date of the service of the notice upon such person or within such lesser time as shall be deemed reasonable in the case where the danger to public health, safety and general welfare is so imminent as to require more immediate abatement.
- (7) Height. No attached sign shall be higher at any point than the roofline of the building to which said sign is attached. Except in the residential zones, where height limitations are more restrictive, freestanding signs shall be permitted up to a height of 18 feet or the height of the principal building on the lot, whichever is less.
- (8) Location outside of sight triangles. All signs shall be located to allow a clear, unobstructed sight triangle at intersections in accordance with § 350-8G(5).
- (9) Two-sided signs. Two-sided signs shall be measured for area by using the surface area of one side of the sign only. Both sides may be used.
- (10) Temporary signs. Temporary signs shall not be lighted nor displayed more than 60 days.

- (11) Posting of signs on utility poles. No foreign signs, objects, bulletins, notices or any other matter shall be placed or posted upon the utility poles owned by the South River Utility Department unless written approval and/or consent has been obtained from the Borough Council for the placement of such items upon the South River Utility Department utility poles. The appropriate officers of the Borough of South River are hereby directed to enforce said policy if said objects, signs, bulletins and/or notices have been placed or posted upon the utility poles without having first obtained the written approval and/or consent of the Borough of South River for the placement of such item there.
- (12) No person shall paint or cause to be painted or permit anyone in his employ to paint any kind of advertising matter or signs on any sidewalk.

C. Exempt signs. The following signs are exempt from the provisions of this section:

- (1) Residential nameplate signs and professional nameplate signs indicating the name and profession of the occupant of a dwelling, provided that such signs do not exceed two square feet in area and are not lighted between the hours of 9:00 p.m. and 8:00 a.m.
- (2) Temporary signs inside windows of commercial establishments, provided that these signs shall not unreasonably obstruct light and visibility and shall be removed within seven days after completion of the business being advertised.
- (3) Temporary signs of nonprofit or charitable organizations, provided that such signs do not exceed 32 square feet in area. Said signs shall be removed within seven days after completion of said event or function.
- (4) Bulletin boards not over 24 square feet in area for public, charitable or religious institutions when the same are located on the premises of said institutions.
- (5) On-site directional and parking signs, warning signs and signs posting property as "private property," "no-trespassing" or similar signs not to exceed two square feet in area.
- (6) Temporary signs denoting the architect, engineer or contract when placed upon work under construction, and not exceeding 16 square feet in area. Said signs shall be removed within seven days of issuance of a certificate of occupancy.
- (7) Temporary signs indicating a political preference or a political event, provided that such signs do not exceed 32 square feet in area on any one side in nonresidential zones and six square feet in area in residential zones. Such sign shall be removed within 14 days after the completion of said political function.
- (8) Garage sale signs located on the premises only, not exceeding two square feet and containing the date of sale. Such sign shall be removed within 24 hours after the last day of sale.
- (9) Real estate signs temporarily advertising the sale, rental or lease of the premises or portion thereof, provided that such signs do not exceed nine square feet in area. Such signs shall be removed within seven days after the purpose of the sign is fulfilled.
- (10) Subdivision signs for a subdivision of more than two contiguous lots may have one sign along each road which the tract in question abuts. Such signs shall not exceed 40 square feet in area and shall be removed within seven days after the purpose of the sign is fulfilled.
- (11) Signs of a noncommercial nature and in the public interest, erected by or on the order of a public officer in the performance of his public duty, such as safety signs, memorial plaques, signs of historical interest and the like.

D. Prohibited signs.

- (1) No sign shall be erected, used or maintained which in any way simulates official, directional or warning signs erected or maintained by the state, the county or the Borough or by any public utility or similar agency concerned with the protection of the public health or safety.
 - (2) No sign other than official traffic control or street signs shall be erected within or encroach upon the right-of-way of any street.
 - (3) No sign may obstruct any window, door, fire escape, stairway or opening intended to provide light or ingress and egress to or from any building or structure except as herein provided.
 - (4) Animated or flashing, flickering, or LED-style signs using mechanical or electrical devices to revolve, flash or display movement or the illusion of movement, except for clocks or weather information, are prohibited.
 - (5) Signs projecting more than one foot from the wall of a building are prohibited.
 - (6) No portion of any sign shall be located within or suspended over a public right-of-way or pedestrian walkway.
- E. District regulations. The following regulations shall apply in the specific districts to all signs other than those specifically exempted.
- (1) Residential districts.
 - (a) Signs on churches, schools and other institutions of a public or quasi-public nature may be erected, provided that the size of any freestanding sign shall not exceed 20 square feet, and not more than one such sign shall be placed on each road upon which such use fronts. Signs attached to the facade of the structure shall be permitted, provided that the area of the sign shall not exceed 5% of the building facade.
 - (b) All signs in residential districts shall have a setback of at least 15 feet from all lot lines. No sign shall be greater than 10 feet in height. No sign on a residential lot shall be greater than six square feet in area, and the total area of all signs on the lot shall not exceed 12 square feet.
 - (c) Identifying signs for garden apartments shall not exceed 32 square feet. The sign shall be a permanent structure and shall not be located less than 20 feet from the lot lines.
 - (d) Permanent signs in residential districts may be lighted if such illumination is from an external source.
 - (2) Signs in the Office Professional, Commercial, MSR & WR Districts.
 - (a) Any sign permitted in the residential districts shall be permitted.
 - (b) Signs must be accessory to the main use, advertising only businesses conducted on the premises where the sign is located. Such sign shall state only the name of the occupant of the premises and, in concise form, the nature of the business or professional activity or activities there conducted.
 - (c) One sign may be attached to the main building advertising the business or businesses conducted on the premises. Such sign shall not project more than 12 inches from the building facade to which it is attached; however, where a sign extends more than three inches from the face of said wall, the bottom of said sign shall not be closer than 10 feet from the ground level of said sign. Signs attached to a wall of a building shall not exceed 10% of the area of wall or 50 square feet whichever is less.
 - (d) Not more than one freestanding sign per business premise shall be permitted on any one

street frontage. Such sign may be internally or externally illuminated and shall not exceed 32 square feet in area. No freestanding sign shall be located closer than 15 feet to a lot line.

- (e) All of the foregoing shall not be construed to prohibit painted signs lettered on windows and doors.

(3) Industrial Districts.

- (a) Any sign permitted in residential and office professional districts shall be permitted.
- (b) Signs must be accessory to the main use, advertising only businesses conducted on the premises where the sign is located.
- (c) One sign may be attached to the main building advertising the business or businesses conducted on the premises. Such sign shall not project more than 12 inches from the building facade to which it is attached. However, where a sign extends more than three inches from the face of said wall, the bottom of said sign shall not be closer than 10 feet from the ground level. Signs attached to a wall of a building shall not exceed 20% of the area of the wall or 100 square feet, whichever is less.
- (d) Not more than one freestanding sign per business premise shall be permitted on any one street frontage. Such sign may be internally or externally illuminated and shall not exceed 100 square feet in area. No freestanding sign shall be located closer than 10 feet to a lot line.
- (e) Billboards and outdoor advertising signs may be permitted only in the L-I as a conditional use with the following conditions:
 - [1] No billboard shall be permitted within 1,500 feet as measured from the base of the billboard to any residential zone boundary in the Borough of South River.
 - [2] The minimum distance between billboards along the same side of the roadway shall be 1,000 feet, measured from the base of the billboard along the right-of-way line.
 - [3] The minimum front yard setback measured at the base of the billboard shall be 15 feet.
 - [4] The minimum side and rear yard setback measured at the base of the billboard shall be 10 feet.
 - [5] No part of the billboard, including copy extensions, may overhang any property line or public right-of-way. The bottom of any billboard must not be less than 20 feet above any parking area, driveway or sidewalk on private property.
 - [6] The maximum billboard height, including copy extensions, shall not exceed 65 feet as measured from the grade at the base of the billboard.
 - [7] The maximum billboard sign area facing any one direction shall be 672 square feet. Copy extensions beyond the basic sign are permitted, provided that they do not exceed 10% of the basic billboard sign area. Back-to-back signs are permitted.
 - [8] Lighting of any billboard shall be designated to avoid glare and spillover and to confine the illumination primarily to the sign face.
 - [9] The sign copy and sign face may not imitate or resemble any official traffic sign, signal or devise or include or utilize flashing, intermittent or moving lights or moving parts.

- (f) Shopping centers in the B-1, B-2, MSR and MR Zones shall be governed by these additional regulations:
 - [1] A shopping center may have one freestanding, lighted sign identifying the shopping center, along each road which the tract in question abuts.
 - [2] Each individual use may also have a facade sign, but may not have a freestanding sign. However, where uses share a common walkway, each use served by the walkway may have one additional principal sign identifying the use, suspended in perpendicular fashion from the roof over the walkway.
 - [3] There shall be a consistent design theme among signs in a shopping center.

