

Chapter 490

ZONING

ARTICLE I Title

- § 490-1. Title.**
- § 490-2. Short title.**

ARTICLE II Purpose

- § 490-3. Declaration of purpose.**

ARTICLE III Definitions and Word Usage

- § 490-4. Word usage.**
- § 490-5. Definitions.**

ARTICLE IV Application

- § 490-6. Application of regulations; compliance required.**

ARTICLE V Districts and Boundaries

- § 490-7. Classes of districts.**
- § 490-8. Boundaries of districts.**

ARTICLE VI Zoning District Standards

- § 490-9. RC Rural Conservation District.**
- § 490-10. R-40 Single-Family Residence Zone.**
- § 490-11. R-30 Single-Family Residence Zone.**
- § 490-12. R-10 Multifamily Residence Zone.**

- § 490-13. C-1 Neighborhood Business Zone.**

- § 490-14. C-2 Highway Business Zone.**
- § 490-15. O Office and Professional Zone.**
- § 490-16. IP Industrial Park Zone.**
- § 490-17. BP Business Park Zone.**
- § 490-18. Q Quarry/Overlay Zone.**
- § 490-19. CR Commercial Recreation Zone.**

- § 490-20. SR-1 Special Regulation Zone.**
- § 490-21. SR-2 Special Regulation Zone.**
- § 490-22. Cluster development option.**
- § 490-23. AH Affordable Housing Zone.**
- § 490-24. VC Village Commercial District.**

- § 490-25. PARC Planned Adult Residential Community Zone.**

- § 490-26. ASCH Affordable Senior Citizens Housing District.**

ARTICLE VII District Regulations

- § 490-27. Prohibited uses.**

ARTICLE VIII Supplemental Regulations

- § 490-28. Parking and truck loading space requirements.**
- § 490-29. Supplemental use and building regulations.**
- § 490-30. Signs.**
- § 490-31. Nonconforming uses, buildings or structures.**
- § 490-32. Site plan application.**

- § 490-33. Performance standards.
- § 490-34. Piers, docks and marinas.
- § 490-35. Conditional uses.
- § 490-36. Telecommunications antennas and towers.

- § 490-46. Public records.
- § 490-47. Procedure for amendment.
- § 490-48. Validity.
- § 490-49. Repealer.
- § 490-50. When effective.

ARTICLE IX

Administration and Enforcement

- § 490-37. Interpretation.
- § 490-38. Relationship to other provisions of law and to private covenants and agreements.
- § 490-39. Enforcement; duties of Zoning Officer.
- § 490-40. Inspection of premises.
- § 490-41. Building permits; survey.
- § 490-42. Completion of buildings for which permits have been issued.
- § 490-43. Certificates of occupancy.
- § 490-44. Fees.
- § 490-45. Violations and penalties.

ARTICLE X

Zoning Compliance Permit

- § 490-51. Obtaining a zoning compliance permit.
- § 490-52. Duties of Zoning Officer.
- § 490-53. Determination of compliance.
- § 490-54. Referral to Planning Board and/or Board of Adjustment.
- § 490-55. Fee.
- § 490-56. Violations and penalties.

Schedule of District
Regulations: Residential

Schedule of District
Regulations: Nonresidential

[HISTORY: Adopted by the Township Council of the Township of Jefferson 7-10-1996 by Ord. No. 8-96 (Ch. 137 of the 1967 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Land use procedures — See Ch. 70.
Campgrounds — See Ch. 169.
Uniform construction codes — See Ch. 182.
Development fees — See Ch. 193.
Driveways — See Ch. 207.
Drug-free areas — See Ch. 211.
Environmental impact statement — See Ch. 222.
Right to farm — See Ch. 229.
Flood damage prevention — See Ch. 262.

Forest, tree and soil preservation and mitigation — See Ch. 273.
Parks — See Ch. 353.
Streets and sidewalks — See Ch. 429.
Subdivision of land — See Ch. 435.
Surface water management — See Ch. 439.
Private swimming pools — See Ch. 443.
Trailers and mobile homes — See Ch. 460.

ARTICLE I

Title

§ 490-1. Title.

The long title of this chapter shall be "An Ordinance to Limit and Restrict to Specified Districts or Zones and to Regulate Therein Buildings and Structures According to Their

Construction and the Nature of and the Extent of Their Use and the Nature and the Extent of Their Uses of Land in Jefferson Township, Morris County, New Jersey, and Providing for the

Administration and Enforcement of the Provisions Therein Contained and Fixing Penalties for the Violation Thereof."

§ 490-2. Short title.

This chapter shall be known and may be cited as the "Jefferson Township Zoning Ordinance of 1996."

ARTICLE II

Purpose

§ 490-3. Declaration of purpose.

The Zoning Ordinance is adopted pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and the amendments thereof and supplements thereto for the following purposes:

- A. To encourage municipal action to guide the appropriate use or development of all lands in the Township of Jefferson, in a manner which will promote the public health, safety, morals and general welfare.
- B. To secure safety from fire, flood, panic and other natural and man-made disasters.
- C. To provide adequate light, air and open space.
- D. To ensure that the development of the Township of Jefferson does not conflict with the development and general welfare of neighboring municipalities, the county and the state as a whole.
- E. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and reservations and preservation of the environment.
- F. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies.
- G. To provide sufficient space in appropriate locations for a variety of agricultural, residential recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of the citizens.
- H. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight.
- I. To promote a desirable visual environment through creative development techniques and good civic design and arrangements.

- J. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the municipality and to prevent urban sprawl and degradation of the environment through improper use of land.
- K. To encourage planned unit development which incorporates the best features of design and relates the type, design and layout of residential, commercial, industrial and recreational development of the particular site.
- L. To encourage senior citizen community housing construction.
- M. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land.
- N. To promote utilization of renewable energy sources.
- O. To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to complement municipal recycling programs.

ARTICLE III Definitions and Word Usage

§ 490-4. Word usage.

Unless the context clearly indicates the contrary, words used in the present tense include the future; the singular number includes the plural and the plural the singular; "person" includes a profit or nonprofit corporation, company, partnership or individual; "shall" is mandatory and not directory; "may" is permissive; "lot" includes the word "plot"; "structure" includes the word "building"; and "use" and "used" refer to any purpose for which a lot or land or part thereof is arranged, intended or designed to be used, occupied, maintained, made available or offered for use; and to any purpose for which a building or structure or part thereof is arranged, intended or designed to be used, occupied, maintained, made available or offered for use, or erected, reconstructed, altered, enlarged, moved or rebuilt with the intention or design of using the same.

§ 490-5. Definitions.

Certain words and terms are used in this Zoning Ordinance for the purpose hereof and are defined hereafter. Any words or terms not included herein but that are defined in N.J.S.A. 40:55D-1 et seq. are hereby incorporated into this section.

ACCESSORY USE OR BUILDING — A subordinate use or building customarily incidental to and located on the same lot occupied by the main use or building. The term "accessory building" may include a private garage, garden shed or barn, a private playhouse and private greenhouse.

ALTERATION, NONSTRUCTURAL — Any alteration not defined as structural.

ALTERATION, STRUCTURAL — Any change in a supporting member of a building such as load bearing walls, columns, beams and girders.

APPLICANT — A developer submitting an application for development.

APPLICATION FOR DEVELOPMENT — The application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance or direction of the issuance of a permit pursuant to Section 25 (N.J.S.A. 40:55D-34) or Section 27 (N.J.S.A. 40:55D-36) of the Municipal Land Use Law.

APPROVING AUTHORITY — The Planning Board of the municipality unless a different agency is designated by ordinance when acting pursuant to the authority of the Municipal Land Use Law.

AUTOMOBILE SALES LOT — An open area, other than a street, which is used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done and the site is licensed pursuant to N.J.S.A. 39:10-19 for use for the display, sale or rental of new or used motor vehicles or trailers.

BAR — See "tavern."

BASEMENT — That portion of a building which is partly or completely below grade (see "story above grade").

BLOCK — A tract of land or a lot or group of lots, bounded by streets, public parks or parkways, railroad rights-of-way, a watercourse or body of water, unsubdivided land or a boundary line or lines of Jefferson Township, New Jersey, or any combination thereof.

BLOCK FRONTAGE — That portion of a block which abuts a single street.

BOARD OF ADJUSTMENT — The board established pursuant to Section 56 (N.J.S.A. 40:55D-69) of the Municipal Land Use Law.

BOARDING AND ROOMING HOUSE — As per N.J.S.A. 55:13B-3, 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, but excluding any hotel, motel or established guest house wherein a minimum of 85% of the units of dwelling space are offered for limited tenure only; any foster home as defined in Section 1 of P.L. 1962, c. 137 (N.J.S.A. 30:4C-26.1); any community residence for the developmentally disabled as defined in Section 2 of P.L. 1977, c. 448 (N.J.S.A. 30:11B-2); any dormitory owned or operated on behalf of any nonprofit institution of primary, secondary or higher education for the use of its students; any building arranged for single-room occupancy wherein the units of dwelling space are occupied exclusively by students enrolled in a full-time course of study at an institution of higher education approved by the Department of Higher Education; and any facility or living arrangement operated by, or under contract with, any state department or agency, upon the written authorization of the Commissioner.

BOATHOUSE — Any enclosed structure over the waters of Lake Hopatcong used for the sole purpose of storing and mooring boats and boating equipment.

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

BUILDING, AREA OF — The area included within the surrounding exterior walls (or exterior walls and fire walls) exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.

BUILDING COVERAGE — The percentage of the lot area that is occupied by all buildings.

BUILDING, HEIGHT OF — The vertical distance from grade plane to the average height of the highest roof surface.

BUILDING MATERIAL AND STORAGE YARD — A facility utilized for the storage of construction or building material, excluding construction equipment, which storage is located within the confines of a building or within a defined yard area pursuant to the requirements of this chapter.

BULKHEAD LINE — The high-water mark of 10.30 above the dam as recorded at Lake Hopatcong State Park or the line established by the Bureau of Navigation, State Department of Environmental Protection, defining the lake's permanent shoreline.

CAMPING VEHICLE or TRAILER COACH — A vehicular accommodation not more than 32 feet in length, operating under its own power or towed by a vehicle, suitable for temporary habitation, used for travel, vacation or recreational purposes and occupied in any one place for a period not exceeding 30 days.

CAPITAL IMPROVEMENT — A governmental acquisition of real property or major construction project.

CATWALK — Any structure extending transversely from the main walk.

CELLAR — See "basement."

CEMETERY — Any land or place dedicated for use, used or intended to be used for the interment of the human dead in the ground, in a mausoleum or crypt and a crematory located in the cemetery and a columbarium for cinerary interments or lands held for burial purposes.

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, and the handling of people and goods by such means as terminals, stations, warehouses and other storage buildings or transshipment points.

CLUSTER DEVELOPMENT — Development based on an overall density for the entire tract with the dwelling units generally located on individual lots reduced in size so that higher densities result in segments of the tract, with common open space, common property or open space generated on the remainder of the tract.

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.

COMMON PROPERTY — Land and/or water, together with improvements, designed and intended for ownership, use and responsibility by the tenants and/or owners of the dwelling units in the development.

COMMUNITY BUILDING OR CENTER — A building for civic, social, educational, cultural and recreational activities of a residential neighborhood or community not operated primarily for monetary gain.

COMMUNITY CLUB — An organization for civic, social, educational, cultural and recreational activities of a residential neighborhood or community not operated primarily for monetary gain.

COMMUNITY RESIDENCE FOR PERSONS WITH HEAD INJURIES — A community residential facility licensed pursuant to P.L. 1977, c. 448 (N.J.S.A. 30:11B-1 et seq.) providing food, shelter and personal guidance, under such supervision as required, to not more than 15 persons with head injuries, who require assistance, temporarily or permanently, in order to live in the community and shall include, but not be limited to, group homes, halfway houses, supervised apartment living arrangements and hostels. Such a residence shall not be considered a health care facility within the meaning of the Health Care Facilities Planning Act, P.L. 1971, c. 136 (N.J.S.A. 26:2H-1 et seq.).

COMMUNITY RESIDENCE FOR THE DEVELOPMENTALLY DISABLED — Any community residential facility licensed pursuant to P.L. 1977, c. 448 (N.J.S.A. 30:11B-1 et seq.) providing food, shelter and personal guidance, under such supervision as required, to not more than 15 developmentally disabled or mentally ill persons, who require assistance, temporarily or permanently, in order to live in the houses, intermediate care facilities, supervised apartment living arrangements and hostels. Such a residence shall not be considered a health care facility within the meaning of the Health Care Facilities Planning Act [P.L. 1971, c. 136 (N.J.S.A. 26:2H-1 et seq.)]. In the case of such a community residence housing mentally ill persons, such residence shall have been approved for a purchase of service contract or an affiliation agreement pursuant to such procedures as shall be established by regulation of the Division of Mental Health and Hospitals of the Department of Human Services. As used in this act, "developmentally disabled person" means a person who is developmentally disabled as defined in Section 2 of P.L. 1977, c. 448 (N.J.S.A. 30:11B-2), and "mentally ill person" means a person who is afflicted with a mental illness as defined in N.J.S.A. 30:4-23, but shall not include a person who has been committed after having been found not guilty of a criminal offense by reason of insanity or having been found unfit to be tried on a criminal charge.

COMMUNITY SEWERAGE SYSTEM — A sewerage system, including sewers and disposal plant, of design approved by the New Jersey Department of Environmental Protection and the Township of Jefferson Division of Health, arranged and intended to serve an

integrally planned development of a group of dwelling units in single-family or multifamily dwellings.

COMMUNITY SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE — Any shelter approved for a purchase of service contract and certified pursuant to standards and procedures established by regulation of the Department of Human Services, pursuant to P.L. 1979, c. 337 (N.J.S.A. 30:14-1 et seq.), providing food, shelter, medical care, legal assistance, personal guidance and other services to not more than 15 persons who have been victims of domestic violence, including any children of such victims, who temporarily require shelter and assistance in order to protect their physical or psychological welfare.

COMMUNITY WATER SYSTEM — A water system, including one or more wells and distribution pipes, of design approved by the New Jersey Department of Environmental Protection and the Township of Jefferson Division of Health, arranged and intended to serve an integrally planned development of a group of dwelling units in single-family or multifamily dwellings.

CONDITIONAL USE — A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in this Zoning Ordinance and upon the issuance of an authorization therefor by the Planning Board.

CONSTRUCTION OFFICIAL — The individual appointed by the Township of Jefferson as the enforcement agent under the Uniform Construction Codes, Chapter 182, of the Municipal Code of the Township of Jefferson. **[Amended 2-16-2005 by Ord. No. 4-05]**

CONVENTIONAL — Development other than planned development.

COUNTY MASTER PLAN — A composite of the Master Plan for the physical development of the county in which the municipality is located, with the accompanying maps, plats, charts and descriptive and explanatory matter adopted by the County Planning Board pursuant to N.J.S.A. 40:27-2 and N.J.S.A. 40:27-4.

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.

COURT — An open, unoccupied space, other than a yard, on the same lot with a building or a group of buildings and which is bounded on two or more sides by such building or buildings.

DAYS — Calendar days.

DECK — A platform installed above grade level attached to a building or structure and having no roof and no enclosed sides.

DENSITY — The permitted number of dwelling units per gross area of land to be developed.

DEVELOPABLE LAND — All privately owned improved or unimproved lots, parcels or tracts capable of major subdivision.

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 the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to the Municipal Land Use Law.

DEVELOPMENT REGULATION — A zoning ordinance, subdivision ordinance, site plan ordinance, official map ordinance or other municipal regulation of the use and development of land or amendment thereto adopted and filed pursuant to the Municipal Land Use Law.

DISTRICT — Any part of the territory of the Township to which certain uniform regulations and requirements of this chapter shall apply.

DOCK — Any structure extending lakeward of the bulkhead line for the purpose of mooring boats or for gaining access to moored boats.

DRAINAGE — The removal of surface water or groundwater from land by drains, grading or other means and includes control of runoff during and after construction or development to minimize erosion and sedimentation, to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, to lessen nonpoint pollution, to maintain the integrity of stream channels for their biological functions as well as for drainage and the 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 in accordance with Chapter 1 of Title 58 of the Revised Statutes.

DUMP — A lot or land or part thereof used primarily for disposal by abandonment, dumping, burial, incineration or any other means and for whatever purpose of garbage, offal, sewage, trash, refuse, junk, discarded machinery, vehicles, or parts thereof, or waste material of any kind.

DUPLEX — A structure containing two dwelling units separated by a common vertical wall.

DWELLING — A building arranged, intended or designed to be occupied by one or more families living independently of each other upon the premises.

DWELLING, MULTIFAMILY — A building containing three or more dwelling units and occupied or designed for occupancy by three or more families living independently of each other with their own cooking and sanitary facilities, excluding boardinghouses and rooming houses.

DWELLING, SEMIDETACHED — A two-family dwelling with one dwelling unit beside the other, separated therefrom by a party or common wall with no openings therein.

DWELLING, SINGLE-FAMILY — A building containing one dwelling unit only and occupied or intended to be occupied exclusively for residence purposes by one family or one housekeeping unit, excluding boardinghouses and rooming houses.

DWELLING, TWO-FAMILY — A building containing two dwelling units only and occupied or intended to be occupied exclusively for residence purposes by two families or two housekeeping units, living independently of each other and each with their own cooking and sanitary facilities, excluding boardinghouses and rooming houses.

DWELLING UNIT — A building or part thereof providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EFFICIENCY UNITS — Apartment dwelling units consisting of a bath, one large room without permanent separations to be used for living, dining and bedroom facilities and with cooking facilities separated from the main room by a permanent wall or a sliding or some other temporary partitions.

ENVIRONMENTAL COMMISSION — A municipal advisory body created pursuant to P.L. 1968, c. 245 (N.J.S.A. 40:56A-1 et seq.).¹

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

EXISTING APPROVED STREET — As applied to a minor subdivision, any street, avenue, boulevard, road, lane, parkway, viaduct or alley or other way which is an existing state, county or municipal roadway presently maintained by the state, county or municipality and which, by reason of its condition, can be traversed at all times of the year by modern motor vehicles and provide adequate access for fire-fighting equipment, ambulances and other emergency vehicles necessary for the protection of health and safety.

FAMILY — One or more persons customarily living together as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from a group occupying a boardinghouse, lodging house, hotel or motel.

FARMING — Any use for the growing and/or storing of agricultural, horticultural and related products for the purpose of sale, either on or off the premises.

FINAL APPROVAL — The official action of the Planning Board 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 guarantees properly posted for their completion or approval conditioned upon the posting of such guarantees.

FINAL PLAT — The final map of all or a portion of the subdivision which is presented to the Planning Board for final approval in accordance with these regulations and which if approved shall be filed with the proper county recording officer.

1. Editor's Note: See also Ch. 40, Environmental Commission.

FIRST FLOOR AREA — The floor area measured by using the outside dimensions of the residential portion of a building, excluding the area of an attached garage. For a split-level or tri-level dwelling, the area shall be considered to be the sum of the areas of two adjoining levels.

FLOOR AREA RATIO — The sum of the area of all floors of buildings or structures compared to the total area of the site.

FLAG LOT — A parcel, plot or area of land abutting a public street, complying with the minimum requirements of N.J.S.A. 40:55D-35, whose width at the street line and/or at the building setback line is less than that required by the zone district in which it is located and whose principal portion shall be to the rear of a conforming lot. Such lot shall comply with the minimum requirements hereinafter set forth.

GARAGE — A building or part thereof used for the storage of parking of one or more motor vehicles.

GARAGE, PRIVATE — An accessory garage maintained primarily for the convenience of the occupant or occupants of the main building and in which no business or other use is carried on and no service is rendered to the general public.

GARAGE, PUBLIC — Any garage other than a private garage. A public garage may include a motor vehicle service station.

GENERAL DEVELOPMENT PLAN — A comprehensive plan for the development of a planned development, as provided by the Municipal Land Use Law.

GOVERNING BODY — The Township Council of the Township of Jefferson.

GRADE PLANE — A reference plane representing the average of finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building between the building and a point six feet from the building.

HABITABLE ROOM — A room having one or more windows opening directly on a street or yard as required by the Uniform Construction Codes² of the Township and designated to be used for living, sleeping, eating or cooking. The following shall not be deemed to be habitable rooms: bathrooms, toilet compartments, closets, halls, alcoves, foyers, garages, storage areas and other similar spaces, and rooms or spaces in cellars.

HEIGHT OF A STRUCTURE — The vertical distance derived from the average finished grade at the foundation corners of the building or structure to the highest point of the building or structure, excluding a chimney or other similar structure listed in § 490-29.

HISTORIC DISTRICT — One or more historic sites and intervening or surrounding property significantly affecting or affected by the quality and character of the historic site or sites.

2. Editor's Note: See Ch. 182, Construction Codes, Uniform.

HISTORIC SITE — Any real property, man-made structure, natural object or configuration or any portion or group of the foregoing which have been formally designated in the Master Plan as being of historical, archaeological, cultural, scenic or of architectural significance.

HOME OCCUPATION or HOME PROFESSIONAL OFFICE — (See also "professional office in a residential building".) The office or studio of a resident physician, dentist, lawyer, architect, artist, engineer, certified public accountant, real estate broker or salesman, insurance broker or agent, consultant, designer or mechanic, carpenter, plumber, musician or teacher as herein restricted, or any other similar use, provided that not more than two persons are employed who are not members of the family and that such office shall be in the main building and shall not occupy more than the equivalent of 1/2 of the area of one floor of said building. For the purposes of this definition, a "teacher" shall be restricted to a person giving individual instruction in a musical instrument, in singing or in academic or scientific subjects to not more than two pupils at a time.

HOSPITAL — A building used for the diagnosis, treatment or other care of human ailments, unless otherwise specified. A hospital shall be deemed to include a sanitarium, sanatorium, clinic, convalescent home, nursing home, rest home or other building with an equivalent appellation.

HOSPITAL, GENERAL MEDICAL OR SURGICAL — An institution where the ill or injured may receive medical or surgical treatment, including nursing, food and lodging, during illness and limited to human ailments, excluding sanitariums, sanatoriums or other psychiatric treatment facilities.