§ 350-26. Off-street parking requirements.

A. General Parking Requirements

1. General Provisions

Off-street parking unloading, and service requirements of this section shall apply and govern all present and future zoning districts for permitted uses. Except as provided in this section, no application for a building permit shall be approved unless there is included with the plan for such building, improvement or use, a site plan showing the required space reserved for off-street parking, unloading and service purposes. An occupancy permit shall not be issued unless the required off-street parking, unloading and service facilities have been provided in accordance with those shown on the approved plan, except that due to weather conditions paving is not possible, a permit may be issued provided that a statement is attached to the permit specifying a specific period in which improvements shall be made. Such period of time is not to exceed 120 days. If improvements are not completed within the prescribed period of time, the permit is automatically revoked.

- (a) General Location. In all nonresidential zones, off-street parking space may be located in the front, side and rear yards; provided, however, that no parking area shall be located nearer than five (5) feet to any property line or twenty (20) feet from any pavement line.
- (b) Connection to a Public Right-of-Way. Each off-street parking, loading or service area shall be connected to a public street right-of-way by means of a driveway, and each parking space shall connect to an aisle providing access thereto.
- (c) Location of Driveways. At the intersection of streets, no driveway shall be located closer than twenty five (25) feet to the intersection of the two curb lines, or within five (5) feet of any property line.
- (d) Separation from Walkways and Streets. All off-street parking, loading and service areas shall be separated from walkways, sidewalks, streets, or alleys by appropriate protective devices.
- (e) Curbing. Curbing shall be constructed along all parking areas and shall be in accordance with Borough standards.
- (f) Means of Accommodating the Handicapped. Handicapped accessible or barrier free parking shall be provided in accordance with the requirements of the Americans with Disabilities Act.

- (g) **Parking Provided on the Same Lot as Main Building.** Off-street parking areas and appropriate access thereto shall be provided on the same lot as the main building to be served by such parking.
- (h) **Residential Driveway Dimensions:**
 - (1) One car driveway: Maximum width ten (10') feet.
 - (2) Two car driveway: Maximum width twenty (20') feet.
- (i) **Joint Parking Facilities.** The off-street parking and loading requirements for two or more neighboring uses, of the same or different types, may be satisfied by the allocation of the required number of spaces for each use in a common parking facility, provided that the number of off-street parking spaces is not less than the sum of individual requirements, and provided further that there be compliance with all other provisions of this chapter.
- (j) **Buffer Required When Adjoining Property is Residential**

Where off-street parking, loading or service areas are proposed to be located closer than fifty (50) feet to a lot in any residential zoning district or to any lot upon which there exists a dwelling as a permitted use under these regulations, except where a county highway coincides or is located between the lot line and the residential district, and where such parking, loading or service areas are not entirely screened visually from such lot by an intervening building or structure, there shall be provided along the lot line a continuous screen of either masonry hedging or similar materials or combinations thereof at least four (4) feet, but not more than six (6) feet, in height, so that lights of vehicles operating within such area will not shine upon neighboring residential properties. No such screen shall extend nearer to a street right-of-way line than the building line of the adjoining residential lot.
- (k) **Use of off-street parking spaces for repair of vehicles**

No off-street parking or loading area shall be used for the sale, repair, dismantling, servicing or storage of any vehicle, equipment, materials or supplies, except that no more than one (1) vehicle which is being repaired or reconstructed may be stored on a lot in any residential zone, provided that said vehicle is registered in the name of a legal occupant of the premises where it is stored.
- (l) **Waiver of parking requirements.**

If any applicant can clearly demonstrate to the appropriate Board that, because of the nature of his operation or use, the parking requirements of this section are unnecessary or excessive, the Board shall have the power to waive the construction of up to 50% of the required number of spaces, provided that an area sufficient in size to accommodate the waived parking is reserved and delineated on the site plan as potential parking.

B. Minimum off-street parking requirements for particular uses are as follows:

Uses	Required Number of Parking Spaces
Automotive service stations, repair garages and body shops	3 for each bay, plus 1 for each fueling position, plus one for each employee
Banks and savings institutions	1 for each 100 square feet of floor area exclusive of service areas or 10 for each teller window, whichever is greater

Houses of Worship	At least 1 for each 4 seats or 1 for each 100 inches of seating space when benches rather than seats are used
Clubs, lodges, fraternal or service organizations/institutions	1 for every 200 square feet of floor area
Grocery stores, food markets and supermarkets	1 per 100 square feet of gross floor area
Delicatessens and bakeries	1 per 250 square feet of gross floor area, plus 1 per employee
Barbershops and beauty shops	3 for each beautician and barber or 1 for each 150 square feet of gross floor area and 1 per employee, whichever is greater
Other retail commercial or personal service uses not specifically listed elsewhere in this section	1 for each 150 square feet of floor area where the floor area does not exceed 2,000 square feet; 1 for each 175 square feet of floor area where the floor area shall exceed 2,000 square feet
Places of public assembly or theatres.	1 for each 2 seats, except where a specific amount of seating is undetermined, then 1 shall be required for each 75 square feet of assemblage area
Educational and training schools (nonprofit or commercial)	1 for each employee, plus 1 for each seat or 1 for each 150 square feet of classroom and laboratories used for instructional purposes, whichever is greater.
Funeral homes and mortuaries	1 for each 4 seats in the chapel, plus 1 for each funeral vehicle, plus those spaces associated with residential use of the structure if such use exists
Home professional offices (exclusive of a dentist or physician)	A minimum of 4 in addition to those required for the residential use, plus additional facilities as required by the Planning Board on a case-by-case basis
Laboratory and research uses	1 for each 300 square feet of gross floor area
Manufacturing uses	1 for each employee on the maximum shift or 1 for each 500 square feet of gross floor area, whichever is greater
Medical or dental clinics or offices, including home professional offices	5 for each doctor or dentist plus 1 for each 250 square feet of gross floor area
Motels, hotels, motor lodges and rooming houses	1 for each room and, in addition, compliance with the requirements for each particular additional use located on the property, such as restaurants, eating and drinking establishments, retail stores, etc.
Nursing homes	1 for each 3 beds, plus 1 for each full-time employee
General Offices	1 for every 200 square feet of floor area
Restaurants, eating and drinking establishments and catering halls	1 for each 2.5 seats provided for patron use or 1 space for each 75 square feet of retail space exclusive of utility rooms, whichever is greater
Shopping centers with greater than 5,000 SF of retail area	6 for each 1,000 square feet of floor area or fraction thereof

Theaters	1 for each 3 seats
Wholesale establishments, warehouses, furniture stores	1 for each 500 square feet of floor area

- C. Minimum required number of loading/unloading berths. One loading berth shall be provided for any non-residential use greater than 2,500 SF. Spaces smaller than 2,500 SF shall be exempt from providing a loading space. Facilities greater than 10,000 SF shall provide 1 space per 10,000 SF.
- D. Minimum design standards.
- (1) Size of required parking spaces.
 - (a) Standard parking spaces shall be 9' feet in width and 18' in length.
 - (b) Parallel curb parking spaces shall measure eight feet in width and 22 feet in length.
 - (c) All angled off-street parking spaces shall measure not less than 19 feet in length by nine feet in width; width shall be measured perpendicular to side stall markings.
 - (2) Required size of loading/unloading berths. A loading berth shall have a minimum width of 12 feet and a minimum fifteen-foot overhead clearance. The length of the loading berth shall be such that the horizontal distance from the front of a dock for back-in parking to the limiting boundary of the loading and unloading area shall be not less than twice the overall length of the longest vehicle expected to use the facility, but not less than 40 feet in any case.
 - (3) General location. In all non-residential zones no parking or loading area shall be located nearer than five feet to any property line.
 - (4) Requirements for combined uses. The number of off-street parking spaces or loading berths required by land or buildings used for two or more purposes shall be the sum of the requirements for the various individual uses.
 - (5) Parking provided on the same lot as main building. Off-street parking areas and appropriate access thereto shall be provided on the same lot as the main building to be served by such parking, except that the off-street parking requirements for two or more nonresidential neighboring uses may be satisfied by the allocation of the required number of spaces for each use in a common parking facility, provided that the number of off-street parking spaces is not less than the sum of individual requirements, and provided that an easement is provided for such common usage and access.
 - (6) Connection to a public right-of-way. Each off-street parking, loading or service area shall be connected to a public street right-of-way by means of a driveway, and each parking space shall connect to an aisle providing access thereto.
 - (7) Size of non-residential driveways. All interior driveways, exclusive of curb-return radii, shall have the following widths: 12 feet for one-way traffic; 18 feet for two-way traffic with no parking; and 24 feet for all others.
 - (8) Location of curb cuts. At street intersections, curb cuts shall be set back not less than 20 feet from the intersection of the two curblines, or such lines extended, and shall be set back not less than five feet from the intersection of two property lines, or such lines extended. Between the curb returns for any two driveways serving the same property, there shall be at least 25 feet of curb, except that this distance may be reduced to as little as five feet where it is demonstrated that restricted frontage makes this necessary in order to provide adequate driveways [not more than two] for the property.

- (9) Size of aisles. The width of all aisles providing direct access to individual parking stalls shall be in accordance with the requirements set forth below. Only one-way traffic shall be permitted in aisles serving parking spaces placed at an angle other than 90°.

Parking (degrees)	Angle Aisle Width (feet)
0 (parallel parking)	12
30	12
45	14
60	18
90 (perpendicular parking)	24

- (10) Surfacing details. All off-street parking areas and loading/unloading areas shall be surfaced with bituminous concrete pavement in the following thicknesses:
- (a) Individual residential driveways shall be paved with 1 1/2 inches FABC-1 over four inches of quarry process stone and bearing on a suitable subgrade.
 - (b) Light traffic areas and car parking stalls shall be paved with 1 1/2 inches FABC-1 over three inches bituminous stabilized base course bearing on a suitable compacted subgrade approved by the Borough Engineer.
 - (c) Moderate traffic areas for single unit trucks shall be paved with two inches FABC-1 over four inches bituminous stabilized base course bearing on a compaction subgrade approved by the Borough Engineer.
 - (d) Heavy industrial traffic areas used by large truck units shall be paved with two inches FABC-1 over five inches bituminous stabilized base course bearing on a suitable compacted subgrade approved by the Borough Engineer.
- (11) Grading, drainage and maintenance. Off-street parking areas shall be suitably graded and drained with a minimum grade of 0.5% and a maximum grade of 6%. All such areas shall at all times be maintained at the expense of the owners thereof.
- (12) Curbing shall be constructed along all parking areas and shall be in accordance with Borough standards.
- (13) Means of accommodating the handicapped shall be required in all off-street parking areas.
- (14) Lighting for night use. Adequate lighting shall be provided if the off-street parking facilities are used at night. Lighting should provide a minimum of (2) two footcandles at intersections and a total average illumination of one (1) footcandle throughout the parking area. Such lighting shall be arranged and installed so as not to create a hazard or nuisance to adjoining properties or the traveling public due to reflection or glare.
- (15) Pavement markings and signs. Each off-street parking space shall be clearly marked by painted lines, being a minimum of two inches wide, and pavement directional arrows or signs shall be provided wherever necessary.
- (16) Buffer required when adjoining property is residential. Where off-street parking, loading or service areas are proposed to be located closer than 50 feet to a lot in any residential zoning district or to any lot upon which there exists a dwelling as a permitted use under these regulations, except where a county highway coincides or is located between the lot line and the residential district, and where such parking, loading or service areas are not entirely screened

visually from such lot by an intervening building or structure, there shall be provided along the lot line a minimum five-foot continuous screen of either masonry wall, solid woven fencing, evergreen hedging or similar materials or combinations thereof at least four feet, but not more than six feet, in height, so that lights of vehicles operating within such area will not shine upon neighboring residential properties. No such screen shall extend nearer to a street right-of-way line than the building line of the adjoining residential lot.

- (17) Reserved.
- (18) Parking of the following vehicles and equipment shall not be permitted on any street or highway within the Borough of South River:
 - (1) All construction equipment.
 - (2) Trucks and trailers, loaded or unloaded, buses and other commercial vehicles with linear measurements greater than any one (1) of the following: twenty (20) feet in length or seven (7) feet in width, excluding rearview mirrors, or eight feet in height, excluding radio antenna, and all cabs or tractors capable of pulling a trailer and commercial low trucks. The foregoing shall not be applicable to vehicles in the course of making deliveries or rendering necessary services requested by an adjacent resident or vehicles utilized for maintenance or repair of public utilities or other construction within the public right-of-way. Trailers intended or used for dwelling space, offices, storage or any other residential, commercial or industrial purposes are also prohibited, except that nothing herein contained is intended to prohibit the use of trailers for transportation or as construction offices or for storage of materials and supplies on a job site during the period of construction.
 - (3) Trailers, boat trailers, camp cars, campers or equivalent vehicles, whether self-propelled or otherwise, used or intended for use as a conveyance upon public streets or highways and whether or not designed, constructed or reconstructed or added to by means of accessories, sheds or tents in such manner as to permit the occupancy thereof as a dwelling or sleeping place for one (1) or more persons or having no foundation other than wheels, jacks or skirtings so arranged as to be integral with or portable by said trailer, boat trailer, camp car, camper or equivalent vehicle, for a period in excess of twelve (12) hours. Nothing contained herein is intended to prohibit the parking of vehicles commonly known as pick-up trucks with or without caps.

§ 350-27. Landscaping and Buffering.

- A. Purpose. The intention of these requirements is to enhance the aesthetic and environmental appeal and character of buildings and sites being developed within the municipality by ensuring the compatibility of uses, thereby maintaining the health, safety and general welfare of the community while preserving property values.
- B. General regulations for all zones.
 - (1) Landscaped areas. All areas in a development not used for construction of buildings, roads, access ways, parking or sidewalks shall be fully landscaped in accordance with these regulations.
 - (2) Site considerations. Natural site features, such as existing trees, streams, rock outcroppings, etc., shall be preserved wherever possible. Whenever such natural features are absent or insufficient or have been destroyed during the development of the site, additional new plantings of a sufficient size as determined by the municipal agency shall be established to provide environmental protection to beautify the buildings and grounds and to provide privacy, shade and the screening out of objectionable features created on the site.
 - (3) Design. Landscape plans shall be required, except for existing single and two-family homes, where no plan is required. A foundation planting on three sides of the dwelling shall be required for all new construction.
 - (4) Labeling. All landscape plans shall have a schedule of the Latin and common name, the quantity, the size, spacing and method of planting of each plant material.
- C. Buffer regulations for non-single-family zones.
 - (1) A minimum landscaped area of five feet in width shall be provided along all property lines, unless otherwise restricted.
 - (2) All buffers and landscaped areas shall be protected from adjacent parking areas by curbs, or concrete, metal or wood bumpers at least six inches in height and securely anchored into the ground.
 - (3) Retaining walls shall not be permitted within buffer areas unless approved as part of the site plan approval.
 - (4) In all zones where non-single-family zone lines abut a R-75 or R-100 single-family residential zone or use, a buffer shall be established in the above non-single-family zone as follows:

Buffer Zone (feet)

B-1	10
B-2	10
O-P	10
E-I	10
L-I	25
MSR	10
WR	25
CEM	25
PR	25

- (5) In all zones where a multifamily use abuts an existing commercial zone or use, a twenty-five-foot buffer must be established and maintained by the multifamily developer, unless such buffer is already established along the common boundary of that zone or use.
- (6) In all zones where a commercial zone line abuts a multifamily residential use, a twenty-five-foot buffer must be established and maintained unless such buffer is already established and maintained along the common boundary of that use.

- (7) In all zones where a multifamily use abuts an office or industrial zone or use, a fifteen-foot buffer shall be established and maintained unless a greater buffer is already established and maintained along the common boundary of that zone or use.

D. Landscape coverage:

- (1) Minimum landscape coverage limits for structures shall be as follows:

- (a) R-100 & R-75 Zones: 50%.
- (b) O-P Zones: 20%.
- (c) B Zones: 20%.
- (d) MSR Zone: 0%.
- (e) WR Zone: 30%.
- (f) L-I Zone: 30%.
- (g) CEM & PR Zone: 80%.
- (h) E-I Zone: 50%

E. Street and Parking Lot Shade Trees.

- (1) In addition to the trees required to be replaced by this chapter, Street trees shall be required for all streets and there shall be planted one (1) shade tree for every fifty (50) feet of frontage on proposed right-of-way. All street trees and on-site deciduous shade trees shall not be less than 2 ½ inches in diameter, measured one foot above the root crown and planted in accordance with the Tree Removal and Woodlands Management Ordinance.
- (2) The types and locations of shade trees to be planted shall be shown in the plans submitted to the approving Board in conjunction with the application for development.