HOTEL — Any building, including but not limited to any related structure, accessory building and land appurtenant thereto, and any part thereof, which contains 10 or more units of dwelling space or sleeping facilities for 25 or more persons and is kept, used, maintained, advertised as or held out to be a place where sleeping or dwelling accommodations are available to transient or permanent guests. This definition shall also mean and include any motor hotel, motel or established guest house which is commonly regarded as a motor hotel, motel or established guest house, as the case may be, in the community in which it is located; provided that this definition shall not be construed to include any building or structure defined as a multiple dwelling in this act, registered as a multiple dwelling with the Commissioner of Community Affairs as hereinafter provided, and occupied or intended to be occupied as such.

HOUSEKEEPING UNIT — One or more persons living together in one dwelling unit on a fairly stable rather than transient basis where the occupants share the ordinary tasks of living in a dwelling unit, such as but not limited to cooking and eating together, sharing inside and outside chores and performing other functional duties, and otherwise exhibit a kind of stability, permanency and functional lifestyle which is equivalent to that of the traditional family unit.

INDUSTRIAL PARK — A group of nonnuisance industrial plants on a single parcel of land, or on separate parcels contiguously arranged, so as to form a planned development of industrial sites, building or buildings.

INDUSTRY, NONNUISANCE — Any industry which is not detrimental to the environment in which it is located by reason of the emission of smoke, noise, odor, dust, vibration or excessive light beyond the limits of its lot, or by reason of generating excessive traffic with

attendant hazards, and which does not include any open storage yards or outdoor processing of materials.

INFRASTRUCTURE DISTURBANCE — The percentage of the tract which is required to be disturbed in order to construct the required public and/or common improvements, including but not limited to roadways, sidewalks, water supply facilities, stormwater management facilities, sanitary sewer facilities and other improvements, whether proposed for dedication to the municipality or proposed for private ownership.

INTERESTED PARTY: —

- A. In a criminal or quasi-criminal proceeding, any citizen of the State of New Jersey.
- B. 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 under the Municipal Land Use Law, or whose rights to use, acquire or enjoy property under the Municipal Land Use Law, or under any other law of this state or of the United States have been denied, violated or infringed by an action or a failure to act under the Municipal Land Use Law.

IRREGULARLY SHAPED PIERS AND DOCKS — Any pier, dock or combination of piers and docks which deviates from the pattern of one main walk extending perpendicular into the lake from the bulkhead line. This configuration includes but is not limited to L-, U- and T-shaped patterns.

JUNKYARD — A lot, land or structure or part thereof used primarily for the collecting, storage and sale of wastepaper, rags, scrap metal or other scrap or discarded material or for the collecting, dismantling, storage or salvaging of machinery or vehicles not in running condition and for the sale of parts thereof.

LAND — Includes improvements and fixtures on, above or below the surface.

LOADING SPACE — An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

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

LOT AREA — The total horizontal area included within the lot lines.

LOT, CORNER — A lot at the junction of and fronting on two or more intersecting streets when the interior angle of the intersection does not exceed 135°.

LOT COVERAGE — The percentage of the lot area that is occupied by all impervious material, including but not limited to buildings, driveways, parking areas, sidewalks, roofed structures, tennis courts and swimming pools.

LOT DEPTH — The shortest horizontal distance between the front lot line and a line drawn parallel to the front line through the middle of the rear lot line. However, in a

triangular-shaped lot, the lot depth will be the shortest distance between the apex of the triangle and the front lot line.

LOT IMPROVEMENT DISTURBANCE — The percentage of the lot which is to be disturbed in order to complete the development, including but not limited to the disturbance limits for construction of all structures, driveways, parking areas, water supply facilities, stormwater management facilities, sanitary sewer facilities and other improvements. Lot improvement disturbance shall be calculated after and separate from those areas required for infrastructure disturbance. Required infrastructure disturbance areas shall be deemed completed and in an undisturbed state for purposes of calculating subsequent lot improvement disturbance.

LOT FRONTAGE — The length of a lot boundary extending along the street line.

LOT, INTERIOR — Any lot other than a corner lot.

LOT LINE — The legal boundaries of a lot as shown on a filed map in the County Clerk's office or as shown on a survey prepared, signed and sealed by a licensed land surveyor.

LOT LINE, FRONT — The street line at the front of a lot. On a corner or through lot, the owner shall specify the front lot line on the plot plan.

LOT LINE, REAR — The lot line opposite to the front lot line.

LOT LINE, SIDE — Any lot line not a rear lot line or a front lot line.

LOT, THROUGH — A lot extending from one street to another.

LOT, WIDTH OF — The horizontal distance between the side lot lines, measured at the required front yard setback, parallel to the front lot line, or, for lots with their entire lot frontage on a cul-de-sac, may reduce the required lot width to 2/3 of that stipulated for the district in question.

MAINTENANCE GUARANTEE — Any security, other than cash, which may be accepted by the municipality for the maintenance of any improvements required by this chapter.

MAIN USE OR BUILDING — The principal or most important use or building on a lot.

MAIN WALK — Any structure extending into the lake from the shoreline which is used for access to moored boats.

MAJOR SUBDIVISION — Any subdivision not classified as a minor subdivision.

MANUFACTURING, LIGHT — Any process of machining or assembly of materials to form products, which process does not cause any smoke, noise, vibration, excessive light, odor or dust to be emitted beyond the limits of the lot on which such use is located.

MARINA — Any public, semipublic or private facility capable of berthing or mooring five or more boats.

MASTER PLAN — A composite of one or more written or graphic proposals for the development of the municipality as set forth in and adopted pursuant to the Municipal Land Use Law.

MAYOR — The chief executive of the municipality.

MEMBERSHIP CLUB — A building, structure, lot or land area used as a private club or social organization with annual or seasonal membership dues and not conducted for profit or gain.

MEZZANINE — An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than 1/3 of the area of the room in which the level or levels are located.

MINOR SITE PLAN — A development plan of one or more lots which proposed new development within the scope of development specifically permitted by this chapter as a minor site plan; does not involve planned development, any new street or extension of any off-tract improvement which is to be prorated pursuant to the Municipal Land Use Law; and contains the information reasonably required in order to make an informed determination as to whether the requirements established by ordinance for approval of a minor site plan have been met.

MOBILE HOME — An industrialized building unit constructed on one or more chassis for towing to the point of use and designed to be used without a permanent foundation for continuous use as a dwelling on a year-round basis, which complies with the requirements of the National Fire Protection Association (NFPA 501B), the American National Standards Institute (ANSI 119.1) and the National Mobile Home Construction and Safety Standards Act of 1974. A camping vehicle or trailer coach shall not be considered a mobile home.

MOBILE HOME DEVELOPMENT — A residential development intended to accommodate mobile homes, as defined herein, but which may also include various facilities for the service of the residents of the development, as set forth in this chapter, but does not include camping vehicles or trailer coaches.

MOBILE HOME SITE — An area within a mobile home development which is improved to provide adequate support for the placement of one mobile home, including its enclosed extensions or structural additional.

MOTEL — A building or group of buildings, whether detached or connected units, used as individual sleeping or dwelling units with direct outside access, designed primarily for transient automobile travelers and provided with accessory off-street parking facilities. The term "motel" includes buildings designated as tourist courts, motor lodges, auto courts and other similar appellations but shall not be construed to include mobile or immobile trailers.

MOTOR VEHICLE BODY REPAIR SHOP — A building or premises in which or upon which is conducted a business involving the repair of body and fender work and/or painting of motor vehicles, excluding motor vehicle service stations and repair garages as herein defined.

MOTOR VEHICLE REPAIR GARAGE — A building or premises in which or upon which is conducted a business involving the mechanical or electrical repair or reconditioning of motor vehicles, including motor vehicle service stations, but excluding motor vehicle body repair shops, as herein defined.

MOTOR VEHICLE SERVICE STATION — A building or premises in which or upon which is conducted a business involving the retail sale and direct delivery of petroleum to motor vehicles.

MULTIFAMILY RESIDENCE — See "dwelling, multifamily."

MUNICIPAL AGENCY — The Municipal Planning Board or Board of Adjustment or the governing body of the Township of Jefferson when acting pursuant to the Municipal Land Use Law.

MUNICIPAL LAND USE LAW (MLUL) — N.J.S.A. 40:55D-1 et seq.

NIGHTCLUB — Any establishment, however designated, licensed to sell alcoholic beverages to the public for consumption on the premises and where food and other beverages may be prepared and sold to the public for consumption on the premises; and whose gross licensed sales of alcoholic beverages is greater than 50% of the combined gross sales of both food and drink; and where there is live entertainment and/or music for dancing. For the purpose of this definition, live piano playing or other similar background music played without the need for amplification shall not be considered live entertainment. A disc jockey ("DJ") shall be considered live entertainment.

NONCONFORMING LOT — A lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revisions or amendment.

NONCONFORMING STRUCTURE — A structure, the size, dimension or location of which was lawful prior to the adoption, revision or amendment of the 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.

NONCONFORMING USE — A use or activity which was lawful prior to the adoption, revision or amendment of the 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.

NONNUISANCE LIGHT INDUSTRY — Any nonnuisance industry limited to processes of assembly, fabrication and packaging of nonvolatile and nontoxic materials and products or parts thereof from component parts and semifinished products and not involving reduction, conversion or manufacturing of primary raw materials.

OFFICIAL COUNTY MAP — The map, with changes and additions thereto, adopted and established, from time to time, by resolution of the Board of Chosen Freeholders or the County of Morris.

OFFICIAL MAP — A map adopted by ordinance pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-32 et seq.

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 or right-of-way.

OFF-TRACT — Not located on the property which is the subject of a development application nor on a contiguous portion of a street or 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 or right-of-way.

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 designed to be incidental to the natural openness of the land.

OWNER — Any individual, firm, association, syndicate, copartnership or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this chapter.

PARKING AREA — A lot or part thereof used for the storage or parking of motor vehicles, with or without the payment of rent or charges in money or other consideration.

PARKING SPACE — A stall or berth which is arranged and intended for the parking of one motor vehicle in a garage or parking area.

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 the Municipal Land Use Law and the ordinances of the Township of Jefferson.

PATIO — An area at grade level, or slightly above grade level, covered with masonry, stone or similar material open to the sky and which may or may not be attached to a building or structure.

PERFORMANCE GUARANTEE — Any security which may be accepted by the Township, including cash, provided that not more than 10% of the total performance guarantee shall be in cash.

PERMITTED USE — Any use of the land as permitted in a zoning district according to this chapter.

PERSON WITH HEAD INJURY — A person who has sustained an injury, illness or traumatic changes to the skull, the brain contents or its coverings which results in a temporary or permanent physiobiological decrease of mental, cognitive, behavioral, social or physical functioning which causes partial or total disability.

PERVIOUS MATERIAL — Any material which allows for the percolation of water through a six-inch layer at approximately the same rate or faster than the existing ground.

PIER — A structure to moor boats to a dock or something to which a deck or dock or other structure may be affixed.

PIERHEAD LINE — A line running parallel with the bulkhead line and extending not more than 50 feet from said bulkhead line as approved by the Natural Resources Council and Bureau of Navigation, State Department of Environmental Protection, beyond which no dock, pier or marina or other structure, permanent or temporary, floating or affixed to shore or lake bottom, may be located.

PLANNED COMMERCIAL DEVELOPMENT — An area of a minimum contiguous size as specified by ordinance to be developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate commercial or office uses, or both, and any residential and other uses incidental to the predominant use as may be permitted by ordinance.

PLANNED DEVELOPMENT — A unit development, planned unit, residential development, residential cluster, planned commercial development or planned industrial development.

PLANNED INDUSTRIAL DEVELOPMENT — An area of a minimum contiguous size as specified by ordinance to be developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate industrial uses and any other uses incidental to the predominant use as may be permitted by ordinance.

PLANNED UNIT RESIDENTIAL DEVELOPMENT — An area with a specified minimum contiguous acreage of five acres or more to be developed as a single entity according to a plan containing one or more residential clusters, which may include appropriate commercial or public or quasi-public uses all primarily for the benefit of the residential development.

PLANNING BOARD — The Planning Board of Jefferson Township, New Jersey.

PLAN UNIT DEVELOPMENT — An area with a specified minimum contiguous acreage of 10 acres or more to be developed as a single entity according to a plan, containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified in the Zoning Ordinance.

PLAT — A map or maps of a subdivision or site plan.

PRELIMINARY APPROVAL — The conferral of certain rights pursuant to the Municipal Land Use Law prior to final approval after specific elements of a development plan have been agreed upon by the Planning Board and the applicant.

PRELIMINARY FLOOR PLANS AND ELEVATIONS — Architectural drawings prepared during early and introductory stages of the design of a project illustrating in a schematic form its scope, scale and relationship to its site and immediate environs.

PUBLIC — Pertaining to a governmental unit or agency, e.g., federal, state, county or municipality.

PUBLIC AREAS —

- A. Public parks, playgrounds, trails, paths and other recreational areas;
- B. Other public spaces;

- C. Scenic and historic sites; and
- D. Sites for schools and other public buildings and structures.

PUBLIC DEVELOPMENT PROPOSAL — A Master Plan, capital improvement program or other proposal for land development adopted by the appropriate public body, or any amendment thereto.

PUBLIC DRAINAGEWAY — The land reserved or dedicated for the installation of stormwater sewers or drainage ditches or required along a natural stream or watercourse for preserving the biological as well as drainage function of the channel and providing for the flow of water to safeguard the public against flood damage, sedimentation and erosion and to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, and to lessen nonpoint pollution.

PUBLIC MEETING PLACES —

- A. Any premises on which are located one or more of the following types of buildings or uses:
 - (1) Public, private and parochial schools and licensed day-care centers.
 - (2) Hospitals and nursing homes.
 - (3) Churches and other places of worship.
 - (4) Theaters and assembly halls.
 - (5) Public libraries and museums.
 - (6) Community building or center and community and membership clubs.
- B. Any lands held by any public corporation for the purposes of erecting thereon any of the institutions listed above or to be used in connection with such use.

PUBLIC NOTICE — Notice of the time and place of a hearing, meeting or proceeding printed in the official newspaper of Jefferson Township, at least 10 days prior to the time of such hearing meeting or proceeding, unless otherwise provided by law.

PUBLIC OPEN SPACE — An open space area conveyed or otherwise dedicated to a municipality, municipal agency, Board of Education, state or county agency or other public body for recreational or conservation uses.

PUBLIC UTILITY BUILDING, STRUCTURE OR FACILITY — Any building, structure or facility, including telephone, cable television and electrical lines, poles and structures; water, sewer or gas pipelines, mains, valves or structures; and water wells, storage and pumping facilities operated and conducted for the service, convenience, necessity, health and welfare of the general public, owned by any arm or creature of the local, state or federal government or by any privately owned public utility as authorized by law. This definition specifically excludes any public utility storage, repair or maintenance building, facility or yard.

QUARRY — A place where stone, shale or slate is excavated, crushed, washed, graded or otherwise processed and shall further include the mining of sand- and soil-type material,

except where the removal of such soil is done pursuant to a permit issued under Chapter 105, Soil Removal, of the Jefferson Township Code,³ in which event the provisions of that code shall prevail and take precedence over this chapter.

QUORUM — The majority of the full authorized membership of a municipal agency.

REAR DWELLING — A dwelling located on the same lot and to the rear of the main building for which the lot is used.

RECREATIONAL USE, LARGE-SCALE — Public or private recreational uses, including but not limited to swimming, skiing, hiking, golf, nature trails and similar recreational activities, but specifically excluding games of chance and carnival-type amusements such as rides, Ferris wheels, etc.

RECYCLING FACILITY — A facility included in the Morris County Solid Waste Management Plan, designed, constructed, operated and maintained for the purpose of processing, consolidating and marketing previously separated or commingled recyclable materials generated within the boundaries of Morris County, including but not limited to newspaper, glass, aluminum, mixed paper, plastics, corrugated cardboard and tin.

RESEARCH INSTITUTE or LABORATORY — A building for experimentation in pure or applied research, design, development and production of prototype machines or devices or of new products, and uses accessory thereto, wherein products are not manufactured primarily for wholesale or retail sale, wherein commercial servicing or repair of commercial products is not performed and where there is no display of any materials or products.

RESIDENTIAL CLUSTER — An area to be developed as a single entity according to a plan containing residential housing units which have a common or public open space area as an appurtenance.

RESIDENTIAL DENSITY — The number of dwelling units per gross acre of residential land area, including streets, easements and the open space portion of a development.

RESTAURANT — Any establishment, however designated, at which food is prepared and sold for consumption on the premises or for take-out and whose gross licensed sales of alcoholic beverages is limited to no more than 50% of the combined gross sales of both food and drink. However, a snack bar or refreshment stand at a public or community swimming pool, playground, play field or park, operated solely by the agency or group operating the recreational facility, and for the convenience of patrons of the facility, shall not be deemed to be a restaurant.

RESTAURANT, FAST-FOOD — A restaurant at which orders are taken over the phone or at a counter and/or drive-up window and filled and paid for at a counter and/or drive-up window.

REST HOME — See "hospital."

3. Editor's Note: Chapter 105, Soil Removal, of the 1967 Code of the Township of Jefferson, was repealed 6-14-2000 by Ord. No. 13-00. See now Ch. 273, Forest, Tree and Soil Preservation and Mitigation.

RESUBDIVISION —

- A. The further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or
- B. The alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, but does not include conveyances so as to combine existing lots by deed or other instrument.

SAND OR GRAVEL PIT — A lot or land or part thereof used for the purpose of extracting sand, gravel, soil or sod for sale as an industrial operation and exclusive of the process of legitimate excavation of a lot preparatory to the construction of a building.

SEDIMENTATION — The deposition of soil that has been transported from its site of origin by water, ice, wind, gravity or other natural means as a product of erosion.

SETBACK LINE — A line drawn parallel to the street or lot line from which the setback line is measured and running through that point of a building lying nearest to the street or lot line. The term "required setback" shall mean the minimum distance between a setback line and a street or lot line beyond which a building is not permitted to extend under the provisions of this chapter in order to establish minimum depths and widths of yards.

SIDEWALK — A way for carrying pedestrian traffic and may be located within the right-of-way provided for a street or may be located adjacent to a property line, between lots, and laid out so that it may provide pedestrian traffic along a street or road or within a subdivision connecting two streets.

SIGN, BUSINESS — A sign which directs attention to a business or profession conducted upon the property where the sign is displayed.

SIGN, DIRECTIONAL — A sign, the purpose of which is to indicate the direction to a business, resort or industrial establishment. Information contained on such signs shall be limited to the names of and direction to such establishment, but in no case shall commercial advertising be permitted.

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 necessarily 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, screening devices; and any other information that may be reasonably required in order to make an informed determination pursuant to the ordinance requiring review and approval of site plans by the Planning Board adopted pursuant to the Municipal Land Use Law.

SITE PLAN COMMITTEE — A committee of at least three Planning Board members appointed by the Chairman of the Board for the purpose of reviewing site plans in accordance with the provisions of this chapter and any such other duties relating to land subdivision which may be conferred on this Committee by the Planning Board.

SKETCH PLAT — A sketch map of a subdivision of sufficient accuracy to be used for the purpose of discussion and classification and meeting the requirements of this chapter.

STANDARDS OF PERFORMANCE — Standards:

- A. Adopted by ordinance pursuant to the Municipal Land Use Law regulating noise levels, glare, earthborne or sonic vibrations, heat, electronic or atomic radiation, noxious odors, toxic matters, 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; or
- B. Required by applicable federal or state laws or municipal ordinances.

STORY — That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above (also see "mezzanine").

STORY ABOVE GRADE — Any story having its finished floor surface entirely above grade, except that a basement shall be considered as a story above grade where the finished surface of the floor above the basement is:

- A. More than six feet above grade plane;
- B. More than six feet above the finished ground level for more than 50% of the total building perimeter; or
- C. More than 12 feet above the finished ground level at any point.

STORY, HALF — A space under a sloping roof, which has the line of intersection of the interior faces of the roof structure and main building wall not more than three feet above the top floor level, and in which space the floor area with a headroom of five feet or more occupies at least 60% of the total area of the story directly beneath.

STORY, HEIGHT OF — The vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

STREET — Any street, avenue, boulevard, road, parkway, viaduct, drive or other way which is an existing state, county or municipal roadway; which is shown upon a plat theretofor approved pursuant to law; or which is approved by official action as provided by the Municipal Land Use Law; 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 of 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 dividing line between the street right-of-way and a lot. Where title to land extends to the center of a road easement or right-of-way, the side line of such road, easement or right-of-way shall be deemed to be the street line of a street.

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

SUBDIVIDER — Any individual, firm, association, syndicate, copartnership, 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.

A. The following shall not be considered subdivisions if no new streets are created:

- (1) Divisions of land and by the Planning Board or Subdivision Committee thereof appointed by the Chairman to be for agricultural purposes where all resulting parcels are five acres or larger in size.
- (2) Divisions of property by testamentary or interstate provisions.
- (3) Divisions of property upon court order, including but not limited to judgments of foreclosure.
- (4) Consolidation of existing lots by deed or other recorded instrument.
- (5) 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 the municipal development regulations and are shown and designated as separate lots, tracts or parcels on the tax map or atlas of the municipality.

B. The term "subdivision" shall include the term "resubdivision."

SUBDIVISION COMMITTEE — A committee of at least three Planning Board members appointed by the Chairman of the Board for the purpose of classifying subdivisions in accordance with the provisions of this chapter and any such other duties relating to land subdivision which may be conferred on this Committee by the Planning Board.

SUBDIVISION, MAJOR — All subdivisions not classified as minor subdivisions.

SUBDIVISION, MINOR — A subdivision of land for the creation of three or less lots, including the remainder of tract, provided that such subdivision does not involve a planned development, any new street or the extension of any off-tract improvement, the cost of which is to be prorated pursuant the Municipal Land Use Law and does not involve property which was formerly part of a tract for which subdivision approval has been previously granted dividing the original tract into three or fewer lots within a three-year period.

SWIMMING POOL, PRIVATE OUTDOOR — Any structure that contains water over 24 inches in depth and which is used, or intended to be used, for swimming or recreational bathing in connection with an occupancy in Use Group R-3 (as defined in the Uniform Construction Code) and which is available only to the family and guests of the householder, and which is not totally contained within a private structure and surrounded on all four sides by walls of said structure. This includes in-ground, aboveground and on-ground swimming pools, hot tubs and spas.