F. Parking Lot Landscaping.

- (1) For parking lots with 10 spaces or more, parking lot landscaping shall be provided and consist of:
 - A. A solid row of minimum 36” high evergreen shrub species surrounding all exposed sides of the parking lot.
 - B. Shade trees, provided on 50’ centers around the perimeter of the parking lot, planted in accordance with the specifications above and the Tree removal and Woodlands Management Ordinance.
 - C. Interior parking lot shade trees, planted within landscape islands and providing one (1) shade tree per ten (10) spaces.

G. Tree Removal and Woodlands Management.

- (1) All applications for development shall be subject to compliance with the Tree Removal and Woodlands Management Ordinance. This ordinance shall be in effect when an application has been made for Site Plan or Subdivision approval.
- (2) The following tree replacement formula shall apply:
 - A. For trees with a D.B.H. equal to or greater than four (4) inches and less than sixteen (16) inches, replacement shall be based upon the total number of caliper inches removed. Tree replacement for said trees shall be 1” caliper replacement for every 1” caliper removed.
 - B. For trees with a D.B.H. equal to or greater than sixteen (16) inches, the removed tree shall be replaced based upon the following schedule:

Existing Tree	Number of Replacement Trees
18” or less:	3 replacement trees
21” or less:	4 replacement trees
24” or less:	5 replacement trees
27” or less:	6 replacement trees

29" or less:	7 replacement trees
31" or less:	8 replacement trees
33" or less:	9 replacement trees
35" or less:	10 replacement trees
37" or less:	11 replacement trees
39" or less:	12 replacement trees

- (3) The species or type of replacement tree and the mix of replacement tree types (deciduous, coniferous) shall be selected from the species removed from the tract under consideration or from the recommended tree species list. Deciduous trees shall be a minimum of 2.5" caliper D.B.H. at the time of planting. Evergreen trees shall be a minimum of 6'-8' high at the time of planting. If Arborvitae species are proposed, minimum tree height shall be 10' at the time of planting.
- (4) On parcels to be developed where less than ten (10%) percent of the site is wooded area, in addition to any trees that must be replaced or provided under this chapter, there shall be required the addition of one (1) tree for every one thousand (1,000) square feet of new or reconstructed impervious coverage. Trees incorporated in a landscaping plan or required for rights-of-way may not be credited toward this requirement.
- (5) The applicant may provide replacement trees on site, or via a voluntary contribution to the Borough of South River Tree Replacement Fund at a rate of \$150.00 per tree.

H. Utility equipment, dumpster, collection bin screening and landscaping.

- (1) Ground level utilities, HVAC equipment, transformers, dumpster enclosures, donation bin enclosures and similar utilitarian compounds shall be screened with a minimum 6' high solid fence and shall be surrounded with a 5' deep landscape buffer area. Such area shall be heavily planted with a mix of all season screening plantings, minimum 4' high.

§ 350-28. Wireless Communications

A. Purpose. It is the purpose of this section to provide zoning conditions, standards and limitations for the location, approval and operation of wireless communication facilities within the Borough that recognize the need to safeguard the public good, health, safety and welfare and preserve the intent and the purposes of the South River Master Plan.

B. Definitions. See Definitions Chapter of this ordinance.

C. Statement of findings.

- (1) The Borough recognizes that the federal government, through the FTA and FCC, regulates wireless communications and issues licenses for wireless communications, and that the FCC requires the license holders to provide coverage within the areas so licensed.
- (2) The FTA expressly preserves the zoning authority of the Borough to regulate the placement, construction and modification of personal wireless service facilities subject to the provisions noted at Section 332(c)(7)(B) of the Federal Telecommunications Act of 1996..
- (3) The FTA does not abrogate local zoning authority in favor of the commercial desire to offer optimal service to all current and potential customers, and the providers of the personal wireless services must bear the burden of proving that any proposed service facility is the least intrusive means of filling a significant gap in wireless communication services in the area.
- (4) It is in the public interest to minimize the number of wireless communications towers within the Borough and to preserve the nature and character of the local community.
- (5) It is in the public interest that, to the extent possible, any new facilities for wireless communications be placed on existing towers without the construction of new towers.
- (6) It is in the public interest that wireless communications carriers co-locate their facilities with each other.
- (7) The overall objective of this section is to allow the provision of wireless communication services while, at the same time, limiting the number of antennas and supporting towers to the fewest possible and only in those locations which do not negatively impact the prevailing character of the Borough and the quality of life enjoyed by the residents.

D. Specific goals:

- (1) To minimize the total number of wireless communication towers within the Borough;
- (2) To limit the impact of wireless communication antennas, towers and related facilities upon the residences and the streetscapes throughout the Borough;
- (3) To safeguard the prevailing and visual landscapes, character and development throughout the Borough, with particular emphasis on maintaining the prevailing character of the residential zoning districts and neighborhood areas;
- (4) To discourage the construction of new towers;
- (5) To encourage the location of antennas upon or within existing structures, including existing towers, buildings and tanks;
- (6) To encourage the co-location of antennas and facilities on the fewest number of existing structures within the Borough;
- (7) To encourage the communication carriers to configure their facilities in a manner that minimizes and mitigates any adverse impacts upon affected properties, streetscapes and viewsheds through careful design, landscape screening and innovative camouflaging techniques;
- (8) To encourage the use of alternative technologies which do not require the use of towers or require towers at relatively lesser heights;
- (9) To enhance the ability of wireless communications carriers who adhere to the letter and intent of the provisions of this section to provide such services quickly, effectively and efficiently;

- (10) To comply with the mandate of the FTA, 47 U.S.C. Section 332(c)(7), which preserves local government authority to enforce zoning requirements that protect public safety, public and private property and community aesthetics; and
 - (11) To ensure that the location and positioning of towers protects the public from damage or injury and protects the public health, safety and welfare from adverse impacts related to the construction and operation of towers and other wireless communications facilities.
- E. Exemptions of amateur radio services. This section shall not apply to any tower or the installation of any antenna that is under 70 feet high and is owned and operated only by a federally licensed amateur radio station operator or is used exclusively to receive transmissions or any municipal, state, federal emergency service agency operating a communications tower for the sole purpose of emergency communications.
- F. Location of wireless communications antennas. Wireless communication antennas may be located only as set forth in the two prioritized locations below, based on the policy recommendations of the *Wireless Communications Facilities Plan* found in the South River Master Plan:
- (1) Priority locations: The first priority locations for wireless communication antennas shall be on the existing towers and tanks within the Borough. Antennas so located shall be permitted uses and require site plan approval. No height variance shall be required.
 - (2) Non-priority locations: All proposed wireless communication facilities not located at a priority location shall be considered as a non-priority location. Antennas so located are not a permitted use and will require use variance approval as well as site plan approval.
- G. Requirements for priority locations.
- (1) Notwithstanding any provision of the Land Development Ordinance provisions of the Borough to the contrary, location and height of antenna(s) on or within any of the existing structures within the Borough and any accessory shelters enclosing the related electronic equipment shall be considered permitted uses in the subject zoning district and, therefore, shall require site plan approval in accordance with N.J.S.A. 40:55D-67 of the Municipal Land Use Law.
 - (2) The location and height of the antenna(s) on or within any of the existing structures within the Borough and any accessory shelter(s) enclosing the related electronic equipment shall require site plan approval.
 - (3) The height of any proposed antenna extending above any existing structure shall not exceed 10 feet and all antennas shall be flush-mounted, panel or dish antennas totaling no more than twelve (12) in number per carrier.
 - (4) The total number of antennas per tower, inclusive of all carriers shall not exceed sixty (60) antennas.
 - (5) Any and all facilities constructed shall maximize the use of materials, colors and textures designed to blend with the structure to which it may be affixed and to blend with, to the extent practicable, the surrounding buildings and area.
- H. Requirements for non-priority locations:
- (1) The following information shall be submitted for site plan approval and, in order to be deemed complete, the following documentation shall be included:
 - (a) An overall comprehensive plan in accordance with Subsection I below;
 - (b) An indication of conformance with the conditions set forth in Subsections J, K and L, below;
 - (c) Crane or balloon test. During the public hearing process, the applicant shall schedule the time for a crane or balloon test in order to provide the members of the Planning Board or Zoning Board of Adjustment, as the case may be, and the general public the opportunity to view a crane or balloon at the location and height of the proposed tower. Thereafter, a visual sight distance analysis shall be prepared by the applicant and presented to the Board, including

photographic reproductions of the crane or balloon test graphically simulating the appearance of the proposed tower with at least three antenna arrays attached thereto and from at least 10 locations around and within one mile of any proposed tower where the tower will be most visible.

I. Overall comprehensive plan required for non-priority locations:

- (1) In order to effectuate the purposes, objectives and goals of the provisions of this section, any applicant for approval to erect a new supporting tower for wireless communication antennas shall provide threshold evidence that the proposed location of the tower and antennas have been planned to result in the fewest number of towers within the Borough at the time full service is provided by the applicant.
- (2) The applicant shall provide an overall comprehensive plan indicating how it intends to provide full service within and around the Borough and, to the greatest extent possible, shall indicate how its plan specifically relates to and is coordinated with the needs of all other providers of wireless communication services within and around the Borough.
- (3) The overall comprehensive plan shall indicate the following, and this information shall be provided at the time of the initial submission of the application:
 - (a) The mapped location and written description of all existing and approved supporting towers for all providers of wireless communication services within one mile of the subject site, both within and outside the Borough;
 - (b) The mapped location and written description of all existing or approved water towers or water standpipes and existing power-line stanchions within one mile of the subject site both within and outside the Borough;
 - (c) Why proposed existing antennas could not be located on any of the structures either within or outside the Borough;
 - (d) How the proposed location of the proposed antennas specifically relates to the anticipated need for additional antennas and supporting structures within and near the Borough by the applicant and by other providers of wireless communication services within the Borough, including the number of additional wireless communications carriers that would be permitted to co-locate on the proposed facilities;
 - (e) How the proposed location of the proposed antennas specifically relates to the objective of co-locating the antennas of many different providers of wireless communication services on a single supporting structure; and
 - (f) How the proposed location of the proposed antennas specifically relates to the overall objective of providing adequate communication services within the Borough while, at the same time, limiting the number of towers to the fewest possible, including alternate technologies which do not require the use of towers or require towers at a lesser height.

J. Area and setback requirements for non-priority locations:

- (1) The proposed tower, antennas and ancillary-related electronic equipment shall be located on a land area of no less than 15,000 square feet;
- (2) The minimum required land area shall either be a separate undeveloped lot or a leased portion of an existing undeveloped or developed lot;
- (4) The proposed tower, antennas and related equipment, any approved building housing the electronic equipment and any approved camouflaging of the tower shall be the only land uses located on the subject land area, whether said land area is a separate lot or a leased portion of a lot; and
- (5) Except for any access driveway into the property, required landscaping and any underground utility line reviewed and approved by the Planning Board or Zoning Board of Adjustment, as appropriate, no building, tower, other structure and/or disturbance of land shall be permitted within 200 feet of any street line and within 500 feet of any lot line of any adjacent property,

provided that, in any case, no building, tower, other structure and/or land disturbance shall be located within 750 feet of any historic residential or school site as duly designated by the Borough, the State of New Jersey and/or by the federal government.

K. Design requirements for non-priority locations:

- (1) All towers shall be a monopole design.
- (2) All towers shall be camouflaged (e.g., housed in a silo, bell tower, etc., or made to look like a tree or non-oversized flagpole) as may be appropriate in the context of the visibility of the tower from different vantage points throughout the Borough and the existing land uses and vegetation in the vicinity of the subject site.
- (3) The height of any proposed new tower and the antennas attached thereto shall not exceed 125 feet from the existing ground level beneath the tower.
- (4) No signage is permitted except for such information signs deemed necessary for safety purposes by the Board.
- (6) Minimal off-street parking shall be permitted as needed and as specifically approved by the Board.
- (7) No lighting is permitted on a tower, except lighting that is specifically required by the FCC and FAA, and any such required lighting shall be focused and shielded to the greatest extent possible so as not to project towards adjacent and nearby properties. The applicant shall provide the Board all applicable FCC and FAA standards regarding lighting that apply to a proposed tower, including, but not limited to, the lighting color, elevation of lighting and whether the lighting is to be continuous or strobe lighting.
- (8) Individual shelters for the required electronic equipment related to the wireless communications antenna(s) shall be permitted in accordance with the following design criteria:
 - (a) Any proposed shelter enclosing required electronic equipment shall not be more than 15 feet in height nor more than 250 square feet in area, and only one such shelter shall be permitted for each provider of wireless communication services located on the site;
 - (b) No electronic equipment shall interfere with any public safety communications;
 - (c) All of the electronic equipment shall be automated so that the need for on-site maintenance and the commensurate need for vehicular trips to and from the site will be minimized;
 - (d) All of the required electronic equipment for all anticipated communication carriers to be located on the subject site shall be housed within a building of 1 1/2 stories, which building shall not exceed 1,000 gross square feet in area and 15 feet in height and which shall be designated with a single-ridge, pitched roof with a residential or barn-like appearance; and
 - (e) The building may have one light at the entrance to the building, provided that the light is attached to the building, is focused downward and is switched so that the light is turned on only when workers are at the building.
- (9) Between the location of the tower and the building enclosing related electronic equipment and any public street or residential dwelling unit or residential zoning district within view of the tower and the building, landscaping shall be provided in accordance with the following:
 - (a) The landscaping shall consist of a combination of existing and/or newly planted evergreen and deciduous trees and shrubs of sufficient density to screen the view of the tower, particularly as its base, to the maximum extent reasonably possible and to enhance the appearance of the building from the surrounding residential properties and any public street;
 - (b) The landscaping plan shall be prepared by a licensed landscape architect who shall present testimony to the Board regarding the adequacy of the plan to screen the tower from view and to enhance the appearance of the building; and
 - (c) Any newly planted evergreen trees shall be at least eight feet high at time of planting and any newly planted deciduous trees shall be a minimum caliper of three inches at the time of planting.

- L. Additional conditions for non-priority locations:
- (1) 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 (EIA) and/or the Telecommunications Industry Association (TIA) have been met;
 - (2) Co-location. A statement by the applicant that the owner of the tower and the operator of the wireless communications facilities, and his or her successors in interest, shall negotiate on good faith for the shared use of the proposed tower by other wireless communications service-providers in the future and shall reasonably respond to requests for information regarding potential co-location by other wireless communications carriers and shall permit such co-location upon reasonable terms and conditions; and
 - (3) The applicant (and the landowner in the instance of a leased property) shall provide a performance bond and/or other assurance satisfactory to the Planning Board or Zoning Board of Adjustment, as the case may be, in a form approved by the Borough Attorney, that will cause the antennas, any supporting tower, the electric equipment cabinets, any building enclosing the electronic equipment shelters, and all of the other related improvements to the land to be removed, at no cost to the Borough, when the antennas are no longer operative. Any wireless communication facility not used for its intended and approved purpose for a period of six months shall be considered no longer operative and shall be removed by the responsible party within 60 days thereof.
- M. Locational preferences for new towers. The following are not conditions, standards and limitations for the location of wireless communication towers, but represent the preferences of the Borough:
- (1) To the greatest extent possible, no tower shall be located to be visible from any historic site as duly designated by the Borough, the State of New Jersey and/or by the federal government.
 - (2) To the greatest extent possible, no tower shall be located to be visible from any public street.
 - (3) To the greatest extent possible, any tower shall be located behind existing buildings and/or natural topographical elevations in order to screen the tower from view from adjacent properties and from any street right-of-way.
- N. All other applicable requirements of this section not contrary to the conditions, standards and limitations specified herein shall be met, but waivers and/or variances of such other applicable requirements may be granted by the Planning Board or Zoning Board of Adjustment, as the case may be.

§ 350-29. Solar or photovoltaic energy facilities.

- A. Purpose. It is the purpose of this section to provide zoning conditions, standards and limitations for the location, approval and operation of solar panels, arrays, rooftop facilities and array facilities within the Borough that recognize the need to safeguard the public good, health, safety and welfare and preserve the intent and the purposes of the South River Master Plan.
- B. Definitions. See Definitions Chapter of this ordinance.
- C. Statement of findings.
 - (1) Solar energy production is a use which is universally considered of value to the community because it fundamentally serves the public good and promotes the general welfare.
 - (2) The Borough recognizes that production of renewable sources of energy serve as an important part of the green economy.
 - (3) It is in the public interest that solar energy production facilities will locate or co-locate their facilities on existing developed areas.
 - (4) It is in the public interest that, to the extent possible, any new facilities for solar production be located on existing rooftops and open areas.
 - (5) It is in the public interest to minimize the visual impact of solar energy production facilities in the Borough and to preserve the nature and character of the local community.
- D. Panel Regulations.
 - (1) Pursuant to §40:55D-66.11 of the Municipal Land Use Law, such renewable energy facilities on a parcel or parcels of land comprising 20 or more contiguous acres that are owned by the same person or entity shall be a permitted principal use within every industrial district in the Borough.
 - (2) All solar panels themselves shall be exempt from zoning limitations on *impervious cover*, however, the base or foundation of a solar panel may still be regulated as impervious cover.
 - (3) Solar or photovoltaic energy facilities or structures in all zoning districts of the Borough shall be considered inherently beneficial uses as defined by the Municipal Land Use Law.
 - (4) When installed at a location with an existing principal use, solar facilities shall be considered as an accessory use and shall be a permitted accessory use in all non-residential zones of the Borough. Such solar facilities shall be maintained as an accessory
- E. Site Plan Requirement.
 - (1.) Solar panels proposed on single and two-family residential dwellings shall be exempt from site plan review, however no such solar panel shall be erected without the approval the construction official.
 - (2.) Proposed solar panels on all other rooftops, ground arrays, car-ports or similar facilities shall require site plan approval in accordance with N.J.S.A. 40:55D-67 of the Municipal Land Use Law.
- F. Bulk Requirements.
 - (1) Notwithstanding any provision of the Land Development Ordinance provisions of the Borough to the contrary, the following location and height restrictions on shall apply to all panels and equipment:
 - A. The height of any roof-mounted panels shall be no greater than three (3) feet above the highest point of the roof.
 - B. The height of any ground mounted antenna shall not exceed five (5) feet in height to the top of the panel when the panels are positioned at their maximum angle.