TAVERN — Any establishment, however designated, licensed to sell alcoholic beverages to the public for consumption on the premises or for take-out and where food and other beverages may be prepared and sold to the public for consumption on the premises; and whose gross licensed sales of alcoholic beverages is greater than 50% of the combined gross sales of both food and drink; and where there is no live entertainment or music for dancing.

For the purpose of this definition, live piano playing or other similar background music played without the need for amplification shall not be considered live entertainment. "Bar" shall also mean "tavern."

TOURIST HOME — A residential building in which rooms are rented primarily to transient automobile travelers.

TOWNHOUSE RESIDENCE — A single-family dwelling attached to one or more similar dwellings by means of vertical walls extending from the foundation to the roof and not located above or below another dwelling unit.

TRAILER — A recreational vehicle, travel trailer, camper or other transportable, temporary dwelling unit, with or without its own motor power, designed and constructed for travel and recreational purposes to be installed on a nonpermanent foundation if installation is required.

TRANSCRIPT — A typed or printed verbatim record of the proceedings or reproduction thereof.

USABLE OPEN SPACE — That portion of the unbuilt area of a lot, exclusive of driveways and parking areas, which is suitable for outdoor recreation and sitting areas or for clothes-drying yards and which is available to all occupants of the building.

USABLE RECREATION SPACE — An open space developed and designed to be utilized for the purpose of recreation, whether it be parkland, ball field or playgrounds.

USE — The specific purpose for which a parcel of land or a building or portion of a building is designed, arranged, intended, occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use. A "change of use" shall mean a change from a category of use to an entirely different category of use. Categories are listed as follows: residential, office, retail, commercial, industrial, recreational, government buildings, libraries and museums.

USE, ACCESSORY — A use which is customarily associated with and subordinate to the principal use of a lot or a building and which is located on the same lot therewith.

VARIANCE — A modification of the regulations of this chapter granted pursuant to the provisions of N.J.S.A. 40:55D-70 of the laws of the State of New Jersey.

WALKWAY — A sidewalk.

WATERFRONT LOT — Any lot adjoining a waterway.

YARD, FRONT — An open, unoccupied space on the same lot with a building situated between the nearest roofed portion of the building and the front lot line of the lot and extending from one side lot line to the other side lot line.

YARD, REAR — A space on the same lot with a building situated between the nearest roofed portion of the building and the rear lot line of the lot and extending from one side lot line to the other side lot line.

YARD, SIDE — An open, unoccupied space on the same lot with a building situated between the nearest roofed portion of the building or of any accessory building and the side

lot line of the lot and extending through from the front yard, or from the front lot line where no front yard exists, to the rear yard, or to the rear lot line where no rear yard exists.

ZONING PERMIT — A document signed by the Zoning Officer which is required by ordinance as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or alteration of a structure or building and which acknowledges that such use, structure or building complies with the provisions of the Municipal Zoning Ordinance or variance therefrom duly authorized by a municipal agency pursuant to the Municipal Land Use Law.

ARTICLE IV Application

§ 490-6. Application of regulations; compliance required.

- A. Except as hereinafter provided, no building or structure or part thereof and no lot or land or part thereof shall hereafter be used except in conformity with the use regulations herein prescribed. Any lawful use that does not conform to the use regulations of this chapter shall be deemed a nonconforming use, except that uses previously granted as special exception uses by the Board of Adjustment pursuant to Chapter 70, Land Use Procedures, and conditional uses granted by the Planning Board shall be deemed conforming uses.
- B. Except as hereinafter provided, no building or structure or part thereof shall hereafter be erected, structurally altered, enlarged or rebuilt except in conformity with the lot dimension, yard, court, coverage, height and density regulations herein prescribed. Any building or structure that does not conform to such regulations, hereinafter referred to as the building regulations of this chapter, shall be deemed a nonconforming structure, irrespective of the use to which it is put. Building variances granted by the approving agency pursuant to Ordinance No. 32-76⁴ on grounds of practical difficulties or unnecessary hardship, not self-imposed, shall be deemed nonconforming structures.
- C. Any legally established existing use of a building or structure, lot or land or part thereof, which use constitutes a conforming use under the provisions of this chapter, may be continued.

ARTICLE V Districts and Boundaries

§ 490-7. Classes of districts. [Amended 9-20-2000 by Ord. No. 18-00; 12-3-2003 by Ord. No. 29-03⁵]

For the purposes of this chapter, the Township is hereby divided into the following classes of zones:

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- 4. Editor's Note: Ordinance No. 32-76 is codified as Ch. 70, Land Use Procedures.
 - 5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

A. Residential zones:

RC	Rural Conservation District
R-40	Low-Density Single-Family Residence Zone
R-30	Medium-Density Single-Family Residence Zone
R-10	High-Density Multifamily Residence Zone
AH	Affordable Housing Zone
PARC	Planned Adult Residential Community Zone
ASCH	Affordable Senior Citizens Housing Zone

B. Nonresidential zones:

C-1	Neighborhood Business Zone
C-2	Highway Business Zone
O	Office and Professional Zone
IP	Industrial Park Zone
BP	Business Park Zone
Q	Quarry/Overlay Zone
CR	Commercial Recreation Zone
VC	Village Commercial Zone

C. Special regulation zones:

SR-1	Medium-Density Residential Zone
SR-2	High-Density Residential Zone

§ 490-8. Boundaries of districts. [Amended 8-15-2001 by Ord. No. 21-01; 9-5-2001 by Ord. No. 25-01; 9-19-2001 by Ord. No. 29-01; 12-3-2003 by Ord. No. 29-03; 7-14-2004 by Ord. No. 20-04]

- A. Zoning Map. Boundaries of each of the created zones are hereby established as shown on the Zoning Map of the Township of Jefferson, dated May 7, 2004, prepared by Hatch, Mott & MacDonald, professional engineers, and certified to by Jill A. Hartmann, professional planner, on May 11, 2004, which map accompanies this chapter and is hereby declared a part thereof. Said map shall be on file in the office of the Clerk in the Municipal Building of the Township of Jefferson. The notes on said map are hereby adopted by reference.
- B. In case of uncertainty as to the true location of a district boundary line in a particular instance, the determination thereof shall be made by the Zoning Officer and/or Township Planner.

ARTICLE VI
Zoning District Standards

§ 490-9. RC Rural Conservation District. [Amended 9-20-2000 by Ord. No. 18-00]

A. Purposes. The purpose of the Rural Conservation District is:

- (1) To protect the valuable and environmentally sensitive areas of the Township of Jefferson from the adverse impacts of development.
- (2) To provide a regulatory mechanism through which appropriate development can occur, considering the exceptional, unique, irreplaceable and delicately balanced physical and biologically acting and interacting natural environment.
- (3) To provide an equitable, understandable development mechanism that establishes clearly definable goals and advances the public interest by balancing the aforementioned environmental interests with the rights of persons owning property in this District, through the encouragement of development of compatible land uses in order to improve the overall environment and economic basis of the area.
- (4) To recognize the legitimate aspirations of the property owners of the District and to encourage development of compatible land uses in order to improve the overall economic position of the inhabitants of the area within the framework of a comprehensive environmental design strategy which preserves the most ecologically sensitive and fragile area from inappropriate development and provides adequate environmental safeguards for the construction of any facilities in the District.
- (5) To provide for the orderly development and effective preservation of the environment of the Rural Conservation District in order to ensure that the development is regulated in a manner that is fair, efficient and effective as to those people owning property affected by this section.

B. Definitions. For the purposes of this section, unless the context indicates a different meaning, the following definitions shall apply:

LINKAGE — An open space principle whereby large open space areas are connected via appropriate linear open space. Stream corridors and ridgelines are among areas which may be used to provide linkage.

MASSING — The concentration of open space in large contiguous tracts in appropriate areas.

C. Submission requirements.

- (1) Preliminary design assessment. In addition to those items required for submission in accordance with the Township of Jefferson's preliminary major subdivision checklist, all applicants, for major subdivisions within the Rural Conservation District, must also provide a preliminary design assessment fulfilling the requirements for the preliminary design assessment checklist. The assessment shall include a graphic and narrative site feature inventory; all significant site features,

including all critical areas, vistas, ridgelines, wetlands, floodplains, slopes, tree lines, stone rows, significant rock outcrops and tree masses; rare and endangered species habitat; trout maintenance and trout production streams; and any additional features uniquely affecting the site.

- (2) Wildlife management plan. In projects involving 100 or more acres, a wildlife management plan shall be submitted. This plan shall address measures taken to preserve and improve on-site wildlife habitat. Rare and endangered species habitat protection shall be addressed, if applicable.

D. Zoning requirements.

- (1) Principal permitted uses and structures. The following uses and structures shall be permitted in the Rural Conservation District:
 - (a) Detached single-family dwellings.
 - (b) Farms containing a minimum of five acres. It is intended that a single-family residence may be established on the same lot used for agriculture purposes as set forth in the Township's Zoning Ordinance. In that event, a one-acre portion of the lot shall be designated for the proposed residence.
 - (c) There shall be no more than one principal structure on each lot.
 - (d) Parks.
- (2) Permitted accessory uses. The following accessory uses shall be permitted in the Rural Conservation District:
 - (a) Home occupation.
 - (b) Private garages.
 - (c) Farm stands in connection with a farm.
 - (d) Private swimming pools and tennis courts.
 - (e) Any other use that is customarily and incidental to the principal use of the property.
- (3) Conditional permitted uses.
 - (a) Cluster development in accordance with Subsection E(2).
- (4) Bulk requirements and other conditions. The following requirements are applicable to the Rural Conservation District:
 - (a) Density: The maximum permitted density shall be one unit per five acres.
 - (b) Minimum lot size: five acres.
 - (c) Minimum lot width: 200 feet.
 - (d) Minimum lot depth: 250 feet.

- (e) Front yard setback: 75 feet.
 - (f) Side yard setback: 35 feet (each).
 - (g) Rear yard setback: 100 feet.
 - (h) Maximum building envelope size shall be 40% or 20,000 square feet, whichever is less.
 - (i) Maximum lot improvement disturbance shall be 40,000 square feet plus 10,000 square feet for each additional whole acre. Lot improvement disturbance shall include all areas disturbed for the purpose of the construction of buildings and structures as well as all graded areas and lawns. The total shall include disturbed areas both inside and outside of the building envelope.
 - (j) Maximum total tract disturbance for public improvements, including streets and stormwater management facilities: 7% of the gross tract area. All improvements related to disturbance shall be included in the calculation, including areas of grading and vegetation removal as well as cartways and basins.
 - (k) Minimum setback of building envelope from existing lakes, ponds or wetlands: 100 feet.
- E. Design standards. The following criteria shall be considered design standards pursuant to Article VI of the New Jersey Municipal Land Use Law. It is recognized that all of these standards may not be achievable on every subdivision. For this reason, each application shall be carefully considered and, where appropriate, waivers shall be granted.
- (1) Locating building envelope. These standards aim to ensure that the disturbed areas of any parcel are to the maximum extent possible not visible from municipal roads and situated so as to minimize the impact of construction on the sensitive environment and to protect the rural character of the area as set forth in the purpose of this section. The standards to be adhered to are as follows:
 - (a) Building envelopes shall be selected which do not include the top of ridgelines.
 - (b) Building envelopes shall not include wetlands, transitional areas and floodplains.
 - (c) Building envelopes shall not include areas with slopes of 30% or greater.
 - (2) Clustering. In order to minimize the impact development shall have within the Rural Conservation District, clustering is strongly encouraged. The standards contained in this section shall be strictly adhered to, unless extraordinary circumstances exist. These standards shall constitute conditions of a conditional use as set forth in the New Jersey Municipal Land Use Law.
 - (a) Clustering shall be permitted upon the submission of an acceptable open space management plan.

- (b) The minimum tract area for the use of the cluster option shall be 25 acres.
- (c) Minimum lot size shall be one acre.
- (d) The minimum common open space shall be 10 contiguous acres. Open space and conservation easement areas shall be designed with massing and linkages as guiding principles.
- (e) Each area of common open space shall have at least two fifteen-foot-wide pedestrian access points accessible from a public roadway.
- (f) If an open space management plan, acceptable to the Planning Board, is not possible, then the building lots shall be increased in size to include the entire tract area and conservation easements will be used to restrict the area identified as open space on the cluster plan.
- (g) The option as to whether a particular tract is suitable for development utilizing the cluster option shall rest with the approving agency. Any application proposing to utilize the cluster option shall first present to the approving agency a concept plan showing the alternative conventional development to assist in determining the suitability of the tract for the cluster development proposed. The approving agency shall make a specific finding and conclusion as to the suitability for the tract to be developed with the cluster option and shall adopt the finding by resolution prior to hearing testimony or acting on the subdivision. In reaching its decision, the approving agency shall take into account the environmental constraints of the proposed site, the size, shape and proposed use of any and all open space parcels created, the alternative conventional development plan and the effect of the proposed development on the Master Plan of the Township of Jefferson. **[Amended 2-21-2001 by Ord. No. 6-01]**
- (h) The maximum allowable overall density for any tract that receives cluster development approval shall not exceed the density that the developer would have obtained using a conventional development plan consistent with the zoning of the particular property and taking into consideration any effects on development as a result of all environmental constraints, the development standard ordinances of the Township of Jefferson and the New Jersey State Uniform Site Improvements Act.⁶ **[Added 2-21-2001 by Ord. No. 6-01]**
- (i) All cluster developments shall provide a natural landscaped or combination natural and landscaped buffer, as deemed appropriate by the approving agency, between the proposed cluster development and any existing noncluster development at a minimum rear yard setback for a conventional noncluster development for the zone of the adjacent property being buffered. **[Added 2-21-2001 by Ord. No. 6-01]**
- (j) Open space areas created shall be made available to the Township for public dedication. The approving agency shall consider the suitability and

6. Editor's Note: See N.J.S.A. 40:55D-40.1 et seq.

adaptability of the land for the purpose or purposes proposed, including physical characteristics, geographical location, accessibility, relationship to the Master Plan, expenditures required to improve said land or otherwise make it suitable for the use proposed and all other factors which would normally be considered if such lands were being considered for purchase instead of acceptance for cluster development credit, and shall report its findings to the Township Council. **[Added 2-21-2001 by Ord. No. 6-01]**

- (k) A report shall be sought from the Environmental Commission, Recreation Advisory Board, Board of Education and Division of Health and may be sought from any other advisory group which may have particular expertise relevant to consideration of the proposed site. **[Added 2-21-2001 by Ord. No. 6-01]**
- (l) The Township Council shall make the final determination as to whether lands proposed for public open space are suitable for dedication. The Township Council shall provide the Planning Board with a report of its determination as to the suitability of the open space for dedication. **[Added 2-21-2001 by Ord. No. 6-01]**
- (m) In the event that the Township Council deems that the proposed open space is necessarily not suitable for dedication to the municipality, the same shall be deeded to a homeowners' association which association shall meet all of the requirements of § 490-22D entitled "Homeowners' association provision." **[Added 2-21-2001 by Ord. No. 6-01]**
- (3) Conservation easement/deed restriction. Applications before the Board shall be required to provide appropriate conservation easements and deed restrictions when sensitive environmental areas are encountered.
 - (a) Conservation easements shall be required for all wetland areas and required transitional areas.
 - (b) Critical areas located outside of the building envelope shall contain conservation easements. These critical areas shall include slopes in excess of 30%, floodplains and open water bodies.
 - (c) All subdivision plats shall contain a reference to any required conservation easement.
 - (d) The maximum tract density shall not exceed one unit per five acres.
- (4) Driveways. It is the intent of this subsection to use private drives for access to the residential lot providing. In addition to the requirements of the Township's driveway ordinance,⁷ the following standards shall be satisfied:
 - (a) The number of driveways accessing off-site public streets shall be kept to a minimum.

7. Editor's Note: See Ch. 207, Art. I, Driveway Standards for Single-Family Residences.

- (b) The appropriate use of common driveways is encouraged. Where lots will access an off-site public street, common driveways shall be used where appropriate to minimize the number of curb cuts required.
 - (c) The maximum number of units served by a common driveway shall be four.
 - (d) Maximum length of common driveway: 1,000 feet.
- (5) Landscaping and lawns. The goal of this subsection is to limit the disturbance and impact associated with establishment of extensive residential lawns.
 - (a) Existing vegetation shall be preserved in the areas where the disturbance is not necessarily outside the building envelope.
 - (b) The creation of lawn area in excess of 20,000 square feet is prohibited. Lawn area shall be included in the total lot disturbance calculation. In instances where a lot includes open field areas, these areas may be seeded without being included in the 20,000 square feet for lawn areas or the total site disturbance calculation.
 - (c) Where landscaping is proposed, native species shall be included in the design.
 - (d) Where building envelopes are located in woodlands, a treed area of at least 30 feet between the building envelope and the common drive or roadway shall be retained.
- (6) Fencing. In order to maintain natural, undisturbed appearances, fencing is discouraged. Where fencing is needed, the following standards shall be met:
 - (a) Perimeter fencing of lots is prohibited.
 - (b) Fencing may be constructed on the perimeter of or within the building envelope area of lots.
 - (c) The fencing restrictions shall not apply to agricultural uses as defined in the Zoning Ordinance.
 - (d) Critical areas located outside of the building envelopes shall not be fenced.
- (7) Accessory structures and buildings.
 - (a) Accessory structures and buildings shall be located within the building envelope areas except as otherwise permitted in this section.
 - (b) Driveways, septic areas and wells may be located outside the building envelope.
 - (c) Existing structures.
 - [1] Where a tract contains existing structures deemed to be of historic or architectural significance and where these structures are suitable for rehabilitation, the structures shall be retained.

[2] Adaptive reuse of existing structures for residential use or permitted accessory use shall be permitted subject to the requirements of Subsection D.

- (d) Exemption. The aforementioned standards shall apply to all new minor and major subdivisions within the Rural Conservation District. Nothing herein shall be construed so as to restrict lots legally in existence prior to the date of adoption of this section. These existing lots may be developed with single-family uses in accordance with the provisions of the R-40 Ordinance.⁸

§ 490-10. R-40 Single-Family Residence Zone.⁹

A. This zone serves as a transition between the C Conservation Zone and the existing developed centers of the Township and therefore are anticipated to be developed in the near future. **[Amended 9-1-2004 by Ord. No. 28-04]**

B. Permitted principal uses. Permitted principal uses are as follows:

- (1) Single-family detached dwellings.
- (2) Churches or other places of worship, Sunday schools or parish houses.
- (3) Public parks, playgrounds or other public facilities.
- (4) Public and private fire and rescue squad stations.
- (5) Flag lots in accordance with the standards set forth in § 490-29.
- (6) Community residences for the developmentally disabled, community shelters for victims of domestic violence and community residences for persons with head injuries. **[Amended 8-11-2004 by Ord. No. 27-04]**

C. Permitted accessory uses. Permitted accessory uses shall be as follows:

- (1) Garages, storage sheds, tennis courts and swimming pools for single-family homes and uses customarily associated with the above uses, provided that such accessory uses are subordinate to the principal use, do not change the character of the principal use and serve only the principal use. Habitable rooms shall not be permitted as a part of any accessory use, building or structure.
- (2) Home professional offices and home occupations which require no more demand for parking than one vehicle at a time, in addition to the vehicles for the permitted principal uses, and said parking shall be provided on-site and off-street and deliveries shall be limited to trucks no larger than a single-unit thirty-foot truck delivering only between the hours of 9:00 a.m. and 3:00 p.m. weekdays with off-street loading.

8. Editor's Note: See § 490-10, R-40 Single-Family Residence Zone.

9. Editor's Note: Former § 137-9.1, RR Rural Residential Single-Family Residence Zone, which previously preceded this section, was repealed 9-20-2000 by Ord. No. 18-00.

- (3) Private docks as defined in the Pier and Dock Ordinance.¹⁰

D. Conditional uses (subject to § 490-35). Conditional uses shall be as follows:

- (1) Public utility buildings, structures or facilities.
- (2) General medical or surgical hospitals.
- (3) Community clubs, buildings or centers.
- (4) Farming, as defined herein.
- (5) (Reserved)¹¹
- (6) Home professional offices and home occupations which require more demand for parking than one vehicle at a time, in addition to the vehicles for the permitted principal uses, and said parking shall be provided on-site and off-street and/or deliveries require trucks larger than a single-unit thirty-foot truck delivering between or outside the hours of 9:00 a.m. and 3:00 p.m. weekdays with or without off-street loading.

E. Development standards.

- (1) The maximum permitted density of development shall be one unit per one acre. Cluster development will be permitted and is encouraged, provided that the maximum permitted density of development shall be one unit per one acre and it is developed in accordance with the requirements of § 490-22.
- (2) The maximum infrastructure disturbance for major subdivision developments shall be 10% of the entire tract area under consideration.
- (3) The maximum lot improvement disturbance shall be 50% of the lot area under consideration or 20,000 square feet, whichever is less.
- (4) Area, yard and bulk requirements (minimum required unless otherwise noted).

Description of Area	Conventional	Cluster ¹
Lot area	40,000 square feet	25,000 square feet
Lot width (feet)	100	75
Setback, principal building		
Front yard (feet)	50	50
Side yard, each (feet)	25	10 for one, 20 total
Rear yard (feet)	75	35
Building height, maximum		

10. Editor's Note: See § 490-34, Piers, docks and marinas.

11. Editor's Note: Former Subsection D(5), regarding community residences and community shelters, was repealed 8-11-2004 by Ord. No. 27-04.