- C. The height of any carport structure shall not exceed twelve (12') feet in height to the top of the structure.
- D. No panel or equipment structure shall be located in any required front, side or rear yard setback area.

G. Screening Requirements

- (1) To the greatest extent possible all solar panels and ground mounted equipment or utility cabinets shall be fully screened from the public right of way with a combination of solid fencing and landscaping.

H. Maintenance Plan Requirement

- (1) Upon application to the appropriate board, the applicant shall submit a maintenance plan for any proposed solar facility, indicating the details of regular maintenance, operation, safety details and the lifespan of the facility.

§ 350-30. Performance standards and procedures.

A. Performance Standards

- (1) General Intent. As a condition to an approval or the continuance of any building, process, installation, construction, production or other use in any zone, the applicant shall supply evidence, satisfactory to the Planning Board, that the proposed use will conform fully with all the applicable performance standards stated herein. As evidence of compliance, the Board may require certification of tests by appropriate government agencies or by recognized testing laboratories, with any cost thereof to be borne by the applicant. The Planning Board may require the specified types of equipment, machinery, or devices, be installed and that specific operating procedures or methods be followed, if government agencies or testing laboratories determine that the use requires such in order to assure compliance with applicable performance standards.
- (2) Standard Requirements
 - (a) Smoke Control
 - (1) No smoke shall be emitted from any chimney or other source as visible gray greater than No. 1 on the Ringlemann Smoke Chart as published by the U.S. Bureau of Mines.
 - (2) Smoke of a shade not darker than No. 1 on the Ringlemann Smoke Chart may be emitted for not more than four (4) minutes in any thirty (30) minutes.
 - (3) These provisions, applicable to visible gray smoke, shall also apply to visible smoke of a different color but with an equivalent apparent opacity.
 - (b) Control of Dust and Dirt, Fly Ash, Fumes, Vapors and Gases\
 - a. No emission shall be made which can cause any danger to health, to animals or vegetation or other forms of property or which can cause excessive soiling at any point.
 - b. No emission of liquid or solid particles from any chimney or device shall exceed 0.3 grains per cubic foot of the covering gas at any point.
 - c. For measurement of the amount of particles in gases resulting from combustion, standards correction shall be applied to a stack temperature of five hundred (500) percent excess air.
 - (c) Control of Odors. There shall be no emission of odorous matter in such quantities as to be offensive. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained. As a guide in determining offensive odors, Table II (Odor Thresholds) in Chapter 5, "Air Pollution Abatement Manual" copyrighted 1951 by Manufacturing Chemists Association, Inc., Washington, D.C. shall be used.
 - (d) Electricity. Electronic equipment shall be shielded so there is no interference with any radio or television reception beyond the operator's property as the result of the operation of such equipment.
 - (e) Heat. Sources of heat, including but not limited to steam, gases, vapors, products of combustion of chemical reaction, shall not discharge onto or directly contact structures, plant life or animal life on neighboring uses or impair the function or operation or device shall cause in increase in ambient temperature as measured on the boundary between neighboring uses.
 - (f) Radioactivity. No use, activity, operation or device concerned with the utilization or storage of radioactive materials shall be established, modified, constructed or used without having first obtained valid permits and certificates from the Office of Radiation Protection, New Jersey Department of Environmental Protection. Proof of compliance with this requirement shall be the submission of duplicate copies of said permits and certificates.

- (g) Glare. Any process producing intense glare or flashing of lights shall be performed within a completely enclosed building in such manner that no discomforting glare shall be disseminated beyond the building. Parking and loading and unloading areas that are in use after dark shall be so situated as to provide maximum shielding and concealment of lighting from adjoining properties. Lighting of any sign, building exterior, fountain or decorative fixture shall be placed in such a manner that is directed toward the object to be lighted and does not disseminate glare. This section shall not be construed to prohibit lighting required by police or other enforcement agencies for the safety and protection of employees and of the general public.
- (h) Noise and Vibration. All uses and activities shall comply with noise and vibration standards promulgated by the New Jersey Department of Environmental Protection. Further, no use shall cause an increased vibration beyond the limits of the property on which located nor increase the ambient noise levels present at boundaries of the site nor cause intermittent or point audible noise or noise vibration to adversely impact adjoining property.
 - (1) Standard. Ground transmitted vibrations shall be measured with a seismograph or complement of instruments capable of recording vibration displacement and frequency in the three (3) mutually perpendicular directions simultaneously.
 - (2) Vibration level restrictions. Vibration levels shall not exceed a particular velocity of five-hundredths (.05) inch per second in any district. During the hours of 9:00 p.m. to 7:00 a.m. in residential districts, vibration levels shall not exceed a particle velocity of two-hundredths (.02) inch per second. Measurements shall be made at the points of maximum vibration intensity and on or beyond adjacent lot lines or neighboring uses, whichever is more restrictive.
- (i) Airborne Emissions. In all districts, no use, activity, operation or device shall be established, modified, constructed or used without having first obtained valid permits and certificates from the Bureau of Air Pollution Control, New Jersey Department of Environmental Protection, pursuant to NJAC 7:27-8. Specifically, no use, activity, operation or device shall be established, modified or constructed without a valid permit to construct. No use, activity, operation or device shall be operated, occupied or used without a valid certificate to operate control apparatus or equipment. Proof of compliance with this requirement shall be the submission of duplicate copies of the permit to construct and certificate to operate.
- (j) Noise Emissions. The noise standards as adopted, amended and enforced by Middlesex County, which are adopted herein by reference and included in their entirety in this Ordinance.
- (k) Industrial Waste. No industrial waste shall be discharged into the public sewage collection and disposal system unless the appropriate officials of the Borough of South River shall have first investigated the character and volume of such waste and shall have certified that it will accept the discharge of the waste material into the system. The applicant shall comply with any requirements of the Borough, including the pretreating of such wastes, control of pH and other methods of improving such wastes prior to discharge, as a condition of acceptance by the Borough.
- (l) Outdoor Storage and Waste Disposal
 - (1) In all districts permitting an operation, use or any activity involving the manufacture, utilization or storage of flammable, combustible and/or explosive materials, such operation shall be conducted in accordance with the regulations promulgated by the Department of Labor and Industry of New Jersey or the Fire Code of the National Fire Protection Association, whichever is more restrictive.
 - (2) All flammable, explosive and/or combustible material shall be stored in accordance with the Uniform Fire Code of the State of New Jersey and U.C.C. of State of New Jersey, whichever is more restricted.

- (3) All outdoor storage facilities for fuel, raw materials and products stored outdoors, wherever permitted, shall be enclosed by a conforming safety fence and visual screen and shall conform to all yard requirements imposed upon the principal building in the district and storage regulations of the National Fire Protection Association.
- (4) No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse.
- (5) All material or wastes which may cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only in closed containers.
- (6) No flammable or explosive liquids, solids or gases shall be stored in bulk above ground; however, tanks or drums of fuel directly connecting with energy devices, heating devices, or appliances located on the same lot as tanks or drums of fuel are excluded from this provision.

(m) Fire Protection

- (1) Provision shall be made for fire hydrants along streets, together with standpipe and sprinkler connections on the outside walls of nonresidential structures as approved by the Municipal Fire Department and Municipal Engineer in accordance with Insurance Services Office standards.
- (2) Fire lanes eighteen (18) feet in width shall be required across the front and rear of all new residential, institutional, commercial and industrial uses with gross floor area in excess of ten thousand (10,000) square feet. Similar fire lanes are recommended for design along the sides of all new commercial and industrial uses. Parking shall be strictly prohibited in all fire lane areas.
- (3) Hydrant spacing shall not exceed four hundred (400) feet between any hydrants and any building when measured along the street right-of-way.