Description of Area	Conventional	Cluster ¹
Stories	2.5	2.5
Feet	35	35
Building coverage, maximum		
Percent	15%	20%
Square feet	10,000	10,000
Lot coverage, maximum		
Percent	25%	30%
Square feet	20,000	20,000

NOTE:

¹ With community water and sewer.**§ 490-11. R-30 Single-Family Residence Zone.**

- A. Purpose. This zone is designed to encompass the major developed areas of the Township located within existing developed centers, and allows for residential development at similar densities.
- B. Permitted principal uses. Permitted principal uses shall be as follows:
- (1) Single-family detached dwellings.
 - (2) Churches or other places of worship, Sunday schools or parish houses.
 - (3) Public parks and playgrounds.
 - (4) Public and private fire and rescue squad stations.
 - (5) Museums and libraries.
 - (6) Community residences for the developmentally disabled, community shelters for victims of domestic violence and community residences for persons with head injuries. **[Amended 8-11-2004 by Ord. No. 27-04]**
- C. Permitted accessory uses. Permitted accessory uses shall be as follows:
- (1) Same as the R-40 Zone.
- D. Conditional uses (subject to § 490-35). Conditional uses shall be as follows:
- (1) Public utility buildings, structures or facilities.
 - (2) Community clubs, buildings or centers.

- (3) (Reserved)¹²
- (4) Home professional offices and home occupations which require more demand for parking than one vehicle at a time, in addition to the vehicles for the permitted principal uses, and said parking shall be provided on-site and off-street and/or deliveries require trucks larger than a single-unit thirty-foot truck delivering between or outside the hours of 9:00 a.m. and 3:00 p.m. weekdays with or without off-street loading.

E. Development standards.

- (1) The maximum permitted density of development shall be one unit per 30,000 square feet. Cluster development will be permitted and is encouraged, provided that the maximum permitted density of development shall be one unit per 30,000 square feet and it is developed in accordance with the requirements of § 490-22.
- (2) The maximum infrastructure disturbance for major subdivision developments shall be 10% of the entire tract area under consideration.
- (3) The maximum lot improvement disturbance shall be 50% of the lot area under consideration or 20,000 square feet, whichever is less.
- (4) Area, yard and bulk requirements (minimum required unless otherwise noted).

Description of Area	Conventional	Cluster¹
Lot area	30,000 square feet	20,000 square feet
Lot width (feet)	100	75
Setback, principal building		
Front yard (feet)	50	50
Side yard, each (feet)	10 for one, 30 total	10 for one, 20 total
Rear yard (feet)	35	35
Building height, maximum		
Stories	2.5	2.5
Feet	35	35
Building coverage, maximum		
Percent	20%	25%
Square feet	10,000	10,000
Lot coverage, maximum		
Percent	30%	30%
Square feet	20,000	20,000

12. Editor's Note: Former Subsection D(3), regarding community residences and community shelters, was repealed 8-11-2004 by Ord. No. 27-04.

NOTE:

¹ With community water and sewer.

§ 490-12. R-10 Multifamily Residence Zone.

- A. Purpose. This zone is designed to allow for multifamily residences in appropriate locations within the Township with proximity to major roads. This zone provides for additional housing-type alternatives to meet the needs of all segments of the community.
- B. Permitted principal uses. Permitted principal uses shall be as follows:
- (1) Multifamily residences.
 - (2) Townhouse residences.
 - (3) Churches and other places of worship, Sunday schools or parish houses.
 - (4) Public parks, playgrounds or other public buildings or facilities.
 - (5) Public and private fire and rescue squad stations.
 - (6) Community residences for the developmentally disabled, community shelters for victims of domestic violence and community residences for persons with head injuries. **[Amended 8-11-2004 by Ord. No. 27-04]**
- C. Permitted accessory uses.
- (1) Permitted accessory uses shall be as follows:
 - (a) Garages or open parking areas customarily associated with a multifamily development.
 - (b) Recreation facilities, such as swimming pools, tennis courts, etc., which are subordinate to the principal use.
 - (2) Habitable rooms shall not be permitted as a part of any accessory use, building or structure.
- D. Conditional uses (subject to § 490-35). Conditional uses shall be as follows:
- (1) (Reserved)¹³
- E. Multifamily residence development standards. The standards for multifamily residence development shall be as follows:
- (1) Maximum buildings coverage: 20%.
 - (2) Maximum allowable gross density: 10 units per acre.

13. Editor's Note: Former Subsection D(1), regarding community residences and community shelters, was repealed 8-11-2004 by Ord. No. 27-04.

- (3) Maximum impervious area coverage: 40%.
 - (4) Minimum distance from building to building:
 - (a) Front to front: 75 feet.
 - (b) End to end: 25 feet.
 - (c) Rear to rear: 60 feet.
 - (d) End to front or rear: 45 feet.
 - (5) Maximum number of units per building: 16.
 - (6) No dwelling unit shall be allowed in the basement or above the second story of any building.
 - (7) A minimum of 500 cubic feet of storage area shall be provided for each dwelling unit.
 - (8) A master television antenna or cable hookup shall be provided for each building. No individual outside antenna shall be permitted.
 - (9) Clothes-washing and -drying facilities located in each building shall be provided for the sole use of the tenants of that building.
 - (10) A minimum of two parking spaces per unit shall be provided.
 - (11) No parking area or access drive shall be located within 25 feet of a building or the exterior property line of the development site.
 - (12) Landscaping shall be provided to adequately screen the development from surrounding residential uses and to provide foundation plantings for the buildings, adequate shade for parking areas and walkways and plantings for recreation areas.
- F. Townhouse residence development standards. The standards for townhouse residence development shall be as follows:
- (1) Maximum allowable gross density: four units per acre.
 - (2) Projects containing both multifamily residences and townhouse residences shall meet the lower-density requirements for the overall tract.
 - (3) Maximum building coverage: 25%.
 - (4) Maximum impervious area coverage: 40%.
 - (5) Minimum distances between principal buildings:

- (a) Front to front: 75 feet.
 - (b) End to end: 25 feet.
 - (c) Rear to rear: 60 feet.
 - (d) End to front or rear: 40 feet.
 - (e) Front to rear: 120 feet.
 - (6) Minimum distance from building to private drive for parking area: 20 feet, except a private driveway leading only to an individual garage shall have no minimum distance.
 - (7) Maximum building height: 35 feet.
 - (8) A minimum of two parking spaces per unit shall be provided.
 - (9) Minimum unit width: 18 feet.
 - (10) Landscaping shall be provided to adequately screen the development from surrounding residential uses and to provide foundation plantings for the buildings, adequate shade for parking areas and walkways and plantings for recreation areas.
- G. Area, yard and bulk requirements (minimum required unless otherwise noted) shall be as follows:
- (1) Lot area: five acres.
 - (2) Lot width: 200 feet.
 - (3) Setback, principal building:
 - (a) Front yard: 50 feet.
 - (b) Side yard, each: 50 feet.
 - (c) Rear yard: 50 feet.
 - (4) Building height, maximum:
 - (a) Stories: 2.5.
 - (b) Feet: 35.
 - (5) Building coverage, maximum: 20%.
 - (6) Lot coverage, maximum: 40%.
- H. Utilities. Any development in this zone shall be served by a municipal sewer and/or water service where available or, in the alternative, an on-site community sanitary sewerage system and on-site water system installed by the developer for which the developer has received all necessary permits and approvals from all state and local government agencies exercising control.

- I. Conditional uses: none.
- J. Maximum permitted density. The maximum permitted density of development shall be four units per one acre.

§ 490-13. C-1 Neighborhood Business Zone.

- A. Purpose. This zone is designed to provide for areas throughout the Township conveniently located adjacent to existing and proposed developed areas to provide businesses which meet the day-to-day needs of the residents.
- B. Permitted principal uses. Permitted principal uses shall be as follows:
 - (1) Retail stores.
 - (2) Banks or savings institutions.
 - (3) Personal service stores or studios.
 - (4) Restaurants, fast-food restaurants or taverns.
 - (5) Theaters or motion-picture theaters, other than an outdoor drive-in theater.
 - (6) Professional offices.
 - (7) Marinas.
 - (8) Public and private fire and rescue squad stations.
- C. Permitted accessory uses. Permitted accessory uses shall be as follows:
 - (1) Customary accessory uses and structures clearly subordinate to the principal use.
 - (2) A boat repair yard accessory to a marina.
- D. Conditional uses (subject to § 490-35). Conditional uses shall be as follows:
 - (1) Motor vehicle service stations or motor vehicle repair garages.
 - (2) Public utility buildings, structures or facilities.
 - (3) Membership clubs.
 - (4) Funeral homes.
 - (5) Building materials and storage yards.
- E. Development standards. The development standards shall be as follows:
 - (1) The maximum lot improvement disturbance shall be 75% of the lot area under consideration.
 - (2) Area, yard and bulk requirements (minimum required unless otherwise noted).

- (a) Lot area: 10,000 square feet.
 - (b) Lot width: 75 feet.
 - (c) Setback, principal building:
 - [1] Front yard: 30 feet.
 - [2] Side yard, each: 10 feet.
 - [3] Rear yard: 20 feet.
 - (d) Building height, maximum: 40 feet
 - (e) Building coverage, maximum: 25%.
 - (f) Lot coverage, maximum: 60%.
- F. Screening. Where a business abuts a residential use, a screen planting shall be installed to prevent headlight glare onto the adjacent property. The size, type and extent of the screening shall be subject to approval by the approving agency.

§ 490-14. C-2 Highway Business Zone.

- A. Purpose. This zone is designed to provide for large-scale commercial uses generally located along major roadways to provide convenient access for the community.
- B. Permitted principal uses. Permitted principal uses shall be as follows:
- (1) All uses permitted in the C-1 Zone.
 - (2) Shopping center development.
 - (3) Telephone exchange buildings.
 - (4) Business or vocational schools.
 - (5) Automobile sales lots with an accessory motor vehicle repair garage.
 - (6) Hotels and motels.
 - (7) Wholesale establishments.
 - (8) Printing plants and newspaper plants.
 - (9) Nightclubs.
- C. Permitted accessory uses. Permitted accessory uses shall be as follows:
- (1) Customary accessory uses and structures clearly subordinate to the principal use.
 - (2) Off-street parking and loading areas.
- D. Conditional uses (subject to § 490-35). Conditional uses shall be as follows:

- (1) All conditional uses permitted in the C-1 Zone.
- (2) Nonnuisance light industries.
- (3) Building materials and storage yards.

E. Development standards. The development standards shall be as follows:

- (1) The maximum lot improvement disturbance shall be 75% of the lot area under consideration.
- (2) Area, yard and bulk requirements (minimum required unless otherwise noted).
 - (a) Lot area: 20,000 square feet.
 - (b) Lot width: 100 feet.
 - (c) Setback, principal building:
 - [1] Front yard: 50 feet.
 - [2] Side yard, each: 10 feet.
 - [3] Rear yard: 40 feet.
 - (d) Building height, maximum: 40 feet.
 - (e) Building coverage, maximum: 25%.
 - (f) Lot coverage, maximum: 60%.

F. Other requirements.

- (1) Where a proposed use abuts a residential zone boundary line, a planted buffer area 75 feet in width with sufficient heights to provide an efficient screen will be required.
- (2) Where a proposed use abuts an existing nonconforming residential use, a planted buffer area 25 feet in width with sufficient heights to provide an efficient screen will be required.

§ 490-15. O Office and Professional Zone.

A. Purpose. This zone is designed to encourage the development of nonretail and low-traffic-generating employment centers. It also serves as a transitional zone between existing and proposed business and commercial development and surrounding residential land uses.

B. Permitted principal uses. Permitted principal uses shall be as follows:

- (1) Office buildings for professional, executive, engineering or administrative purposes.

- (2) Scientific, engineering or research laboratories devoted to research, design or experimentation and processing and fabricating incidental thereto, provided that no materials or finished products shall be manufactured, processed or fabricated on said premises for sale, except such as are incidental to said laboratory research, design or experimentation conducted on said premises. No scientific, engineering or research laboratory which requires that animals be kept or maintained for experimental work shall be permitted.
 - (3) Banks and savings institutions.
 - (4) Hospitals, medical centers and veterinary hospitals.
 - (5) Real estate offices.
 - (6) Restaurants.
 - (7) Similar nonretail business uses which are minor traffic generators.
 - (8) Public and private fire and rescue squad stations.
- C. Permitted accessory uses. Permitted accessory uses shall be as follows:
- (1) Storage buildings clearly subordinate to the principal use and appropriately screened from view.
 - (2) Off-street parking and loading areas.
- D. Conditional uses (subject to § 490-35). Conditional uses shall be as follows:
- (1) Public utility buildings, structures or facilities.
- E. Development standards. The development standards shall be as follows:
- (1) The maximum lot improvement disturbance shall be 65% of the lot area under consideration.
 - (2) Area, yard and bulk requirements (minimum required unless otherwise noted).
 - (a) Lot area: 80,000 square feet.
 - (b) Lot width: 200 feet.
 - (c) Setback, principal building:
 - [1] Front yard: 75 feet.
 - [2] Side yard, each: 50 feet.
 - [3] Rear yard: 50 feet.
 - (d) Building height, maximum: 40 feet.
 - (e) Building coverage, maximum: 20%.
 - (f) Lot coverage, maximum: 50%.

F. Other requirements shall be as follows:

- (1) Where a proposed use abuts a residential zone boundary line, a planted buffer of 75 feet in width with sufficient height to provide an efficient screen will be required.

§ 490-16. IP Industrial Park Zone.

A. Purpose. This zone is established in locations which offer the best physical advantages to industrial park development in the Township, particularly access to major arteries and rail transportation.

B. Permitted principal uses. Permitted principal uses shall be as follows:

- (1) Industrial parks as defined in § 490-5.
- (2) Nonnuisance light industries as defined in § 490-5.
- (3) Office buildings and scientific or research laboratories.
- (4) Public utility buildings, structures or facilities.
- (5) Wholesale establishments, distribution stations or indoor storage facilities.
- (6) Motor vehicle body repair shops.
- (7) Public and private fire and rescue squad stations.

C. Permitted accessory uses. Permitted accessory uses shall be as follows:

- (1) Customary accessory uses and structures clearly subordinate to the principal use.
- (2) Open-air storage of materials, subject to the following conditions:
 - (a) Such uses shall not abut an existing residential development or residential zone.
 - (b) No flammable or explosive liquids, solids or gases shall be stored above ground.
 - (c) All outdoor storage facilities shall be enclosed by a fence, wall or screen planting adequate to conceal such facility and the contents thereof from adjacent property and shall meet all setback requirements.
- (3) Off-street parking and loading areas.

D. Conditional uses (subject to § 490-35). Conditional uses shall be as follows:

- (1) Public utility buildings, structures or facilities.
- (2) Recycling facilities.

E. Development standards. The development standards shall be as follows:

- (1) The maximum lot improvement disturbance shall be 70% of the lot area under consideration.
- (2) Area, yard and bulk requirements (minimum required unless otherwise noted).
 - (a) Lot area: three acres.
 - (b) Lot width: 200 feet.
 - (c) Setback, principal building:
 - [1] Front yard: 75 feet.
 - [2] Side yard, each: 50 feet.
 - [3] Rear yard: 50 feet.
 - (d) Building height, maximum: 40 feet.
 - (e) Building coverage, maximum: 30%.
 - (f) Lot coverage, maximum: 60%.

F. Other requirements.

- (1) Where a proposed use abuts a residential zone boundary line, a planted buffer of 75 feet in width with sufficient height to provide an efficient screen will be required.

§ 490-17. BP Business Park Zone.

- A. Purpose. This zone is established to provide and promote suitable corporate development opportunities, promote improved land use which is compatible with residential areas and existing and proposed transportation facilities and to protect one of the Township's more valuable land masses by ensuring its proper development. Various types of industrial, office and research and development uses are to be developed utilizing a general development plan in accordance with N.J.S.A. 40:55D-45. Each park in the district shall be a planned or organized district with a comprehensive plan designed to ensure the compatibility between the permitted uses, the sites' environmental constraints and the surrounding community and contain supporting commercial, transportation and/or recreational uses. It is the intention of this zone that access be limited to one main interchange with the Route 15 corridor in order to promote the safe and efficient movement of traffic.
- B. Permitted principal uses. Permitted principal uses shall be as follows:
 - (1) Corporate office developments.
 - (2) Corporate conference centers.
 - (3) Offices and office buildings.

- (4) Medical centers.
- (5) Hotels/motels.
- (6) Transportation centers.
- (7) Nonnuisance light industry as defined in § 490-5.
- (8) Business park convenience centers in conjunction with a planned development which is located and accessed in such a fashion as to service the business park users and not the public in general. Convenience center uses include convenience stores, banks and fiduciary institutions, personal service establishments such as dry-cleaning and laundry collection shops, hairstyling shops, tailoring and dressmaking shops, shoe repair shops, florist shops, gift shops, pharmacies and athletic, health and fitness facilities.
- (9) Day-care centers.
- (10) Golf courses.
- (11) Public and private fire and rescue squad stations.

C. Permitted accessory uses. Permitted accessory uses shall be as follows:

- (1) Customary accessory uses and structures clearly subordinate to the principal use.
- (2) Off-street parking and loading areas.
- (3) Heliports.
- (4) Theaters, gymnasiums, tennis and pool facilities and restaurants which are integrated as part of a permitted use but which are not contained in a freestanding building or on a separate lot.

D. Other requirements.

- (1) No development plan will be acted upon by an approving authority that is not part of a general development plan that has been submitted and approved in accordance with N.J.S.A. 40:55D-45.
- (2) All proposed developments in this zone shall be served by a community water and sewerage system.
- (3) All proposed corporate office development uses, corporate conference center uses and office uses shall submit a transportation plan to the reviewing agency setting forth a detailed plan and schedule to implement trip-reduction and off-peak travel strategies proposed by the company in order to minimize the impact on the Route 15 corridor.
- (4) Architecture shall be of a quality that is consistent with the corporate office concept of the zone, and the use of complementary building materials, textures, colors and shapes shall be considered as part of the development review process.

E. Development standards. The development standards shall be as follows:

- (1) The maximum lot improvement disturbance shall be 65% of the lot area under consideration.
- (2) Area, yard and bulk requirements (minimum required unless otherwise noted).
 - (a) Lot area: 100 acres.
 - (b) Lot width: 400 feet.
 - (c) Setback, principal building:
 - [1] All yards: 100 feet, 150 feet to collector roads.
 - (d) Building height, maximum: 60 feet, except that no building shall exceed 20 feet unless set back from all property lines a distance equal to five times the building height.
 - (e) Building coverage, maximum: 20%.
 - (f) Lot coverage, maximum: 50%.
 - (g) Buffer to residential zone or use: 100 feet.

§ 490-18. Q Quarry/Overlay Zone.

- A. Purpose. This zone is established to allow present quarrying to continue as a permitted use rather than as a nonconforming use. This zone recognizes the unique operation within the Township due to the presence of a natural resource suitable for mining, but at the same time recognizes the unique necessity for public regulations brought about by the existence and excavation of these natural resources. These district regulations are intended to provide for the continued excavation of natural resources and their processing in those areas which are currently being actively mined and used for processing. The provisions of these districts are also intended to require the site to be used in a manner that is reasonable to the operator(s) and at the same time require the site to be safe, healthful, as aesthetic as possible and be usable subsequent to the completion of the excavating process. The limits of the zone are intended to be oriented to the specific conditions of excavating, such as eliminating erosion, avoiding drainage problems, leaving the site useful, reducing dangers associated with steep operating faces and recognizing these industrial uses in the environs of a rural but growing residential community. Subsequent to the completion of the quarrying operation, in whole or in part, the zone may be developed with the permitted overlay uses listed, but only after the required reclamation of the site in question has been satisfied.
- B. Permitted principal uses.
- (1) Permitted principal uses shall be as follows:
 - (a) Quarrying.
 - (b) Processing of material excavated.

- (2) The following overlay uses shall be permitted upon reclamation:
 - (a) Private or public golf courses.
 - (b) Private or public swim clubs.
 - (c) Golf driving ranges.
 - (d) Indoor and/or outdoor tennis and similar racquet facilities.
 - (e) Commercially operated trail rides and accessory commercial horse stables.
 - (f) Recreational and/or instructional camp facilities.
- C. Permitted accessory uses. Permitted accessory uses shall be as follows:
 - (1) Customary accessory uses and structures clearly subordinate to the principal use.
 - (2) Off-street parking and loading areas.
- D. Other requirements shall be as follows:
 - (1) All quarrying operations shall be subject to the requirements of Chapter 83, Quarrying, of the Code of the Township of Jefferson.¹²
 - (2) Where a proposed use abuts a residential zone boundary line, a planted buffer of 75 feet in width with sufficient height to provide an efficient screen will be required.
- E. Development standards. The development standards shall be as follows:
 - (1) Area, yard and bulk requirements (minimum required unless otherwise noted).
 - (a) Lot area: 100 acres.
 - (b) Lot width: 400 feet.
 - (c) Setback, principal building:
 - [1] All yards: 100 feet.
 - (d) Building height, maximum: 60 feet, except that no building shall exceed 20 feet unless set back from all property lines a distance equal to five times the building height.
 - (e) Building coverage, maximum: 5% or 50,000 square feet.
 - (f) Lot coverage, maximum: 15%.
 - (2) No accessory use or structure shall be located within 75 feet of any residential zone.

12. Editor's Note: Former Ch. 83, Quarrying, of the 1967 Code of the Township of Jefferson was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 490-19. CR Commercial Recreation Zone.

- A. Purpose. This zone is established to recognize the existence of an existing golf course facility which has been in existence for a number of years, as a viable commercial venture. This tract provides the Township with an important recreational activity, while at the same time contributing to the retention of wildlife habitat, forest preservation and water retention.
- B. Permitted principal uses. Permitted principal uses shall be as follows:
- (1) Private or public golf courses.
 - (2) Private or public swim clubs.
 - (3) Golf driving ranges.
 - (4) Indoor and/or outdoor tennis and similar racquet facilities.
 - (5) Restaurants.
 - (6) Pro shops.
 - (7) Agriculture, horticulture, forestry and their related accessory uses.
- C. Permitted accessory uses. Permitted accessory uses shall be as follows:
- (1) Offices.
 - (2) Customary accessory uses and structures clearly subordinate to the principal use.
- D. Other requirements.
- (1) Where a proposed use abuts a residential zone boundary line, a planted buffer of 75 feet in width with sufficient height to provide an efficient screen will be required
- E. Development standards. The development standards shall be as follows:
- (1) Area, yard and bulk requirements (minimum required unless otherwise noted).
 - (a) Lot area (acres): 100 acres.
 - (b) Lot width (feet): 400 feet.
 - (c) Setback, principal building:
 - [1] Front yard: 100 feet.
 - [2] Side yard, each: 70 feet.
 - [3] Rear yard: 100 feet.
 - (d) Building height, maximum:

- [1] Stories: 2.5.
- [2] Feet: 35.
- (e) Building coverage, maximum: 5% or 50,000 square feet.
- (f) Lot coverage, maximum: 15%.
- (2) No accessory use or structure shall be located within 75 feet of any residential zone.