(n) Public Utilities. All public services shall be connected to approved public utilities systems where they exist.

- (1) The developer shall arrange with the servicing utility for all underground installation of the utility's distribution supply lines and service connections in accordance with the provisions of the applicable standard terms and conditions incorporated as a part of its tariff as the same are then on file with the State of New Jersey Board of Public Utility Commissioners.
- (2) The developer shall submit to the approving authority, prior to the granting of final approval, a written instrument from each serving utility which shall evidence full compliance or intended full compliance with the provisions of this section, provided, however, lots which abut existing streets where overhead electric or telephone distribution supply lines and service connections have heretofore been installed may be supplied with electric and telephone service from those overhead lines shall be installed underground. In the case of existing overhead utilities, should a road widening or an extension of service or other such condition occur as a result of the development and necessitate the replacement, relocation or extension of such utilities, such replacement, relocation or extension of such utilities, such replacement, relocation or extension of such utilities, such replacement, relocation or extension shall be underground.

- (3) Where natural foilage is not sufficient to provide year-round screening or any utility apparatus appearing above the surface of the ground, other than utility poles, the applicant shall provide sufficient live screening to conceal such apparatus year-round.
- (4) Any installation under this section to be performed by a servicing utility shall be exempt from the requirement of performance guarantees, but shall be subject to inspection and certification by the Municipal Engineer, unless specifically and documentably exempt by operation of State Law.

(o) Public Utility Installations

- (1) Cellular communication towers. No cellular communication tower shall be located within a minimum distance of one thousand (1,000') feet of a residential structure, public park or school.
- (2) Exemptions. Notwithstanding the above, communication towers used for the following purposes are hereby specifically exempted in the requirements of this chapter:
 - (a) Citizen band operation;
 - (b) Amateur operation;
 - (c) Public safety, including but not limited to communications for the Federal, State, County or Municipal Government.

(p) Additional Standards and References. In order to satisfy itself that the applicant will comply fully with all of the applicable performance standards, the Planning Board or its designated representative may examine and refer to any or all of the available standards, codes, regulations and requirements of the federal, state, county or local government and recognized professional organizations, associated and societies.

(q) Testing Procedures and Technical Assistance. In all cases where the Planning Board shall deem that it is advisable to determine whether or not the facility will be in conformance with applicable performance standards, the Planning Board or its designated representatives shall require adequate testing procedures and shall utilize expert assistance at the expense of the applicant.

§ 350-31. Plats, permits and certificates.

A. Plats. No construction of any building, dwelling or structure shall be commenced before an application for a building permit under this chapter shall be made to the Construction Official. The application shall be accompanied by a plat or plan of the site, in duplicate, drawn to scale, showing the following: the dimensions of the lot to be built upon, the location of and accurate dimension of the proposed building and all existing structures of the site, the intended use of the proposed building and all existing structures, the number of stories in the building, the number of families the building is designed to accommodate, dimensions of yards, the established building lines within the block, proposed improvements to the lot, such as sidewalks and curbs, existing road and lot elevation, proposed finished floor elevation of the lowest floor, the proposed location of water and sewer services and such other information as may be required by the office of the Construction Official to provide for the enforcement of this chapter.

B. Permits.

- (1) No land shall be occupied or used and no building shall be hereafter erected, extended, moved or

altered until a building permit shall have been issued by the Construction Official. Applications for building permits shall be made to the office of the Construction Official.

- (2) It shall constitute a violation of this chapter for any person, firm or corporation, either owner or agent, to erect or move any building for which a building permit is required under the provisions of this section or to commence any excavation for any such building without first have obtained said building permit. Any such building permit issued upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of said Construction Official, he shall forthwith revoke the permit by notice, in writing, to be delivered by him to the owner or if such holder not be found there, by posting said notice of revocation in some conspicuous place upon said premises. Any person who shall proceed thereafter with such work or use without having obtained a new permit in accordance with the provisions of this chapter shall be deemed guilty of a violation thereof.
- (3) Work shall be initiated and diligently pursued toward completion within a year from the date of issuance of any permit for the construction of any structure. Upon failure to do so, the permit shall become void one year after date of issuance.

C. Certificates of occupancy.

- (1) It shall be unlawful for an owner to use or permit the use of any building or premises or part thereof hereafter created, located, erected, changed, converted or enlarged wholly or partly until the Construction Official has issued a certificate of occupancy for that premises certifying that the structure or use complies with the provisions of this chapter. A new certificate of occupancy shall be required for any change in use.
- (2) A certificate of occupancy, either for the whole or part of a building, shall be applied for at the same time as the application for a building permit and shall be issued immediately after the erection or alteration of such building shall have been completed in conformity with the provisions of this chapter and in conformity with the provisions of all other applicable ordinances.
- (3) In case the Construction Official shall decline to issue a certificate of occupancy, his reasons for doing so shall be so stated on one copy of the application and that copy shall be returned to the applicant.
- (4) Upon written request from an owner or tenant, the Construction Official shall issue a certificate of occupancy for any building or use of land existing at the time of enactment of this chapter, certifying, after inspection, the extent and kind of use made of the building and whether such use conforms to the provisions of this chapter. Such a certificate shall be issued without charge within six months of the enactment of this chapter for any nonconforming use or building.
- (5) The Construction Official may issue a temporary certificate of occupancy for use of land or building which is related to the development of the property for its permitted use. Such permits may be issued for a six-month period, and no more than one six-month extension may be granted.

§ 350-32. Fee schedule.

Reserved. See the Fees Chapter of this ordinance.

§ 350-33. Severability; amendability; repealer; effect on pending proceedings; when effective.

A. Repealer

All sections of any other Ordinance of the Borough of South River which contain provisions contrary to the provisions of this chapter shall be and are hereby repealed to the extent of such inconsistency.

B. Provisions Continued

Pursuant to the provisions of N.J.S.A. 40:55D-90b, the substantive provisions of the existing Land Subdivision Ordinance, Zoning Ordinance and Site Plan Review Ordinance of the Borough of South River and the development regulations set forth therein are hereby specifically readopted as interim ordinances and shall continue in full force and effect until such time that the ordinance provisions contained herein shall take effect according to law.

C. Severability

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

D. Filing of Development Regulations

Immediately upon adoption of this ordinance, the Borough Clerk shall file a copy of this ordinance, including the official zoning map of the Borough, all other relevant development regulations relating to land use, and any amendments or revisions thereto with the County Planning Board as required by law.

Copies of all development regulations and revisions or amendments thereto shall be filed and maintained in the office of the Borough Clerk.

E. Effective Date

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

§ 350-34. Enforcement; violations and penalties.

A. Administration and Enforcement

1. Enforcement Official

The provisions of this chapter shall be administered and enforced by the Zoning Officer/Construction Official/Bureau of Code Enforcement (Official). That official may be provided with the assistance of such other persons as the governing body may direct.

- (a) This chapter shall be enforced by the above officer, who is empowered to cause any building, structure, place or premises to be inspected and examined and to order the abatement or correction of any condition or threat found to exist therein in violation of any provisions of these regulations. 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 lessee or tenant of any part of the building or premises in which such a violation shall have been committed or shall exist, or the agent, architect, building contractor or any other person who shall commit, take part in or assist in any such violation or shall maintain any building or premises in which any violation of this chapter shall exist, shall be guilty of a violation of this chapter. Upon

- discovery of any violation, the compliance officer of the Bureau of Code Enforcement is empowered to issue a summons concerning such.
- (b) It shall be the duty of the Official or his duly authorized assistants to cause any building, plans or premises to be inspected or examined. If the Official finds that any of the provisions of this chapter are being violated.
 - (c) The Official shall order discontinuance of illegal use of land, buildings, or structure; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions, pursuant to applicable enabling statutes.
 - (d) The Official shall have the right to enter any building or premises during the daytime in the course of his duties and shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering in writing the remedying of any conditions found to exist in violation of any provision of this chapter, or in the alternative, order prosecution of any violation as provided for by this chapter. The stated violation shall then be corrected by action of the violating party, and a second inspection and approval shall be accomplished within thirty (30) days.
 - (e) Records. It shall be the duty of the Official to keep a record of all applications for zoning permits, a record of all permits issued, and a record of all building permits and certificates of occupancy, together with a notation of all special conditions involved and record all of complaints and actions taken. He shall file and safely keep copies of all plans submitted and the same shall form a part of the records of his office and shall be available for the use of the governing body and of other officials of the Borough. The Official shall prepare a monthly report for the governing body summarizing for the period since his last previous report all zoning permits and certificates for the period since his last previous report all zoning permits and certificates issued by him. A copy of each such report shall be filed with the Tax Assessor at the time it is filed with the governing body.
 - (f) In no case shall a permit be granted for construction, alteration or use there of that would be in violation of any provision in this chapter.

B. Compliance

1. Minimum Requirements

The provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals and general welfare. Whenever the requirements of this chapter area at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or that imposing the higher standards shall govern.

2. Compliance Required

- (a) All zoning requirements shall be met at the time of any erection, enlargement, moving or change in use. If a new structure is added to an existing complex of structures or if an existing structure has an addition, the site plan provisions of this chapter shall apply to the enlargement or new structure.
- (b) All developments resulting from subdivisions and site plan approvals shall comply with all design and performance standards, including conditions imposed by the approving authority, as shown on the approved plat and/or included in the resolution adopted by the approving Board.
- (c) Construction and use is to be as provided in applications, plans, permits and certificates of zoning compliance. Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the Official authorize only the use, arrangement and

construction set forth in such approval plans and applications and no other use, arrangement or construction. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this chapter.

- (d) When an applicant fails to comply or deviates significantly from any approved plans filed with the Approving Board, the Official shall have jurisdiction to review the aforementioned deviation. If the Official is of the determination that the deviation is minor and insignificant and provided the deviation does not change the intent of the approved use, plans and resolution, the Construction Official may approve the deviation. If the Official is of the determination that the deviation will result in a substantial change to the approved use, plans and resolution the applicant shall be required to submit plans showing all proposed revisions to the original Approving Board. The Official shall make and file a report with the Approving Board noting all deviations and reasons for the Official's decision.

C. Permits and Approvals

1. Conformity Required

No zoning permit, building permit or certificate of occupancy shall be issued for any parcel of land or structure which was sold on which improvements were undertaken in violation of the provisions of this chapter, or for the use of a lot which was created by subdivision after the affective date of, and not in conformity with, the provision of this chapter. No site improvements, such as but not limited to excavation or construction, shall commence unless in conformity with this chapter and in accordance with plat approvals and the issuance of required permits.

2. Zoning Permit

- (a) For any development application, it shall be unlawful to use or occupy or permit the use of occupancy of any building or premise, or both, or part thereof, hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure, until a certificate of zoning compliance shall have been issued therefore by the Zoning Officer/Official, stating that the proposed use of the building or land conforms to the requirements of this chapter and adequate planning standards.
- (b) The certificate of zoning compliance shall be issued by the official, stating that the proposed use of the building or land conforms to the requirements of this chapter and adequate planning standards.
- (c) No certificates of zoning compliance shall be issued by the Zoning Officer/Official unless the application for the said certificate is in conformity with all the provisions of this chapter or has been duly exempted by variance.
- (d) A zoning permit shall be issued by the Zoning Officer/Official before the issuance of either of a certificate of occupancy to a new occupant of an existing building or portion of an existing building or a building permit.
- (e) Failure to obtain a certificate of zoning compliance shall be a violation of this chapter.

3. Building Permit

- (a) No permit for erection, construction, alteration, extension, enlargement, movement, remodeling, conversion, destruction or repair of any building shall be issued unless in accordance with the provisions of this chapter. No construction permits shall be issued until all required approvals from all agencies with jurisdiction have been secured and submitted to the Borough.
- (b) Expiration of building permit.
 - (1) If the work described in any building permit has not commenced within ninety (90) days from the date of issuance thereof, said permit shall expire and be canceled by the Construction Official and written notice thereof shall be given to the persons affected.

- (2) If the work described in any building permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be canceled by the Official and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.
- (3) If any such permit has been authorized and not lifted from the office of the Official and executed by the applicant within a period of six (6) months from the date of authorization, then such authorization shall be null and void and no permit shall be issued thereunder.

4. Certificate of Occupancy

- (a) It shall be unlawful to use or permit the use of any building or part thereof hereafter created, changed, converted, altered or enlarged wholly or in part, until a certificate of occupancy shall have been issued by the Official.
- (b) No certificate shall be issued unless: the land, building and use thereof comply with the provisions of this chapter; all matters incorporated on the approved subdivision or site plan have been completed and certified by the Borough Engineer; and the Building and Health Codes are complied with.
- (c) In cases involving the new use of an existing structure, no certificate of occupancy for the new tenant be issued until a zoning permit has been issued.
- (d) On the serving of notice by the Official to the owner of any violation of any of the provisions or requirements with respect to any building or use thereof or of land, as specified in this chapter, the certificate of occupancy for such use shall be deemed to be in violation of this chapter and subject to the penalties hereinafter prescribed. A new certificate shall be required for any further use of such building or land.
- (e) Each nonresidential change of use shall secure a mercantile license pursuant to other applicable codes of the Borough.

D. Violations and Penalties

1. Complaints of Violation

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

2. Violation

- (a) In case any building or structure is erected, constructed, altered, repaired, converted or maintained, or any building, structure or land is used, in violation of this chapter or of any other ordinance or regulation made under authority conferred hereby, the proper local authorities of the Borough or an interested party, in addition to other remedies, may institute any appropriate legal action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent any illegal act, conduct, business or use in or about such premises.
- (b) Separate violations. Except as otherwise provided, each and every day in which a violation of any provision of this Ordinance exists shall constitute a separate violation.

3. Penalties

- (a) Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined no less than one thousand (\$1000.00) dollars nor more than two thousand five hundred (\$2,500.00) dollars or be imprisoned for a period of not exceeding

- 30 days or both, for each and every violation, and in addition shall pay all cost and expenses involved in the case.
- (b) If, before final subdivision approval has been granted, any person transfers or sells or agrees to transfer or sell, except pursuant to an agreement expressly conditional on final subdivision approval, as owner or agent, any land which forms a part of a subdivision for which municipal approval is required by ordinance pursuant to this chapter, such person shall be subject to a penalty not to exceed one thousand (\$1,000.00) dollars, and each lot disposition so made may be deemed a separate violation as per N.J.S.A. 40:55D-55.
 - (c) Any site clearance, site preparation or site construction commenced prior to receipt of all required Planning Board or Zoning Board of Adjustment approvals and/or prior to the issuance of a certificate of resolution compliance from the approving board secretary shall be subject to a penalty not to exceed one thousand (\$1,000.00) dollars, for each and every violation, and in addition shall pay all costs and expenses of the Borough involved in the case. Each and every day in which a violation of this provision exists shall constitute a separate violation.
 - (d) In addition to the foregoing, the Borough may institute and maintain a civil action for injunctive relief and to set aside and invalidate any conveyance made pursuant to such a contract of sale if a certificate of compliance has not been issued in accordance with N.J.S.A. 40:55D-38. In any such action, the transferee, purchaser or grantee shall be entitled to a lien upon the portion of the land from which the subdivision was made that remains in the possession of the developer of his assigns or successors, to secure the return of any deposits made or purchase price paid, and also a reasonable search fee, survey expense and title closing expense, if any. Any such action must be brought within two (2) years after the date of the recording of the instrument of transfer, sale or conveyance of said land, within six (6) years, if unrecorded.

§ 350-35. Zoning officer; position and duties.

- A. There is hereby created the position of Zoning Officer within the Borough of South River. Said Zoning Officer shall be paid an annual salary as set forth in the Salary Ordinances of the Borough of South River.
- B. The duties of the Zoning Officer shall be as follows:
 - (1) To interact with the public with respect to any zoning issues and/or concerns raised by individuals from the public.
 - (2) To work closely with the land use boards of the Borough of South River.
 - (3) Enforce all state, county and local zoning ordinances, rules and regulations.
 - (4) Review and report to the appropriate land use boards with respect to all land use applications which may come before the Borough of South River.
 - (5) Review, approve and/or disapprove any and all building permit applications based on zoning guidelines.
 - (6) Review and resolve any and all other zoning questions and concerns within the Borough of South River.
 - (7) Inspect properties in the municipality for violations or, upon being advised of the existence of a violation, issue orders to the owners of the property to cease and desist from such violations and, where such means shall fail, file a complaint in the Municipal Court for said violation.
- C. The Zoning Officer shall be appointed by the Mayor with the advice and consent of the Borough

Council. The term of the Zoning Officer shall be one year and he or she may be removed for cause.

SECTION 2. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 3. All Ordinances or parts of Ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. This Ordinance shall take effect after final passage, adoption, and publication according to law.

Dated:
ATTEST:

RAYMOND T. EPPINGER, Mayor

PATRICIA O'CONNOR, Registered Municipal Clerk