§ 490-20. SR-1 Special Regulation Zone.

- A. Purpose. This zone is established in accordance with the Final Stipulation and Consent Order filed December 4, 1995, Superior Court of New Jersey, Law Division, Morris County, Docket No. MRS-L-753-90 PW.
- B. Permitted principal uses. Permitted principal uses shall be as follows:
 - (1) Single-family detached dwellings.
 - (2) Churches or other places of worship, Sunday schools or parish houses.
 - (3) Public parks and playgrounds.
 - (4) Public and private fire and rescue squad stations.
 - (5) Museums and libraries.
 - (6) Community residences for the developmentally disabled, community shelters for victims of domestic violence and community residences for persons with head injuries. **[Amended 8-11-2004 by Ord. No. 27-04]**
- C. Permitted accessory uses. Permitted accessory uses shall be as follows:
 - (1) Same as the R-40 Zone.
- D. Conditional uses (subject to § 490-35). Conditional uses shall be as follows:
 - (1) Public utility buildings, structures or facilities.
 - (2) Community clubs, buildings or centers.
 - (3) (Reserved)¹⁵
 - (4) Home professional offices and home occupations which require more demand for parking than one vehicle at a time, in addition to the vehicles for the permitted principal uses, and said parking shall be provided on-site and off-street and/or deliveries require trucks larger than a single-unit thirty-foot truck delivering

15. Editor's Note: Former Subsection D(3), regarding community residences and community shelters, was repealed 8-11-2004 by Ord. No. 27-04.

between or outside the hours of 9:00 a.m. and 3:00 p.m. weekdays with or without off-street loading.

- E. Development standards. The development standards for this district shall be in accordance with those standards provided in the Final Stipulation and Consent Order entered by the United States District Court and the New Jersey Superior Court Law Division in 1995.

§ 490-21. SR-2 Special Regulation Zone.

- A. Purpose. This zone is established in accordance with the agreement among the Bi-County of Jefferson and the Township of Jefferson dated September 29, 1995, and to satisfy the Township's Mt. Laurel obligation to provide 131 low and moderate-income housing units comprised of 32 senior citizen units and 37 new construction units, to be designated low- and moderate-income housing in satisfaction of the Township's regional need allocation, and 62 rehabilitation units to be rehabilitated pursuant to N.J.A.C. 5:93-5.2 in satisfaction of the Township's indigenous need allocation. Development of this zone shall be in accordance with a general development plan (GDP).
- B. Permitted principal uses. Permitted principal uses shall be as follows:
- (1) Single-family detached dwellings.
 - (2) Zero lot line one- or two-family dwelling units or patio homes.
 - (3) Townhouse residences.
 - (4) Low-rise multifamily (condominium or garden apartment) dwelling units, including but not limited to senior citizen housing which shall be in buildings set aside exclusively for senior citizens.
 - (5) Churches and other places of worship, Sunday schools or parish houses.
 - (6) Public parks, playgrounds or other public buildings or facilities.
 - (7) Public and private fire and rescue squad stations.
 - (8) Community residences for the developmentally disabled, community shelters for victims of domestic violence and community residences for persons with head injuries. **[Amended 8-11-2004 by Ord. No. 27-04]**
- C. Permitted accessory uses.
- (1) Permitted accessory uses shall be as follows:
 - (a) Same as the R-40 Zone.
 - (b) Garages or open parking areas customarily associated with a multifamily development.
 - (c) Recreation facilities, such as swimming pools, tennis courts, etc., which are subordinate to the principal use.

- (2) Habitable rooms shall not be permitted as a part of any accessory use, building or structure.

D. Conditional uses (subject to § 490-35). Conditional uses shall be as follows:

- (1) Public utility buildings, structures and facilities.
- (2) Community clubs, buildings or centers.
- (3) (Reserved)¹⁶
- (4) Home professional offices and home occupations which require more demand for parking than one vehicle at a time, in addition to the vehicles for the permitted principal uses, and said parking shall be provided on-site and off-street and/or deliveries require trucks larger than a single-unit thirty-foot truck delivering between or outside the hours of 9:00 a.m. and 3:00 p.m. weekdays with or without off-street loading.

E. Development standards. The development standards for this district shall be in accordance with those standards provided in the agreement among the Bi-County of Jefferson and the Township of Jefferson dated September 29, 1995.

§ 490-22. Cluster development option.

- A. Purpose. The purpose of this section is to provide standards pursuant to N.J.S.A. 40:55D-1 et seq. which encourage and promote flexibility, variety and environmental soundness in the layout and design of residential development throughout the RC, R-40 and R-30 Zones. Only those types of residential uses and structures specifically permitted in the zone for the proposed development shall be permitted for use with the cluster option. [Amended 9-1-2004 by Ord. No. 28-04]

B. Development standards.

- (1) The minimum tract size where a cluster development option may be considered shall be 30 acres. The Planning Board may permit cluster development on a tract smaller than 30 acres if there is a particular public purpose to be served or environmental advantage to be gained as identified in the Master Plan and/or Natural Resource Inventory.

16. Editor's Note: Former Subsection D(3), regarding community residences and community shelters, was repealed 8-11-2004 by Ord. No. 27-04.

- (2) The option as to whether a particular tract is suitable for development utilizing the cluster option shall rest with the approving agency. Any application proposing to utilize the cluster option shall first present to the approving agency a concept plan showing the alternative conventional development to assist in determining the suitability of the tract for the cluster development proposed. The approving agency shall make a specific finding and conclusion as to the suitability for the tract to be developed with the cluster option and shall adopt the finding by resolution prior to hearing testimony or acting on the subdivision. In reaching its decision, the approving agency shall take into account the environmental constraints, including

critical areas, of the proposed site, the size, shape and proposed use of any and all open space parcels created, the alternative conventional development plan and the effect of the proposed development on the Master Plan of the Township of Jefferson.¹⁴

- (3) The maximum allowable overall density for any tract that receives cluster development approval shall not exceed the density that the developer would have obtained using a conventional development plan consistent with the zoning of the particular property and taking into consideration any effects on development as a result of all environmental constraints, including critical areas, the development standards ordinances of the Township of Jefferson and the New Jersey State Uniform Site Improvements Act. **[Amended 11-11-1998 by Ord. No. 33-98¹⁵]**
- (4) All cluster developments shall provide a natural, landscaped or combination natural and landscaped buffer, as deemed appropriate by the approving agency, between the proposed cluster development and any existing noncluster development at a minimum width equivalent to twice the required minimum rear yard setback for a conventional, noncluster development for the zone of the adjacent property being buffered.

C. Open space provisions.

- (1) All open space areas created shall be a minimum of five acres in size, unless it is proposed to attach an open space parcel to an existing parcel of open space, in which case the minimum size shall be determined by the approving agency. Open space areas shall be developed for active recreation when and where deemed appropriate by the approving agency, with advise from the Recreation Advisory Board and the Township Planner.
- (2) Open space areas created shall be made available to the Township for public dedication. The approving agency shall consider the suitability and adaptability of the land for the purpose or purposes proposed, including physical characteristics, geographical location, accessibility, relationship to the Master Plan, expenditures required to improve said land or otherwise make it suitable for the use proposed and all other factors which would normally be considered if such lands were being considered for purchase instead of acceptance for cluster development credit and shall report its findings to the Township Council.
- (3) A report shall be sought from the Environmental Commission, Recreation Advisory Board, Board of Education and Division of Health and may be sought from any other advisory group which may have particular expertise relevant to consideration of the proposed site.
- (4) The Township Council shall make the final determination as to whether lands proposed for public open space are suitable for dedication. The Township Council

14. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

15. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

shall provide the Planning Board with a report of its determination as to the suitability of the open space for dedication.

D. Homeowners' association provision.

- (1) All open space areas created which are not deemed necessary or suitable for dedication to the municipality shall be deeded to a homeowners' association for the benefit of the development, comprised of each of the owners of the individual lots created.
- (2) Membership in the association shall be mandatory for all lot owners, and the final map creating the open space parcels shall contain a notation that all such open space parcels created are dedicated to open space use in perpetuity, and future resubdivision or other use of the parcels created is specifically prohibited.
- (3) The Articles of Incorporation creating a homeowners' association, the bylaws and the Declaration of Covenants, Conditions and Restrictions shall be submitted to the Township Attorney for his review and determination of adequacy as to form. The documents listed above shall contain at least the following minimum provisions:
 - (a) Mandatory membership of all lot owners.
 - (b) A monthly maintenance fee adequate to provide for taxes, maintenance and the operation of any and all common facilities.
 - (c) The right of the Township to perform any necessary maintenance, etc., and to assess the costs as a tax lien against each individual homeowner should the association fail to meet its responsibilities.
 - (d) The association shall not be dissolved, nor shall it dispose of any open space by sale or otherwise.
 - (e) The developer shall be responsible for the taxes and maintenance of any open space or common facilities until such time as a homeowners' association has been formed and is functioning.

E. Approval procedure.

- (1) Any applicant wishing to utilize the cluster development option shall submit a sketch plat showing the proposed cluster lot arrangement and a concept plan showing the alternative conventional development to demonstrate the number of lots obtainable with the conventional design taking into consideration all environmental constraints, including critical areas, all development standards applicable to the property as contained in the ordinances of the Township of Jefferson and the New Jersey State Uniform Site Improvements. **[Amended 11-11-1998 by Ord. No. 33-98¹⁶]**
- (2) The applicant shall also submit a summary environmental impact statement in sufficient detail for the approving agency to make an informed judgment as to the

16. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

merits of the cluster proposal, the proposed disposition of the open space lands created and the environmental advantages of the proposed development plan.

- (3) The approving agency shall make a determination as to the appropriateness of the site for cluster development based on the data submitted and the advice of any appropriate municipal agencies. If there is a favorable finding by the approving agency, the open space proposal shall be sent to the Township Council for a determination on the acceptability of any lands for public ownership.

§ 490-23. AH Affordable Housing Zone. [Added 12-18-1996 by Ord. No. 18-96]

- A. The purpose of this section is to establish those land use provisions necessary to satisfy the low- and moderate-income housing obligation of Jefferson Township and to effectuate the settlement approved by the Court in the Bi-County of Jefferson v. Township of Jefferson Mount Laurel litigation (Superior Court, Law Division, Docket No. W-032628-88), authorizing the construction of up to 567 market housing units and 69 low- and moderate-income housing units within the zone. This chapter creates the Affordable Housing Zone (hereinafter "AH Zone"), the substantive terms of which are governed by Appendix B to the court-approved settlement. The section permits the developer in the AH Zone to obtain expedited approvals pursuant to the standards of the settlement for either a general development plan or a site plan and/or subdivision application for market units and low- and moderate-income units.
- B. Standards for a general development plan application in the AH Zone.
 - (1) General development plan application procedure. Application for approval of a planned development within the Affordable Housing District may, in accordance with N.J.S.A. 40:55D-45.3, be made at the option of the applicant in accordance with the regulations and procedures described in this section, pertaining to general development plan in cases where the application involves more than 100 acres.
 - (2) Procedure for approval of the general development plan.
 - (a) Planning Board Review. The Planning Board shall review an application for general development approval of a planned development within the AH Zone in the following manner:
 - [1] Notice. Public notice of a hearing of an application for planned development shall be given as required by statute in accordance with N.J.S.A. 40:55D-12.
 - [2] Time for action. Upon submission to the Administrative Officer of a complete general development plan application for planned development, the Planning Board shall grant or deny general development plan approval within 95 days of the date of submission of a complete application or within such further time as may be consented to by the applicant pursuant to N.J.S.A. 40:55D-45 et seq. Failure of the Board to act within the prescribed time shall constitute general development plan approval.

- [3] Preliminary and final approval shall be required for each development section pursuant to the terms of this section.
- (b) Required submissions — complete application. An application for approval of the general development plan shall be deemed complete, pursuant to the provisions of N.J.S.A. 40:55D-10.3, upon submission by the applicant of the following:
 - [1] A complete application in a form established by the Planning Board, containing the following information:
 - [a] The name of the developer.
 - [b] A signed statement of the developer affirming compliance with the minimum acreage criteria for a general development plan contained in this section.
 - [c] Proof that the property taxes pertaining to the subject property have been paid to date.
 - [d] A corporate or partnership disclosure statement, where applicable, in accordance with the provisions of N.J.S.A. 40:55D-48.1 and 40:55D-48.2.
 - [2] An overall development plan consisting of the following:
 - [a] A land use plan, at a scale of one inch to 100 feet, indicating the tract area and general locations of the land uses to be included in the planned development. The total number of dwelling units to be provided and proposed land area to be devoted to residential use shall be set forth and shown on the plan. The density and intensity of use of the entire planned development shall be set forth and a residential density shall be provided in accordance with the terms of the settlement agreement. The plan shall indicate areas where various types of housing, e.g., single-family detached, townhouse and condominium units, are intended.
 - [b] A circulation plan, indicating the general location and types of transportation facilities, including facilities for pedestrian access within the planned development and any proposed improvements to the existing transportation system outside the planned development, as provided in the settlement agreement.
 - [c] A stormwater management plan, indicating the proposed method of controlling and managing stormwater on site.
 - [d] An open space plan, indicating the approximate major land areas to become open space, the approximate area of the open space lands, a description of the intended improvements within said area and the allocation of responsibility for maintenance of the open space.

- [e] A development plan, setting forth the, permitted number of dwelling units, the residential density for the general development plan, according to a schedule which sets forth the sequencing of any sections of the development.
 - [f] A utility plan, indicating the need for and showing the proposed location of sewage and water lines, any drainage facilities necessitated by the physical characteristics of the site, proposed methods of handling solid waste disposal and a plan for the operation and maintenance of any proposed utilities.
 - [g] A community facility plan indicating the scope and type of supporting community facilities which may be provided within the proposed development, as specified in the settlement agreement.
 - [h] A proposed sequence plan, establishing the order in which sections will be constructed, including any terms or conditions which are necessary to protect the interests of the public and of the future residents who will occupy any section of the planned development prior to the completion of the development in its entirety.
 - [i] A demographic projection of the age of the future residents, solely for the purpose of municipal and educational planning.
- (c) The items listed in Subsection B(2)(b)[2] above shall constitute the only submissions required on the checklist supplied to the applicant pursuant to the provisions of N.J.S.A. 40:55D-10.3.
 - (d) The Planning Board shall schedule hearings on the application for general development plan approval at the time the application is deemed complete by the Board in accordance with the terms of the settlement agreement.
- C. Standards for subdivision and site plan approval. In the event that the developer does not submit a general development plan application pursuant to Subsection A, an application for subdivision or site plan approval for the entire tract within the AH Zone shall be deemed complete pursuant to the provisions of N.J.S.A. 40:55D-10.3 upon submission by the applicant of a site plan or subdivision plan and of the information required in Subsection B(2)(b)[2] to the extent the information is not provided on the site plan. In the event that the application is for only a section of the development, the information required in Subsection B(2)(b)[2] shall be provided for that section, together with sufficient conceptual information with respect to the Subsection B(2)(b)[2] criteria for the remainder of the development to demonstrate the visibility of the section for which approval is sought.
- D. The applicant shall not be required to submit a construction plan, a plan pertaining to the design, construction and installation of all improvements to the land created by the development as part of the application for preliminary approval, but may defer this to final approval. A condition of approval in such case, however, shall be that, if the developer seeks to commence any construction prior to obtaining final approval, the

developer shall obtain approval of the construction plan from the Planning Board before commencing any such construction.

- E. The Township Subdivision Ordinance¹⁷ shall be applicable to developments within the AH Zone to the extent that they are not inconsistent with the language and intent of the settlement agreement and Appendix B of the settlement agreement. In the event of any inconsistency, the settlement agreement and Appendix B shall control. In the event of any dispute as to whether there is such conflict or whether the Subdivision Ordinance imposes cost-generating items which are not reasonably necessary for the protection of health and safety, the matter shall be submitted to the Mount Laurel Master, appointed by the Morris County Superior Court for mediation.
- F. The duration of site plan or subdivision approvals or extensions of such approval shall be governed by Section VIIF of the court-approved settlement agreement.
- G. In the case of general development plan approval, the vesting period shall be for a period of 25 years from the date of general development plan approval, provided that a general development plan application is submitted within one year of the adoption of this section. In the event that the applicant does not seek general development plan approval within the one-year period, then the period of delay shall be subtracted from the maximum vesting period (for example, if the applicant does not submit an application for general development plan approval until 23 months after the adoption of this section, then the period of delay, 11 months (23 months minus 12 months) shall be deducted from the twenty-five-year maximum period so that the maximum vesting period shall be 24 years and one month.
- H. The Zoning Map of Jefferson Township¹⁸ is hereby amended to place the lot and block numbers provided in Appendix A of the settlement agreement in the AH Zone.

§ 490-24. VC Village Commercial District. [Added 3-14-2001 by Ord. No. 8-01]

There is hereby established in the Township of Jefferson the VC Village Commercial District which shall consist of the following properties, as shown on the Jefferson Township Tax Map: Block 473.12, Lot 16.02; Block 513, Lot 20.01; and Block 513, Lot 2.

- A. Permitted uses. There is hereby permitted within the VC District all uses which are permitted in the C-1 Neighborhood Business Zone as presently existing and as may be amended in the future. **[Amended 4-2-2003 by Ord. No. 12-03]**
- B. Conditional uses. In addition to permitted uses, there shall be allowed within the VC District as the conditional use senior citizen housing as herein defined and subject to the following terms and conditions at the time of occupancy: **[Amended 4-18-2001 by Ord. No. 11-01]**

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

17. Editor's Note: See Ch. 435, Subdivision of Land.

18. Editor's Note: The Zoning Map is on file in the office of the Township Clerk.

AGE-QUALIFIED PERSON — A person who is 62 years of age or older.

FAIR HOUSING ACT — The Fair Housing Act, Amendment Act of 1988, P.L. 100-430 (September 13, 1988) and amendments thereto, including, but not limited to, the Housing Act for Older Persons Act of 1995, P.L. 104-76 (December, 1995) and any judicial or administrative interpretations or decisions affecting said legislation.

QUALIFIED DEVELOPMENT — This shall mean that either the proposed development site is publicly owned or the developer of senior citizen housing is a not-for-profit organization.

SENIOR CITIZEN HOUSING — A housing development which is a qualified development, which is occupied by age-qualified persons and otherwise meets the requirements of the Fair Housing Act.

- (2) Occupancy restrictions.
 - (a) All housing units shall be occupied only by age-qualified persons as defined herein.
 - (b) Occupancy of the units within the senior citizen housing development shall be restricted to all persons whose combined income for any unit shall be at 50% or less of the median income for Morris County as established by the United States Department of Housing and Urban Development.
 - (c) The foregoing occupancy restrictions shall not apply to resident employees such as a manager or superintendent.
- (3) Area, yard and bulk requirements shall be as follows:
 - (a) Minimum lot size: one acre.
 - (b) Maximum density: 40 units per acre.
 - (c) Minimum front yard setback: 50 feet.
 - (d) Minimum rear yard setback: 40 feet.
 - (e) Minimum side yard setback: 10 feet.
 - (f) Maximum building coverage: 40%.
 - (g) Maximum lot coverage: 90%.
 - (h) Building height: three stories or 45 feet.
 - (i) Off-street parking: one space per two apartments. No parking shall be located in the required front yard setback area.
- (4) Utility requirements. Each senior citizen housing development shall be required to be served by municipally owned and operated water and sewer systems.

§ 490-25. PARC Planned Adult Residential Community Zone. [Added 12-3-2003 by Ord. No. 29-03]

A. Purpose:

- (1) To provide for both large-scale open spaces to be dedicated for conservation, public use, as well as residential development at appropriate densities and for related and complementary uses; an area that the Township Council has determined is suitable for open space dedication and cluster residential development.
- (2) To protect a valuable and environmentally sensitive area of the Township from inappropriate development.
- (3) To provide a regulatory mechanism through which appropriate development can occur, considering that the area designated for open spaces is exceptional, unique, irreplaceable and a delicately balanced physical and biologically acting and interacting natural environment.
- (4) To provide an equitable, understandable development mechanism that establishes clearly defined goals and advances the public interest by balancing environmental interests with the rights of property owners in the District, by encouraging development of compatible and appropriate land uses that will improve the overall environment and economic basis of the area and Township, within the framework of a comprehensive environmental design strategy that preserves ecologically sensitive and fragile areas from adverse impacts from inappropriate.
- (5) To provide environmental safeguards for the construction of facilities in the district and preserve natural resources.
- (6) To provide for the orderly development and effective preservation of the environment of the Planned Adult Residential Community District in order to ensure that the development is regulated in a manner that is fair, efficient and effective as to those people owning property affected by this section.
- (7) To satisfy a wide range of lifestyles of an aging population that is growing locally, regionally and statewide; to make available a variety of residential housing types, amenities and services, while limiting occupancy of dwelling units in the Planned Adult Residential Community District to mature adults, 55 years of age or older.
- (8) To supplement, expand, and enhance the ability of the public and emergency vehicles to gain access to open space that already exists adjacent to and in the vicinity of the district.
- (9) To provide the ability for the Township to gain ratables that have minimal impact on Township resources, generate minimal traffic congestion, and have minimal visual or other impacts on neighboring properties.
- (10) To provide for reasonable development of the district in a manner consistent with the New Jersey State Development and Redevelopment Plan and Blueprint for Intelligent Growth, Smart Growth concepts, and anti-sprawl initiatives.

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

PLANNED ADULT RESIDENTIAL COMMUNITY (PARC) —

- (1) A private residential community comprised of single-family and multifamily residential dwelling units, and accessory uses intended for, limited and restricted to, use and occupancy by:
 - (a) Any person of 55 years of age and older; or
 - (b) A member of a couple under 55 years of age who is residing with his or her partner who is 55 years of age or over; or
 - (c) Unemancipated children (as defined under New Jersey law) who are 19 years of age or older who reside with their parents or parent where at least one of the parents with whom the child or children are residing is 55 years of age or older; or
 - (d) Those persons meeting the requirements for such age-restricted housing as required by the Federal Fair Housing Act and the regulations adopted pursuant thereto.
- (2) The foregoing occupancy restrictions shall not be construed to prohibit the occupants of any unit in a PARC from entertaining guests, of any age, in their units, including temporary residency, not to exceed six months, with no financial or other pecuniary consideration to be paid therefor.

RESIDENTIAL CLUSTER — A contiguous or noncontiguous area to be developed as a single entity according to a plan containing residential housing units which have a common or public open space area as an appurtenance.

SENIOR CITIZEN HOUSING — Any age-restricted housing consistent with the appropriate definitions listed in Ordinance No. 8-01.¹⁹

- C. Cluster development. The development scheme embodied in this section establishes the suitability of the property within the PARC District for cluster development, as provided in Jefferson Township Code § 490-22B(2).
- D. Permitted principal uses. Principal permitted uses are as follows:
- (1) Single-family detached dwelling units, including, but not limited to, zero lot line and patio homes.
 - (2) Duplex dwelling units.
 - (3) Multifamily dwelling units.
 - (4) Recreation facilities.

19. Editor's Note: See § 490-24, VC Village Commercial District.

(5) Sales and administrative offices required for the construction, sale, resale and management of the dwelling units in the PARC.

(6) Senior citizens housing.

E. Conditional uses: none.²⁰

F. Permitted accessory uses in the PARC District. Accessory uses of buildings and structures specific to the PARC District common facilities are as follows:

(1) Master television antenna, satellite systems and/or cable television antenna/reception and related facilities.

(2) Common parking areas for guest parking or other areas that may be dedicated for specific parking purposes such as recreational vehicle and trailer parking.

(3) Buildings for storage of vehicles, equipment and supplies.

(4) Outbuildings and structures as part of the recreation facilities.

(5) Public parks and gardens.

(6) Entrance gatehouse, maintenance buildings, trash and recycling sheds/enclosures.

(7) Greenhouses and storage sheds.

(8) Indoor or outdoor swimming pools.

(9) Sanitary sewage treatment facilities.

(10) Water towers and related equipment.

(11) Customary sanitary sewerage and other utility use facilities.

G. Permitted accessory uses for residential dwelling units. Accessory uses to the permitted principal uses as follows:

(1) Private attached garage with a capacity for garaging up to two vehicles per single-family dwelling unit, duplex dwelling units or multifamily dwelling units of four or less units per building.

(2) At-grade and in-basement parking garages in multifamily dwelling buildings over four units.

(3) Storage sheds attached to and incorporated in the design of the individual dwelling units.

(4) Fences and retaining walls.

(5) Decks, patios, gazebos, and screened porches.

20. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (6) Such other customary uses and structures as may be permitted by the approving authority.

H. Bulk requirements applicable to the PARC Zone.

- (1) Minimum tract size. A PARC, exclusive of the senior citizen housing site, may be developed on one or more contiguous parcels of land having a total gross area of not less than 650 acres.
- (2) Minimum open space. Sixty percent of the gross PARC District shall be maintained as permanent open space. For purposes of this requirement, "open space" shall mean those portions of the PARC District not covered by buildings, structures of any kind, streets or other surfaces paved with impervious materials.
- (3) Maximum building coverage: 25% of gross area of the PARC District.
- (4) Maximum residential density: one dwelling unit per gross acre of the PARC District, with a maximum of 450 dwelling units permitted for all age-restricted market units not associated with any Township-sponsored, affordable senior citizen housing dwelling units in the PARC District.
- (5) Any property dedicated for open space or conveyed to the State of New Jersey or to another public, nonprofit or quasi-public entity shall be deemed to be in and remain part of the original tract size for calculation of minimum open space, minimum tract size, maximum building coverage, and maximum residential density.

I. Bulk requirements applicable to individual single-family lots.

- (1) Minimum lot area:
 - (a) Corner lot: 6,000 square feet.
 - (b) Interior lot: 5,000 square feet.
- (2) Minimum lot width (shall be measured at the setback line):
 - (a) Corner lot: 60 feet.
 - (b) Interior lot: 50 feet.
- (3) Minimum lot depth: 100 feet.
- (4) Minimum setbacks:
 - (a) Front yard: 25 feet; measured from lot line, exclusive of attached side entry garage units which shall have a minimum front yard setback of 15 feet, provided that no garage door shall face the street view. Garage doors may face the street if they are set back 25 feet.
 - (b) Side yards:

[1] One side yard: five feet. In the case of a zero lot line, patio home or duplex, one side yard may equal zero feet.

[2] Combined side yards: 15 feet. In the case of a zero lot line, patio home or duplex, the combined side yard may equal 10 feet.

(c) Rear yard: 20 feet.

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

J. Bulk requirements applicable to multifamily residential buildings.

(1) Minimum distance from building to building:

(a) Front to front: 70 feet.

(b) End to end: 30 feet.

(c) Rear to rear: 50 feet.

(d) End to front or rear: 60 feet.

(2) Minimum setbacks:

(a) From all property lines: 50 feet. This setback requirement may be reduced to zero feet where a building is located adjacent to dedicated open space property line.

(b) Maximum building height: 50 feet or three stories over a single-story parking deck.

(c) From building to the right-of-way line of a private street: 25 feet.

(d) Maximum number of units per building: 16.

(e) No dwelling unit shall be allowed in the basement of any building.

(f) Maximum building length: 150 feet.

K. Bulk requirements applicable to senior citizen housing development. All development shall be in accordance with the provisions of Ordinance No. 8-01 with respect to senior citizen housing construction.²¹

L. Parking requirements. Minimum parking requirements for residential units shall be in accordance with the New Jersey Residential Site Improvement Standards with the following requirements:

(1) Single-family units shall have a minimum of one attached garage space and one off-street parking space in the form of a driveway. These spaces shall be counted toward the required parking spaces per dwelling.

21. Editor's Note: See § 490-24, VC Village Commercial District.

- (2) Multifamily units shall have a minimum of one space in a parking deck beneath the building or one attached garage space to be counted toward the minimum off-street parking requirement.
 - (3) Senior citizen housing unit parking requirement may be solely located within an at-grade parking lot.
 - (4) The minimum off-street surface parking stall size shall be nine feet by 18 feet. The minimum parking stall size within a parking deck shall be 8.5 feet by 18 feet.
 - (5) No parking area or access drive shall be located within 10 feet of a building unless located under the structure in association with a multifamily residential building, as permitted by this chapter.
 - (6) A private driveway with the capacity of off-street parking for two automobiles shall be deemed to constitute two parking spaces.
- M. Decks, etc. A deck, patio or screened porch shall be permitted within 10 feet of any rear yard line and five feet of any side yard line.
- N. Utilities.
- (1) A PARC must be fully serviced by centralized water and sanitary sewerage systems approved by appropriate New Jersey state regulatory agencies.
 - (2) Maximum building height: 40 feet, exclusive of any required water tower. At no time shall any required water tower exceed the height of the surrounding tree line.
- O. Recreation facilities.
- (1) "Recreation facility" shall mean a place designed and equipped for the conduct of sports and leisuretime activities.
 - (2) Required recreational facilities. Any PARC shall contain and provide for the benefit, use and enjoyment of its homeowners' association members and their guests the following recreation facilities:
 - (a) A recreation area containing a recreation building or clubhouse equal in size to a minimum of 10 square feet for each dwelling unit, exclusive of any dwelling units proposed for senior citizens housing.
 - (b) A swimming pool of a minimum size of 30 feet by 50 feet, with an adjacent improved sitting area surrounding all sides of the pool with an aggregate area equal to twice the water surface of the pool.
 - (c) Parking facilities serving the recreation area, with a minimum number of parking spaces equal to one space for each 50 square feet of the first 6,500 square feet of area of the recreation building, thereafter at a rate of one space for each additional 200 square feet.
 - (d) Picnic-barbecue areas.
 - (e) A minimum of three tennis courts.

- (f) Walking paths in proximity to the residences to be constructed. All walking paths will be a minimum of six feet wide. They will be cleared of vegetation, but otherwise left in their natural state. Tree removal and site topography alteration is to be minimized. Their location is to be generally depicted on the PARC site plans, but their final configuration and location will be determined by the developer and a designated Township representative "in the field," after site construction is substantially complete.
- (g) Such other activities which the Planning Board shall find to be consistent with the lifestyle of the residents of a PARC and which are subordinate to the residential character of a PARC.
- (3) Ownership of recreation facilities. All recreational facilities shall be owned by the homeowners' association and are to be used by homeowners' association members and their guests as defined herein. Sidewalks and walking paths will be available to all residents of the PARC.

P. Supplemental regulations.

- (1) Setback and distance measurements. Except as set forth otherwise, building setbacks and minimum distances between all buildings shall be measured from lot line (and not from street lines) to building foundation lines, excluding foundations for fireplaces, porches, balconies, landings, stairs, and other exterior protrusions of a building which do not protrude beyond eight feet from the building foundation line.
- (2) Perimeter boundary setbacks. No building or structures, other than entrance gatehouses, walls or fences, shall be located within 50 feet of any exterior boundary line of the PARC, except as to areas formally dedicated as open space.
- (3) Homeowners' association.
 - (a) Recorded covenants. Any PARC shall be governed and regulated by one or more recorded declarations of covenants and restrictions or similar documents ("C&Rs"), which shall provide for and create one or more incorporated membership organizations under Title 15 of the New Jersey Statutes in which all unit owners in the PARC (exclusive of residents in or the owners of any senior citizens housing complex) shall be required to be members (the "homeowners' association"). The C&Rs shall provide for:
 - [1] The ownership, maintenance, operation and upkeep of all recreation facilities, open space (not otherwise conveyed or dedicated to public use), streets and other common areas within the PARC by the homeowners' association;
 - [2] The restrictions on unit occupancy;
 - [3] The procedure for creating, imposing and collecting assessments from each unit owner to finance the foregoing; and

- [4] The organization, operation and management of the homeowners' association.
 - (b) A complete copy of the proposed articles of incorporation creating the homeowners' association, the bylaws and the C&R shall be submitted to the Township Attorney for his review and determination of adequacy as to form and compliance with the requirements herein set forth. Primary regulatory authority over the creation of the homeowners' association, its documentation and its functioning is acknowledged to rest solely with the New Jersey Department of Community Affairs as per applicable statutory and regulatory authority.
 - (c) The documents listed above shall contain at least the following minimum provisions:
 - [1] Mandatory membership of all unit owners, exclusive of residents in or the owners of any senior citizens housing complex.
 - [2] A monthly maintenance fee adequate to provide for taxes, maintenance and the operation of any common facilities.
 - [3] The right (but not the obligation) of the Township to perform any necessary maintenance, etc., and to assess the costs as a tax lien against each individual homeowner's dwelling unit, should the association fail to meet its responsibilities.
 - [4] The association shall not be dissolved, nor shall it dispose of any open space, not otherwise conveyed or dedicated to public use, by sale or otherwise unless it is to an entity that meets the requirements hereunder.
 - (d) Membership in the association shall be mandatory for all unit owners (exclusive of residents in or the owners of any senior citizens housing complex), and the final map and any deeds of dedication shall contain a notation that all such open space parcels created are dedicated in perpetuity, and future resubdivision or other use of the parcels created is specifically prohibited.
- Q. Design standards, to the extent they are not inconsistent with the provisions of the New Jersey Residential Site Improvement Standards.
- (1) Streets and roads. All streets and roads in a PARC shall conform to the provisions of the New Jersey Residential Site Improvement Standards.
 - (2) Drainage. All on-site drainage shall be provided for in accordance with New Jersey state law and the Township of Jefferson storm drainage requirements and applicable Township ordinances pertaining to subdivision and development of lands.²²

22. Editor's Note: See Ch. 70, Land Use Procedures, and Ch. 435, Subdivision of Land.

- (3) Driveways, walks and parking areas. There shall be provided a safe and convenient system of driveways, walks and parking areas. Due consideration shall be given in planning walks, ramps and driveways to prevent slipping or stumbling. Sidewalks shall be in accordance with the New Jersey Residential Site Improvement Standards.
- (4) Single-family residential design standards.
 - (a) As to all single-family residential dwelling units, except as hereinafter provided, not more than one building permit shall be issued for any dwelling to be erected in a PARC if it is substantially alike in exterior design and appearance with any neighboring dwelling. A building or structure shall be deemed a neighboring dwelling if it is on one lot which is the first lot next along any street and, in addition thereto, any lot which is directly across a street.
 - (b) Neighboring dwellings, as hereinabove defined, shall be considered substantially alike in exterior design and appearance if they are not different in at least three of the following seven respects:
 - [1] The relative location of and point of entry to a garage, porch and other such structural appurtenance with respect to facade.
 - [2] The relative location, size, or type of front elevation windows or doors.
 - [3] The type of roof, with respect to any appurtenance, configuration, pitch or composition.
 - [4] The type or color of predominant siding material.
 - [5] The type of roofing material or color or pattern thereof.
 - [6] Orientation of the building when viewed from a single viewing point.
 - [7] The height, length, depth, or predominant pitch of a portion of the roof outside the limits of the main portion of the building.
- (5) Multifamily residential design standards, exclusive of senior citizen housing development.
 - (a) Maintenance-free building exteriors are encouraged, using a variety of quality composite siding materials, vinyl, brick, stone or other cultured materials as well as generous trim levels.
 - (b) Multifamily neighborhoods shall draw upon a common palate of exterior features that will include, where appropriate, balconies, patios, and shutter and window styles.
- (6) Senior citizen housing design standards. The design of any senior citizen housing complex shall be generally consistent with the overall design requirements of the PARC District.

R. General development plan.

- (1) Requirements for plans for preliminary approval of planned developments in the PARC Zone. Plans for preliminary approval of planned developments in the PARC Zone shall conform to the requirements for preliminary approval of site plans as set forth in § 490-32. If there is to be any division of the planned development into two or more lots for fee conveyance, or if any new public streets are to be dedicated or constructed, the preliminary plans shall also show the information required for preliminary major subdivision plats as set forth in Chapter 435, Subdivision of Land. The plans shall further include or be accompanied by the following:
 - (a) The gross density of units per acre of any residential portion of the development.
 - (b) Calculations as to the areas and percentages of areas in each class of permitted and required use as set forth in this chapter.
 - (c) A traffic study assessing the probable impact of the planned development on existing and proposed roads and traffic circulation within the affected area of the Township and any affected adjoining municipality.
 - (d) In the case of a plan which calls for development over a period of years or which includes residential development, a schedule showing proposed times when development of each section is intended to begin and a plan for terms and conditions to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development.
 - (e) The proposed form of organization or organizations to own and maintain any common open space not to be dedicated to a governmental agency.
 - (f) An environmental impact statement of the effect of the project on the environment. Such statement shall be in accordance with Chapter 222, Environmental Impact Statement, and include the following:
 - [1] An inventory of existing environmental conditions at the project site and the surrounding area, which shall describe air quality, water quality, water supply, storm and sanitary sewer systems, other utilities, soils, topography, vegetation, wildlife, historical sites, archaeology, geology, land use and access to the site.
 - [2] A listing of all licenses, permits or other approvals required by law, other than those to be obtained from the Planning Board, and the status of each.
 - [3] An assessment of the probable impact of the project upon all topics described in Subsection R(1)(f)[1] above as well as on schools, municipal services, roads and transportation facilities, existing and proposed.

- [4] A listing of alternatives to any part or all of the project which would reduce adverse impacts, with reasons for their acceptability or nonacceptability.
- [5] A listing of adverse environmental impacts which cannot be avoided and steps to be taken to minimize adverse environmental impacts during construction and operation, both at the project site and in the surrounding area.
- (g) A fiscal impact analysis showing the added municipal and school costs which would result from the project and the revenues which the project would produce to meet those costs. If the project is to be staged, the costs and revenues for each stage shall be identified. The analysis shall include additional costs, if any, for each line item of the municipal budget, and for operating and capital expenses of the school system, and shall include quantification of additional municipal personnel and equipment and of additional teachers and classrooms, if any, which the project would require to maintain municipal and school services at the level provided at the time of application.
- (h) An economic feasibility and marketability study demonstrating that the planned development and each stage thereof will be marketable and economically feasible.
- (i) Such other information as is necessary to present evidence as to the factors to be considered in reviewing the application.
- (2) Requirements of plans for final approval of planned developments in the PARC Zone. Plans for final approval of a planned development in the PARC Zone, or any portion or section thereof, shall conform to the requirements for final site plan approval as set forth in § 490-32 and, if there is to be any division of the development into two or more lots for fee conveyance, or if any new public streets are to be dedicated or constructed, the plans shall also show the information required for final major subdivision plats as set forth in Chapter 435, Subdivision of Land. The plans shall further include or be accompanied by the following:
 - (a) The gross density in units per acre of any residential portion of the development.
 - (b) Calculations as to the areas and percentages of areas in each class of permitted and required use as set forth in this chapter.
 - (c) Proposed documents relating to the common open space, including but not limited to deeds of conveyance, proposed articles of incorporation and bylaws and such other documents as the municipal agency or its attorney shall deem necessary to determine compliance with this chapter.
 - (d) The precise location, height and first-floor elevation of all proposed buildings or other structures and the elevation of the finished grade at each corner of such structure.

- (e) The final precise location and design of off-street parking areas or loading areas, showing the size and location of bays, aisles and barriers.
- (f) That portion of the proposed water supply, sewerage, stormwater and drainage systems related to the particular building or section and their connections to the facilities granted preliminary approval.
- (g) The location, direction or illumination, power and hours of operation of existing and proposed outdoor lighting for the particular building or section.
- (h) The location and elevation plan of existing and proposed signs for the particular building or section.
- (i) The proposed screening, landscaping and planting plan for the particular building or section.
- (j) Such other information or data as may be required by the Planning Board for determination that the details of the site plan are in accordance with the standards of this chapter and all other ordinances of the Township, including satisfactory evidence of conformance to the performance standards of this chapter.

§ 490-26. ASCH Affordable Senior Citizens Housing District. [Added 5-19-2004 by Ord. No. 14-04]

- A. Purpose. This zone is designed to provide affordable housing for senior citizens in an appropriate location in the Township with proximity to major roads and services. This zone provides an additional housing type alternative to meet the needs of moderate-income senior citizens.
- B. Permitted principal uses. Permitted principal uses shall be as follows:
 - (1) Patio homes residences.
 - (2) Duplex residences.
 - (3) Townhouse residences.
 - (4) Public utility buildings, structures or facilities.
- C. Permitted accessory uses. Permitted accessory uses shall be as follows:
 - (1) Passive recreation areas.
 - (2) Uses that are customary and incidental to the principal permitted use, provided they do not change the character of the principal use and serve only the principal use.
- D. Occupancy restrictions.

- (1) Age qualification.
 - (a) Any person of 55 years of age or older; or
 - (b) A member of a couple under 55 years of age who is residing with his or her partner who is 55 years of age or over; or
 - (c) Unemancipated children (as defined under New Jersey Law) who are 19 years of age or older who reside with their parents or parent where at least one of the parents with whom the child or children are residing is 55 years of age or older; or
 - (d) Those persons meeting the requirements for such age-restricted housing as required by the Federal Fair Housing Act and the regulations adopted pursuant thereto.
- (2) Income qualification. All households must meet the income qualifying standards of the Council on Affordable Housing for moderate-income households of 80% or less of the median income for Morris County as established by the US Department of Housing and Urban Development, at the time of occupancy. All units shall be deed restricted for at least 30 years requiring that the subsequent buyers of any such units during the time period must meet the income qualification standards applicable at the time.

E. Bulk and area requirements shall be as follows:

- (1) Minimum lot size: five acres.
- (2) Minimum lot width: 150 feet.
- (3) Maximum density: four units per acre.
- (4) Minimum setback from external right-of-way: 15 feet.
- (5) Minimum front yard setback from internal road: 20 feet.
- (6) Minimum rear yard setback: 10 feet.
- (7) Minimum side yard setback: 10 feet.
- (8) Maximum building coverage: 20%.
- (9) Maximum lot coverage: 45%.
- (10) Building height: 2 1/2 stories or 35 feet.
- (11) Off-street parking: two spaces per unit (garage and driveway).
- (12) Minimum landscaping: 40%.

F. Utility requirements. Each unit shall be required to be served by municipally owned and operated water and sewer system.

- G. Common property. Every development, pursuant to this chapter, shall have a homeowners' association or condominium association. The document creating such an association shall be provided to the Township as part of the developer's agreement and shall be approved by the Township Attorney and the New Jersey Department of Community Affairs.
- H. Design standards.
- (1) Design standards for internal streets and roads, and sidewalks and driveways shall be consistent with the requirements of the New Jersey Residential Site Improvement Standards.
 - (2) Design standards for on-site drainage shall be provided for in accordance with New Jersey State Law and the Township of Jefferson storm drainage requirements and applicable Township ordinances that pertain to subdivision and development of lands.
 - (3) Maintenance-free building exteriors are encouraged using a variety of quality composite siding materials, vinyl, brick, stone or other cultured materials.

ARTICLE VII District Regulations

§ 490-27. Prohibited uses.

No building, structure, lot or land shall be used in any zone in the Township of Jefferson for any one or more of the following uses, except as provided in § 490-22:

- A. Any trade, industry or use which is noxious or offensive by reason of the emission of smoke, noise, gas, odor, toxic effluent, dust, vibration or excessive light beyond the limits of its lot so as to be dangerous or prejudicial to the public health, safety or general welfare.
- B. Recreational devices and uses.
- (1) Sky rides, Ferris wheels, roller coasters, shooting galleries, arcades, game rooms and similar recreational devices or uses; provided, however, that this provision shall not apply to the operation or maintenance of such devices for a temporary period of a nonprofit, charitable organization on land owned or leased by the same.
 - (2) For purposes of this provision, nothing shall be construed to prevent an owner or lessee of land or premises within the Township from keeping thereon any combination of a billiard table, pocket-pool table, bumper pool table, electronic game device or pinball machine, provided that the total number does not exceed three in number, in combination or otherwise.
- C. Rendering plants for animal products.
- D. Mineral or earth mining resource extractions and/or processing activities or digging, drilling, excavating or boring for mineral or earth resource exploration.

- E. Manufacture or storage of explosives or fireworks.
- F. Dump or junkyard, other than a municipal dump.²³
- G. Any facilities or use of any property for the treatment of solid waste, including but not limited to an incinerator plant or resource recovery plant.
- H. Pool halls or billiard parlors.

ARTICLE VIII Supplemental Regulations

§ 490-28. Parking and truck loading space requirements.

Off-street parking spaces for the storage or parking of passenger vehicles hereafter erected or enlarged shall be provided and kept available in accessory private garages or in accessory private parking areas in amounts not less than specified in this section, provided that nothing in this section shall prevent the repairing, reconstruction or rebuilding without enlargement and the continued use, pursuant to Chapter 70, Land Use Procedures, of any building or structure lawfully existing at the effective date of this chapter.

- A. Accessory garages or parking areas for residential uses. In all districts the minimum required number of parking spaces to be provided in private garages or private parking areas accessory to a main building devoted in whole or in part to residential uses permitted in any given district shall be in accordance with the following regulations:
 - (1) Boarding- or rooming house or tourist home: one parking space for each guest bedroom, plus two parking spaces for each residential dwelling unit.
 - (2) Single-, two-family and multifamily dwelling units: two parking spaces for each dwelling unit.
- B. Accessory garages or parking areas for nonresidential uses. In all districts, the minimum required number of parking spaces to be provided in private garages or private parking areas accessory to main buildings or structures or uses of land permitted in any given district shall be in accordance with the following regulations:

OFF-STREET PARKING REQUIREMENTS

Nonresidential Land Use	Required Off-Street Parking Spaces Per Indicated Area
Automobile sales	1 per employee plus 1 per 10 cars displayed
Assembly operations	1 per 800 square feet GFA
Bar	1 per 2 seats
Bowling alley	4 per alley

23. Editor's Note: Former § 137-23G, regarding open-air retail sales, and former § 137-23H, regarding open-front stores, which previously followed this subsection, were repealed 4-21-2004 by Ord. No. 5-04.

OFF-STREET PARKING REQUIREMENTS

Nonresidential Land Use	Required Off-Street Parking Spaces Per Indicated Area
Car wash	10 per washing lane
Church/synagogue	1 per 3 seats
Coin-operated laundries	0.5 per wash/dry-clean machine
Day-care center	1 per employee, plus 0.1 per person of licensed capacity enrollment
Fiduciary institutions	1 per 300 square feet GFA
Finishing operations	1 per 800 square feet GFA
Hotel and motels	0.7 per guest room, plus 10 per 1,000 square feet GFA non-room area
Industrial	1 per 800 square feet GFA
Library	1 per 300 square feet GFA
Manufacturing	1 per 800 square feet GFA
Medical center	1 per 250 square feet GFA
Neighborhood convenience center	4 per 1,000 square feet GLA
Nightclub	1 per 3 seats or 1 space per 2 persons at maximum occupancy loading, whichever is greater
Offices	
Under 49,999 square feet	4.5 per 1,000 square feet GFA
50,000 to 99,999 square feet GFA	4 per 1,000 square feet GFA
100,000 or more square feet GFA	3.5 per 1,000 square feet GFA
Receiving	1 per 5,000 square feet GFA
Research	1 per 1,000 square feet GFA
Restaurant with no take-out service	1 per 3 seats
Fast-food restaurant and restaurant with take-out service	17 per 1,000 square feet GLA for kitchen, serving counter and waiting areas, plus 0.5 per seat provided
Retail store	1 per 200 square feet GFA
Schools	
Elementary	1.5 per classroom; but not less than 1 per teacher and staff
Intermediate	2.5 per classroom; but not less than 1 per teacher and staff
Secondary	2.5 per classroom; but not less than 1 per teacher and staff
Service station	4 per bay and work area
Shipping	1 per 5,000 square feet GFA

OFF-STREET PARKING REQUIREMENTS

Nonresidential Land Use	Required Off-Street Parking Spaces Per Indicated Area
Shopping center	
Under 400,000 square feet GLA	4 per 1,000 square feet GLA
400,000 to 599,999 square feet GLA	4.5 per 1,000 square feet GLA
600,000 or more square feet GLA	5 per 1,000 square feet GLA
Storage areas	1 per 5,000 square feet GLA
Theater	1 per 3 seats
Theater in shopping center	1 per 4 seats
Warehouse	1 per 5,000 square feet GFA
Community buildings, country clubs, social halls, lodges, fraternal organizations and similar uses	1 per 200 square feet GFA
Doctors and dentists	4 per doctor, plus 1 for each employee, or 1.5 per examining/treatment room, plus 1 per each employee, whichever is greater
Funeral homes and mortuaries	1 per 50 square feet of chapel area
Hospital, nursing and convalescing homes	1 for each bed, plus 1 space for each employee for the shift with the greatest number of employees

NOTES: GFA = gross floor area
GLA = gross leasable area

- C. Required off-street truck loading spaces. Every nonresidential building or structure, lot or land hereafter put into use shall be provided with off-street truck loading spaces in accordance with the following schedule:

Gross Floor Area (square feet)	Required Number of Off-Street Truck Loading Spaces
0 to 25,000	1
25,000 to 40,000	2
40,000 to 100,000	3
Each additional 60,000	1 additional

- D. Access driveways and parking aisles.

- (1) There shall be a maximum of one access drive to any street, with the center line of the access drive at least 25 feet from any property line and 50 feet from any street

right-of-way intersection. If the property along a street exceeds 500 feet in length, one access drive may be permitted for each 250 feet of frontage.

- (2) Each access drive shall be a minimum of 24 feet in width for two-way traffic and 12 feet in width for one-way traffic.
- (3) Access aisles shall be two-way for ninety-degree parking angles and one-way for other angles. Aisle widths shall be in conformance with the following:

Parking Angle (degrees)	Aisle Width (feet)
30	12
45	13
60	18
90	24

E. Parking areas. Accessory parking areas and off-street truck loading spaces shall be suitably paved, drained and lighted and appropriately planted and fenced for the protection of the adjacent residential properties, in accordance with specifications of the Township. Driveways and parking areas shall be so designed to assure ease of mobility, ample clearance and convenient access, egress and safety of vehicles and pedestrians. Such facilities shall be maintained in good condition by the owner.

- (1) An access drive may be located within any required yard.
- (2) No required parking area or off-street truck loading space shall be encroached upon by buildings, open storage or other use.
- (3) Accessory parking areas shall be marked off into parking spaces, each with a minimum width of nine feet and a length of 18 feet, exclusive of access driveways and turning areas.
- (4) An off-street truck loading space shall have a minimum width of 15 feet, a minimum length of 50 feet and a minimum clear height of 14 feet, exclusive of access driveways and turning areas.
- (5) Access to loading and parking spaces shall be by interior driveways and be designed for vehicle access without requiring the moving of any other vehicle. Spaces shall not have direct access from public streets or major interior drives and roads.
- (6) When the required number of parking spaces calculated as provided in Subsections A and B results in a fraction of a space, any fraction under 1/2 may be disregarded, and any fraction 1/2 or over shall be construed as requiring one full space.
- (7) Any off-street parking or loading area of four or more spaces shall be surfaced with a bituminous or portland cement pavement or similar durable and dust-free

surface. All areas should be marked so as to provide for the orderly and safe loading, parking and storage of self-propelled vehicles.

- (8) Accessible parking spaces, passenger loading zones and accessible routes shall be provided in accordance with the ADA Accessibility Guideline or Uniform Construction Code, whichever is more restrictive. Accessible parking spaces shall be signed in accordance with law.
- (9) In any district, where parking for other than single- and two-family dwellings is proposed in the front yard area, a safety island or raised median separating the public street from the parking area shall be provided in accordance with the following minimum requirements:
 - (a) The width of the safety island shall be that width between the proposed curbline to a point eight feet inside the property line. When this width is less than 18 feet, the parking area shall be reduced to provide a minimum width for the safety island of 18 feet. All required tree and shrub plantings shall be placed on the on-site portion of the safety island.
 - (b) When perpendicular or angled parking spaces abut the safety island, the stall depth shall be measured from a point one foot outside the face of the curb for perpendicular spaces or angled spaces greater than sixty-degree angle spaces. Such parking spaces shall be separated from access drives by curbed islands with a minimum width of 10 feet.
 - (c) Safety islands shall be landscaped, topsoiled and seeded, except that they may, as an alternative to seeding, be provided with a cover or mulch of maintenance-free materials which provide a clear and unmistakable distinction between the parking area and the safety island.
 - (d) Notwithstanding the use of maintenance-free materials, there shall be provided at least one deciduous tree two inches in diameter at breast height every 40 feet, or part thereof, on all for plantings if necessary for traffic safety. The area between trees shall be planted with a minimum of three evergreen-type shrubs. The portions of the safety island within 25 feet of any access drive or street intersection shall be planted with evergreen shrubs less than 30 inches in height. Alternate or additional plantings may be permitted by the municipal agency in accordance with an approved site plan.
 - (e) No commercial signs, light standards or other aboveground obstructions other than plantings shall be permitted within 10 feet of the street right-of-way.
- (10) All parking areas shall provide paint striping to delineate parking stalls, barrier lines, lane lines, directional arrows, stop lines, fire lanes and other striping as may be required to ensure safe and convenient traffic circulation. Such striping shall be in substantial conformance with the Manual on Uniform Traffic Control Devices, except that all parking stall markings shall be hairpin style with eight inches between parallel stall dividing lines.

- (11) Parking lots which have a capacity for parking more than 50 vehicles shall incorporate the following minimum design standards:
 - (a) All entrances shall extend a minimum distance of 100 feet back from the street curblane or to an access aisle.
 - (b) All exit drives shall extend a minimum distance of 60 feet back from the street curb or access aisle.
 - (c) No parking stalls shall utilize the required entrance and exit drives or major circulation drives as access aisles.
- F. Exemptions and exceptions. The provisions of Subsections A, B and C shall not apply to any building, structure or use lawfully in existence at the effective date of this chapter, whether continued as a permitted or a nonconforming use or thereafter converted or changed without enlargement to a different lawful use.

§ 490-29. Supplemental use and building regulations.

- A. The placement of a private garage or other accessory building or use shall be subject to the following requirements in all districts where applicable:
 - (1) No accessory building shall be constructed within five feet of any side or rear lot line.
 - (2) 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 walls shall be regarded as the walls of the main dwelling in applying the front, rear and side yard regulations of this chapter.
 - (3) No private garage or other accessory building in any district, if detached, shall be placed within 10 feet of the main building.
 - (4) Accessory private garages may be constructed within or under any portion of a main building.
 - (5) Required accessory buildings and uses shall be on the same lot with the main building or buildings or on an immediately adjacent lot in the same ownership, or within the site limits of a site plan of development approved by the approving agency as prescribed in this chapter.
 - (6) No private garage or other accessory building shall exceed two stories or 22 feet in height. **[Amended 12-3-2003 by Ord. No. 32-03]**
 - (7) No accessory building, including a private garage, shall be located in the required front yard. **[Added 12-3-2003 by Ord. No. 32-03]**
 - (8) Notwithstanding any other provision of this chapter, any accessory structure, with the exception of those used in connection with agricultural activities, shall meet the following standards: **[Added 12-3-2003 by Ord. No. 32-03]**

- (a) No more than three accessory buildings, exclusive of any garage, shall be permitted.
- (b) All accessory buildings shall be located at least 10 feet from any principal building on the same lot.
- (c) No accessory building shall be located closer than six feet to any other accessory building.

B. Private garages and parking areas.

- (1) A private garage or private parking area may be utilized only as an accessory to the main use, except that one parking space in a private garage accessory to a one-family or two-family dwelling may be rented to a person who is not a resident of the main building.
- (2) Not more than one commercial vehicle may be housed on any lot, and then only in a private garage, except that maintenance equipment accessory to a planned unit or multifamily development may be housed, but only within a roofed enclosure.
- (3) A "commercial vehicle" is defined as any motor-driven vehicle used and/or designed for commercial purpose, such as the transportation of goods, wares and merchandise. Vehicles registered and/or used as omnibuses or school buses shall be considered commercial.
- (4) Exceptions. Nothing in this section shall be construed to prohibit the parking on any lot within a residential district of not more than two vehicles that meet the following criteria: **[Amended 12-6-2000 by Ord. No. 17-00; 2-21-2001 by Ord. No. 7-01]**
 - (a) Vans: fully enclosed, single-chassis, nonsegmented body with driver's seating area not physically separate from other passenger or cargo area (except trunk), not more than 20 feet long or nine feet high, or not exceeding 10,000 pounds' gross weight. **[Amended 5-5-2004 by Ord. No. 11-04]**
 - (b) Pickup trucks not exceeding 10,000 pounds' registered gross weight or not exceeding 20 feet in length or nine feet in height. **[Amended 5-5-2004 by Ord. No. 11-04]**
 - (c) Fire and rescue, first responder vehicles not exceeding 12,000 pounds registered gross weight, not more than 20 feet in length and 10 feet high and having no more than two axles.
 - (d) Emergency vehicles, specifically tow trucks, wreckers and flatbeds while on call. Any tow truck, wrecker or flatbed may not store towed vehicles in residential districts for more than 12 hours after initial pickup of vehicle, and any such towed vehicle must remain attached to the tow truck. No repairs are to be made to towed vehicles from an emergency response in a residential district.

- (e) Snowplow trucks while on call to the Township of Jefferson. Snowplow trucks not exceeding 32,000 pounds' registered gross weight and having no more than two axles. This exception is valid from November 1 to April 1 of each year. No tandem axle dump trucks are permitted. Personal pickup trucks that are equipped with snowplows may not exceed specifications set forth in pickup truck subsection above.
 - (f) School buses: fully enclosed, single-chassis, nonsegmented body with driver's seating area not physically separated from other passenger or cargo area; not more than two axles, or more than 20 feet in length and 10 feet high and not exceeding 10,000 pounds' registered gross weight.²⁷
- C. Lot width. Lots with their entire lot frontage on a cul-de-sac may reduce the required lot width of that stipulated for the district in question to 2/3 of the required value.
- D. Height.
- (1) Nothing herein contained shall restrict the height of a church spire, cupola, dome, mast, belfry, clock tower, radio or transmission line, tower, flagpole, chimney, flue, water tank, elevator or stair bulkhead, stage tower, scenery loft or similar structure.
 - (2) No structure erected pursuant to § 490-29D(1) above to a height in excess of the height limit for the district 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 or nameplate display of advertising device of any kind whatever inscribed upon or attached to such structure.
 - (3) Any request for exemption from the district height regulations under the terms of this subsection shall be reviewed by the Planning Board to ensure that there will be no significant negative effect on surrounding properties or the community at large.
- E. Yards and courts.
- (1) The space in a required front yard, rear yard or side yard shall be open and unobstructed, except for:
 - (a) An unroofed balcony or terrace projecting not more than 10 feet into the front yard or rear yard.
 - (b) Steps giving access to a porch or first-floor entry door.
 - (c) A deck or patio, as defined by this chapter, shall be permitted in a rear yard or side yard area, provided that it is no closer than 10 feet to the rear yard or side yard boundary line.

27. Editor's Note: Former § 137-25B(4)(g), Restrictions to exemptions, which previously followed this subsection, was repealed 5-5-2004 by Ord. No. 11-04.

- (d) Other projections specifically authorized in § 490-29E(2) and (3).
- (2) Every part of a required yard shall be open to the sky and unobstructed except for retaining walls and accessory buildings where permitted and except for the ordinary projection of sills, belt courses and for ornamental features projecting not to exceed six inches.
- (3) Open or lattice enclosed fireproof fire escapes or stairways, as required by law, projecting into a yard not more than four feet and the ordinary projections of chimneys and pilasters shall be permitted by the Construction Official when placed so as not to obstruct light and ventilation. **[Amended 2-16-2005 by Ord. No. 4-05]**
- (4) No fence, dividing wall or planting strip shall be over five feet high if constructed within the front yard as defined in § 490-5 or over six feet high if constructed anywhere else on a lot, except where a fence is used to provide screening for a swimming pool or to screen a nonresidential use from abutting residential use or district, these height restrictions shall not apply. In no event shall any fence or planting strip be higher than eight feet. Fences shall be constructed so that all supports for the fences shall face towards the interior of the property upon which the fence is constructed and only the finished side of the fence shall face outward from any lot. **[Amended 7-14-1999 by Ord. No. 25-99]**

F. Corner clearance.

- (1) On a corner lot, within the triangular area determined as provided in this section, no wall or fence or other structure shall be erected to a height in excess of two feet, and no vehicle, object or any other obstruction of a height in excess of two feet shall be parked or placed, and no hedge, shrub or other growth shall be maintained at a height in excess of two feet, except that trees whose branches are trimmed away to a height of at least 10 feet above the curb level shall be permitted. Such triangular area shall be measured 30 feet down the minor street and 125 feet down the major street as measured from the point of intersection of the projection of the two side right-of-way lines under consideration.
- (2) The required side yard width abutting a side street on a corner lot shall be the minimum yard that is equivalent to the front yard setback requirement in the zone wherein the premises are located.
- (3) It is the intention that there shall be no visual obstruction, as herein defined, at the intersection of any two roads on both sides of either roadway.

G. Through lots. Where a lot extends through from street to street, the applicable front yard regulations shall apply on both street frontages.

H. Lots adjacent to corner lots. The minimum required side yard of a lot in a residential zone on the side immediately adjacent to the rear lot line of a developed corner lot shall be 10 feet in excess of the specified side yard for the residential zone in question, for the full depth against all adjacent properties.

- I. Private outdoor swimming pools.²⁵ A private outdoor swimming pool shall not be located, constructed or maintained on any lot or land area except in conformity with the following requirements:
- (1) Such pool shall be located in a rear yard only.
 - (2) Such pool shall be not less than six feet from any side or rear lot lines and 10 feet from the main building.
 - (3) Such pool shall not occupy more than 25% of the rear yard area, excluding all private garages or other accessory buildings or structures.
- J. Elevations of single-family dwellings.
- (1) No building permit shall be issued for the erection of any building for occupancy as a single-family dwelling if it is like or substantially like any neighboring building, as hereinafter defined, then in existence or for which a building permit has been issued, in more than three of the following six respects:
 - (a) Height above natural grade surrounding the building of the main roof ridge or, in the case of a building with a flat roof, the highest point of the roof beams above the elevation of the first floor.
 - (b) Height of the main roof ridge above the top of the plate. All flat roofs shall be deemed identical in this dimension.
 - (c) Length of the main roof ridge; in the case of a building with a flat roof, the length of the main roof.
 - (d) Width between outside walls at the ends of the building, as measured under the main roof at right angles to the length thereof.
 - (e) Relative location of windows in the front elevation or in each of both side elevations with respect to each other and with respect to any door, chimney, porch or attached garage in the same elevation.
 - (f) In the front elevation, both relative location with respect to each other of garage (if attached), porch, if any, and the remainder of the building and either the height of any portion of the building located outside the limits of the main roof, as measured from the elevation of the first floor to the roof ridge or, in the case of a flat roof, the highest point of the roof beams or the width of said portion of the building if it has a gable in the front elevation, otherwise the length of said roof ridge or said flat roof in the front elevation.
 - (2) Buildings shall be deemed to be like each other in any dimension with respect to which the difference between them is not more than two feet.

25. Editor's Note: See also Ch. 443, Swimming Pools, Private.

- (3) Buildings between which the only difference in relative location of elements is end to end or side to side reversal of elements shall be deemed to be like each other in relative location of such elements.
- (4) In relation to the premises with respect to which the permit is sought, a building shall be deemed to be a neighboring building if the lot upon which it or any part of it has been or will be erected is a lot in any one of the following locations:
 - (a) Abutting a lot occupied by an existing building.
 - (b) Across a street from an existing building, with overlapping of the respective lot lines as projected to the street center line.

K. Principal structures and uses.

- (1) No more than one principal structure or use shall occupy a single lot in individual ownership in any single-family detached residential district.
- (2) Multiple principal structures shall be permitted in any other zone, but multiple uses may only be established upon approval of the approving agency.

L. Flag lot subdivision.

- (1) Flag lots may be created in the C and R-40 Residential Zone Districts. Parcels of land having less than double the minimum lot width required for the particular zone but having sufficient area to meet all requirements hereinafter set forth may be subdivided into two lots in such manner that one such lot shall have no less than the required minimum lot width for that zone on an existing road and shall meet all area requirements of the Zoning Ordinance and the principal portion of the other lot shall be to the rear of the first lot. In the event that any parcel has road frontage less than three times the minimum lot width requirements for that zone and that parcel has sufficient area to meet all requirements hereinafter set forth, this parcel may be subdivided into three lots in such a manner that two such lots shall have no less than the minimum lot width requirements for the zone and shall meet all area requirements of the Zoning Ordinance.²⁶
- (2) The lot created shall contain at least four acres, exclusive of the access strip.
- (3) Each flag lot shall have access to an existing public road by way of an access strip which shall be conveyed as part of the flag lot. Such access strip shall have a width of no less than 50 feet fronting such road and shall be at least 50 feet in width from its point of intersection with the road to its point of intersection with the rear line of the flag lot created. This access strip shall remain open and unbuilt upon at all times.
- (4) Flag lots shall be created only in connection with an overall development plan for the tract of which the flag lot is a part, and the developer shall demonstrate a need, consistent with good planning principles, for the creation of this lot and further demonstrate that normal subdivision techniques are not practical because of

26. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

topography, lot or land configurations or other physical characteristics of the land related to the proposed development concept.

- (5) All flag lots to be created shall conform to the following:
 - (a) The lot shall be deemed to front on such access strip, and the required lot width at the street line shall be measured along that access strip, and all other requirements of the appropriate zone district shall relate to the access strip.
 - (b) The entire portion of the required lot area shall be on one side of the access strip.
 - (c) Such flag lot shall not be further subdivided, nor may the access strip be used as access to any other lot or tract of land, unless all improvements required by Chapter 435, Subdivision of Land, have been installed, including the construction of a street or road leading from the public road to all lots proposed to be served, which meets all of the design and construction standards as set forth in Chapter 435, Subdivision of Land, of this Code.

M. Solid waste and recyclable materials storage. Solid wastes and recyclable material from all uses other than single- or two-family homes, if stored outdoors, shall be placed in metal receptacles within a screened refuse area subject to the following minimum standards:

- (1) The screened refuse area shall not be located within any front yard area.
- (2) The refuse storage area shall be surrounded on three sides by a solid uniform fence or wall not less than five feet nor more than eight feet in height. Such fence shall be exempt from the provisions of any ordinance of the Township regulating the height of fences and requiring permits therefor.
- (3) A five-foot minimum width landscape area shall be provided along the fence or wall enclosing the refuse storage area. The landscaping to be provided shall be shown on the site plan submitted for Planning Board approval.
- (4) The opening in the enclosed refuse area should be located to minimize the view of refuse from adjoining properties or public streets.
- (5) If located in or adjacent to a parking area or access drive, the enclosed refuse area shall be separated from such parking area or access drive by curbing.
- (6) The enclosed refuse area shall not be located so as to interfere with traffic circulation or the parking of vehicles.
- (7) All solid waste and recyclable materials shall be deposited in containers maintained within the refuse area. No containers shall be maintained anywhere on a site except in a refuse area meeting these requirements.
- (8) If outdoor storage of solid waste or recyclable materials is not proposed, the site plan shall detail the methods proposed for accommodating the solid waste or recyclable materials within the structure. The municipal agency may require that a

suitable area be set aside, but not improved, for a future solid waste storage area meeting these requirements even if indoor accommodations are proposed.

N. Screening of equipment or machinery.

- (1) When the effective operation of a building or structure, or equipment within a building or structure, necessitates placing machinery, motors, generators or similar devices for cooling, heating or generating purposes outside or on top of any structure, they shall be screened from public view. Said screening may consist of the following:
 - (a) Densely planted evergreen shrubs which shall grow to not less than five feet after one growing season; and
 - (b) A solid and uniform fence at least five feet in height on four sides of the equipment; or
 - (c) A masonry wall at least five feet in height on four sides of the equipment; or
 - (d) Extensions or parapet walls or mansard roof lines or structural or ornamental screens or baffles; or
 - (e) Any similar types of solid or uniform screening which will prevent exposure of such equipment from public view.
- (2) The above requirements shall not be construed to prevent an opening in any required screening for maintenance purposes. However, any such opening shall be made as inconspicuous as is possible so as not to present any unsightly display of said equipment to public view.

§ 490-30. Signs. [Amended 2-16-2005 by Ord. No. 4-05; 5-2-2007 by Ord. No. 4-07]

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

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

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

BILLBOARD SIGN — A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

FREESTANDING SIGN — Any permanent sign which is not attached to the exterior surface of a building, window or canopy and excluding moveable signs.

SIGN — Any object, device, display or structure, or part thereof, situated outdoors or indoors, that is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

SIGN, ANIMATED OR MOVING — Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.

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

SIGN AWNING — A sign mounted, painted or attached to an awning or other window or door canopy that is otherwise permitted by ordinance.

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

SIGN, CONSTRUCTION — A temporary sign erected on the premises where construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractor or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

SIGN, DIRECTIONAL — Signs limited to directional messages such as "one way," "entrance," and "exit."

SIGN, EXHIBITIONS — A sign posted in conjunction with a permitted exhibition.

SIGN, FREESTANDING — Any nonmovable sign not affixed to a building.

SIGN, FLASHING — Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.

SIGN, GROUND — A freestanding sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground.

SIGN, HANGING — A freestanding sign supported by the extended arm of a single pole with the top edge of the sign face not exceeding eight feet above grade level.

SIGN, HEIGHT — The height of any sign shall mean the distance between the ground and the highest structural component.

SIGN, HOME OCCUPATION — A sign containing only the name and occupation of a permitted home occupation.

SIGN, IDENTIFICATION — A sign giving the nature logo, trademark or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development or establishment on the premises where it is located.

SIGN, ILLUMINATED — A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.

SIGN, NONCONFORMING — A sign lawfully erected and maintained prior to the adoption of the current ordinance that does not conform with the requirements of the current ordinance.

SIGN, POLITICAL — A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

SIGN, PORTABLE — Any sign not permanently attached to the ground or other permanent structure, or a sign designated to be transported, including, but not limited to, signs to be transported on wheels; sandwich board signs; and signs on balloons and umbrellas.

SIGN, PROJECTING — A sign that is wholly or partly dependent upon a building for support and that projects more than 12 inches from such building.

SIGN, REAL ESTATE — A sign pertaining to the sale or lease of premises, or a portion of the premises, on which the sign is located.

SIGN, ROOF — A sign that is mounted on the roof of a building or that is wholly dependent upon the building for support and that projects above the top edge or roofline of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof, or the deckline of a building with a mansard roof.

SIGN, SPECIAL EVENT — A sign advertising a public or quasi-public event that is sponsored by a nonprofit or governmental agency.

SIGN, TEMPORARY — A sign intended to be used for a period not to exceed 30 days.

SIGN, WINDOW — A permanent sign that is painted or mounted onto a windowpane, or that is hung directly inside a window solely for the purpose or effect of identifying any premises from the sidewalk or street, or a temporary sign advertising events or products.

B. Permitted signs. In all districts, the maximum permitted sizes of signs of each listed type shall be in accordance with the regulations contained in the following schedule:

(1) Residential districts.

(a) The following kinds of signs are permitted in residential zone districts:

- [1] Freestanding or attached signs identifying the name of the occupant.
- [2] Attached sign identifying a permitted home occupation.
- [3] Attached or freestanding sign identifying a permitted professional use.

- (b) No more than one permanent sign is permitted on any residential lot except as provided herein.
- (c) One customary professional, home occupation sign or nameplate sign not more than two square feet in area, which may be illuminated, provided that the sign is not internally lit and the direct source of light is shielded in such a manner that it is not visible from the street nor any adjoining residential property, unless a porch light or lamppost light.
- (d) No permanent sign except a sign attached to a mailbox shall be closer than 15 feet to a property line.
- (e) A nonilluminated temporary sign, pertaining to the lease for sale of the premises upon which it is placed not exceeding four square feet. Such signs shall be removed within seven days after signing the contract for sale, the signing of a sale transaction or the execution of a lease.
- (f) Subdivision developments involving six or more residential lots may contain a sign advertising the sale of the dwellings contained therein, as approved by the Planning Board, as follows:
 - [1] One nonilluminated sign no larger than eight square feet shall be permitted at each entrance of the development. In addition, nonilluminated trade and professional signs no larger than four square feet shall be permitted on the lots being developed.
 - [2] All signs permitted under this section shall be removed within seven days after signing the contract for sale, signing of a sale transaction or the execution of a lease of the last house in the development.
- (g) A sign deemed necessary to the public welfare by the governing body, signs for public buildings, parks and other public community facilities shall not exceed 20 square feet.
- (h) A sign not more than 12 square feet in area advertising the name of a house of worship on the premises, its pastor and its coming activities.
- (i) Agricultural uses may have the following signs:
 - [1] Two signs advertising the sale and price of seasonal and farm produce, provided that the total area of such signs does not exceed 32 square feet.
 - [2] One identification sign of not more than two square feet, which may be indirectly illuminated, stating the name of the agricultural use, the address and the name of the owner.
- (j) Permitted identification signs for a subdivision development shall not be larger than eight square feet at each entrance.
- (k) Permitted identification signs for a multifamily residential complex shall not be larger than 12 square feet at each entrance.

- (1) The height of a freestanding sign shall not exceed four feet.
- (2) Neighborhood Commercial and Village Commercial Districts.
 - (a) The following kinds of signs shall be permitted in the Neighborhood Commercial and the Village Commercial Districts:
 - [1] Free standing signs.
 - [2] Projecting signs.
 - [3] Attached and awning signs.
 - [4] Menu board signs.
 - [5] Window signs.
 - (b) A total of two signs, one of any category of sign listed above, shall be permitted for each use. (Temporary signs and window signs occupying less than 50% of the glass area are exempt from this count.)
 - (c) The maximum area for each kind of sign is as follows:
 - [1] Freestanding sign: 15 square feet.
 - [2] Attached or awning sign: 24 square feet.
 - [3] Projecting sign: six square feet.
 - [4] Menu board sign: four square feet.
 - (d) No freestanding sign shall be closer than 10 feet from the right-of-way or exceed a height of eight feet. A freestanding sign shall be permitted only where there is a thirty-foot front yard and where landscaping is provided. The determination as to adequate space and landscaping will be made by the Planning Board during the review of the sign application.
 - (e) No attached sign or projecting sign shall be installed that projects above the roofline of the structure or facade to which it is attached.
 - (f) A nonilluminated temporary sign, pertaining to the lease or sale of the premises upon which it is placed, not exceeding four square feet. Such signs shall be removed within seven days after signing the contract for sale, the signing of a sale transaction or the execution of a lease.
- (3) Highway Business, Office and Professional, and Business Park Districts (C-2, O and BP Districts).
 - (a) The following kinds of signs shall be permitted in the Highway Business, Office and Professional, and Business Park Districts:
 - [1] Freestanding signs.
 - [2] Attached or awning signs.

- [3] Window signs.
- [4] Changeable message signs.
- [5] Banners.
- (b) One freestanding sign is permitted for each commercial property and, where multiple uses are located on one commercial property, the freestanding signage for each use must be accommodated on one sign.
- (c) One attached sign or awning sign is permitted for each use. (Temporary signs and window signs up to 50% of the window are not included in this count.)
- (d) The maximum area for each kind of sign is as follows:
 - [1] Freestanding signs:
 - [a] One to four uses: 50 square feet.
 - [b] Five or more uses: 12 square feet use, provided that no sign exceeds 144 square feet.
 - [2] Attached or awning signs:
 - [a] Zero to 1,000 square feet storefront: 5% or 50 square feet of facade, whichever is less.
 - [b] One thousand and one to 2,000 square feet storefront: 5% or 50 square feet of facade, whichever is larger.
 - [c] Two thousand and one to 4,000 square feet storefront: 4% or 100 square feet of facade, whichever is larger.
 - [d] Four thousand and one square feet and over storefront: 3.5% or 150 square feet of facade, whichever is larger.
- (e) Changeable message signs are permitted in conjunction with an attached or freestanding sign and must be accommodated so that the area of all signage does not exceed the total area permitted.
- (f) The height of the freestanding sign shall not exceed 24 feet and the horizontal edge of the display area shall be a minimum of three feet from the ground.
- (g) A freestanding sign shall be set back 10 feet from the public right-of-way.
- (h) The upper horizontal edge of an attached or awning sign shall not be installed higher than the extent of the vertical wall to which it is attached.
- (i) Both internal and external sign lighting is permitted; however, lighting shall not produce glare.

- (j) Signs permitted at automobile sales, service and vehicle rental establishments.

[1] The following kinds of signs are permitted:

- [a] Freestanding signs.
- [b] Attached or canopy signs.
- [c] Signs over entrance bays.
- [d] Customary lettering or other insignia which are a structural part of the gasoline pump.
- [e] Credit card signs.
- [f] Waste oil recycling signs.
- [g] Banner signs.

[2] The number of signs shall be limited as follows:

- [a] One freestanding sign.
- [b] Three attached signs.
- [c] One sign over each bay.
- [d] One oil-recycling-facility sign.
- [e] Two credit card signs.
- [f] Pump signs as required by law.

[3] The maximum size of signs permitted shall be limited as follows:

- [a] Freestanding sign: 50 square feet.
- [b] Attached sign: 20 square feet.
- [c] Sign over bay: four square feet.
- [d] Credit card sign: four square feet.
- [e] Pump signs: as required by law.
- [f] Oil-recycling-facility sign: four square feet.

[4] Freestanding sign shall advertise the name of the dealership, station or garage, including any company or brand name, insignia or emblem and shall have a maximum of two sides.

[5] No freestanding sign shall be located closer than 10 feet from the right-of-way and exceed 24 feet in height. The height of the

freestanding sign shall not exceed 24 feet and the horizontal edge of the display area shall be a minimum of 10 feet from the ground.

- [6] One temporary sign located inside the property line and specifically advertising special seasonal servicing shall be permitted, provided that the sign does not exceed seven square feet in area.
- [7] Directional signs displayed over individual entrance doors or bays consisting only of the words, "washing", "lubrication", "repairs", "mechanic on duty" or other closely similar words shall be Permitted, provided that there shall only be one such sign over each entrance or bay, the letters thereof shall not exceed 12 inches in height, and the total area of each sign shall not exceed two square feet.
- [8] Both internal and external sign lighting is permitted; however, lighting shall not produce glare.
- (k) A nonilluminated temporary sign, pertaining to the lease or sale of the premises upon which it is placed not exceeding four square feet. Such signs shall be removed within seven days after signing the contract for sale, the signing of a sale transaction or the execution of a lease.
- (4) Industrial Park District (IP District).
 - (a) The following kinds of signs are permitted in the Industrial Park District:
 - [1] Freestanding signs.
 - [2] Attached signs.
 - (b) No more than one freestanding sign and one attached sign is permitted for any use. Where there is more than one use on said property, the freestanding sign for each use must be accommodated on one sign.
 - (c) The maximum area of signs in the Industrial Park District are as follows:
 - [1] Freestanding sign: 50 square feet.
 - [2] Attached signs: 40 square feet.
 - (d) No permanent sign shall be installed closer than 10 feet from the property line or higher than the extent of the vertical wall.
 - (e) Both internal and external sign lighting is permitted, however, lighting shall not produce glare.
 - (f) A nonilluminated temporary sign pertaining to the lease or sale of the premises upon which it is placed, not exceeding four square feet. Such signs shall be removed within seven days after signing the contract for sale, the signing of a sale transaction or the execution of a lease.
- (5) Commercial Recreation District (CR District).

- (a) The following kinds of signs are permitted in the Commercial Recreation District:
 - [1] Freestanding signs.
 - [2] Attached and awning signs.
 - (b) No more than one freestanding sign is permitted. Where there is more than one use on said property, the freestanding sign for each use must be accommodated on one sign.
 - (c) The maximum area of signs in the Commercial Recreation District are as follows:
 - [1] Freestanding sign: 50 square feet.
 - [2] Attached signs: 50 square feet total for all attached/awning signs.
 - (d) The height of the freestanding sign shall not exceed 24 feet and the horizontal edge of the display area shall be a minimum of seven feet from the ground.
 - (e) A freestanding sign shall be set back 10 feet from the public right-of-way.
 - (f) The upper horizontal edge of an attached or awning sign shall not be installed higher than the extent of the vertical wall to which it is attached.
 - (g) Both internal and external sign lighting is permitted; however, lighting shall not produce glare.
 - (h) Nonilluminated temporary sign pertaining to the lease or sale of the premises upon which it is placed, not exceeding four square feet. Such signs shall be removed within seven days after signing the contract for sale, the signing of a sale transaction or the execution of a lease.
- C. Prohibited signs. The following types of signs or artificial lighting are prohibited in all zones:
- (1) Billboards.
 - (2) Mobile signs. This type of sign shall include licensed trucks and trailers with advertising signs.
 - (3) Any flashing, moving or animated or sequentially lighted signs.
 - (4) Any sign whose lighting or central mechanism causes radio or television interference.
 - (5) Signs utilizing the colors red or green in their illumination within 100 feet of a street intersection.
 - (6) Signs that resemble, simulate, or may be mistaken for a traffic sign within 20 feet of a roadway.

- (7) Signs that are menaces to public safety.
 - (8) Roof signs.
 - (9) Signs affixed to trees, rocks or other natural things.
 - (10) Signs affixed or painted on water towers or similar structures.
 - (11) Freestanding pylon signs located in public rights-of-way or approved sight easements.
 - (12) String banners, string flags, aluminum ribbons or similar attention-getting devices.
 - (13) Signs that obstruct motorists' vision, traffic signs or signals or business identification signs outside the lot on which the banner is located.
- D. Permitted temporary signs. A temporary sign permit allowing the posting of a temporary sign shall be issued by the Zoning Officer upon the demonstration that the sign will conform to the regulations enumerated herein. The following temporary signs shall be permitted:
- (1) Real estate "for sale/for lease/sold" signs. One sign per lot to advertise the sale or rental of premises upon which the sign is located by the owner or real estate agent or broker. The sign is not to exceed six square feet in residential districts or 16 square feet in all other districts. The sign shall be removed within seven days after consummation of a sale or lease transaction.
 - (2) Real estate "Open House" sign. One sign, in addition to the "for sale" sign, may be placed on the subject property. The sign shall not exceed six square feet in size and may be placed up to seven days prior to the open house and shall be removed immediately following the open house.
 - (3) Land development signs. Signs advertising the sale of property or structures in developments of two or more lots and signs advertising the opening or construction of a new business shall be permitted for a period of three months, or until the signing of the contract or transaction of sale or lease of the last lot or structures in the development, or until a certificate of occupancy is issued for a new business, whichever occurs last. Such signs are renewable for cause by the Construction Official. No such sign shall exceed 20 square feet in size and shall otherwise conform to the sign regulations of the affected district. No such sign shall be permitted until subdivision and/or site plan approval, as required, has been granted by the appropriate Jefferson Township Board.
 - (4) "Building under construction" sign. One sign advertising a building under construction that has received site plan approval and has been issued a building permit. The sign shall be no larger than 12 square feet. The sign shall be removed within five days after the issuance of the certificate of occupancy or the installation of approved permanent signs, whichever may be sooner.

- (5) A temporary farm products sign may be installed during the time period that the products are for sale only. These signs shall not be installed closer than 10 feet from the property line and shall not exceed three feet in height.
 - (6) Festival, exhibitions, special event or show signs. One sign indicating the location of a festival, exhibition or show is permitted at the location of the event and one directional sign is permitted off site in conjunction with a festival, exhibition or show. A festival, exhibition or show sign shall not exceed 12 square feet. One sign per lot may be installed to announce any educational, charitable, civic, religious or like event for a period not to exceed 30 days. No such sign shall exceed six square feet in area. Special event banners flown over Berkshire Valley Road shall not exceed 100 square feet.
 - (7) Political signs. One per lot may be installed. No such sign shall exceed six square feet. A political sign may be installed 14 days prior to the election day and must be removed within seven days of the conclusion of the election.
- E. The following temporary signs shall be permitted upon the issuance by the Zoning Officer of a permit for the same, and provided that the signs will conform to the regulations enumerated herein. The permit application shall include an informal site plan designating the location of the proposed signs and the distance of the proposed signs from the property lines. In deciding whether or not to grant a permit, the Zoning Officer shall take into consideration any obstruction of sight distance.
- (1) Banner signs. A maximum of two banner signs shall be permitted at any given time on any property used for commercial purposes within the Township. Such signs shall not exceed 24 square feet in size and shall be located so as not to obstruct traffic, nor obstruct sight distances. Such signs shall not be included in the calculation of permitted permanent signs for any site.
 - (2) Sandwich board signs. A maximum of one sandwich board sign shall be permitted at any one time on any property used for commercial purposes within the Township. Such sign shall not exceed 24 square feet in size and the sign shall be removed at the close of the business each day. Such signs shall be located so as not to obstruct traffic, nor obstruct sight distances.
- F. General sign requirements. All signs in Jefferson Township shall:
- (1) Conform to standards set forth in the preceding sections and the Township Building Code.
 - (2) All support, braces, hooks, anchors and other fastening devices of any sign shall be of sturdy and substantial construction, shall be kept in good repair and shall be maintained in a clean, safe and orderly appearance.
 - (3) The owner of the property upon which a sign is located shall be responsible for maintaining the sign and its surroundings.
 - (4) Indirect or interior lighting is permissible, provided that the source of light will not cause glare upon a street or adjacent property.

- (5) Permanent signs shall be located only on the premises of the use or activity to which they are calling attention.
 - (6) No sign shall be placed as to interfere with or be mistaken for a traffic light or similar safety device.
 - (7) No sign shall be lighted by means of flashing, intermittent or sequentially lighted illumination. All lights used for the illumination of any use or building or the areas surrounding them or for the illumination or display of merchandise or products of business establishments shall be completely shielded from the view of vehicular traffic using the road or roads abutting such business properties. Floodlights used for the illumination of such premises or of any sign thereon, whether or not such floodlights are attached to or separate from the building, shall not project above the highest elevation of the front wall of the building nor shall they reflect onto or into other properties.
 - (8) No sign as permitted shall extend or project above the highest elevation of the wall to which it is attached or above the height of the building as defined in this chapter.
 - (9) No sign shall extend further than 15 inches from the face of the building upon which it is attached.
 - (10) The area of a sign shall be computed as the total square foot content of the background and frame upon which the lettering, illustration or display is presented. If there is no background, the sign area shall be computed as the product of the largest horizontal dimension and the largest vertical dimension of the lettering, illustration or display. Each side of a two-sided sign shall be allowed the maximum permitted area.
 - (11) All signs shall be limited to noniridescent colors, including the background, with the exception of safety and directional signs of not more than two square feet.
- G. Nonconforming signs. Any sign is defined as "nonconforming" which does not meet the requirements of this section. Any sign legally constructed and existing at the time of passage of this section that fails to comply with the minimum requirements of this section shall constitute a nonconforming use. A nonconforming sign shall not be altered, rebuilt, enlarged or extended, unless such action creates a conforming use. Section 490-31, entitled "Nonconforming uses, buildings and structures," shall apply to nonconforming signs.
- H. Permit requirements and fees.
- (1) Unless a sign is approved by an approving agency as part of an overall site plan or subdivision approval, before the erection of any sign, a permit shall be required.
 - (2) Applications. Application for a permit shall be made upon forms.
 - (3) Fees. The fee for a permit to construct a sign shall be as provided in § 182-2 of the Township Ordinances.

- (4) Exemptions. The following signs do not require a permit and are exempt from the provisions of this section:
- (a) Tablets indicating the name of a building and the date of erection, not exceeding three square feet.
 - (b) Public signs erected by the state, county or municipality in the performance of a public duty.
 - (c) Signs that are located for policing or parking purposes, not exceeding two square feet.
 - (d) Customary warning, trespassing and posted signs.

I. Permanent permits for signs.

- (1) The following signs or similar signs require a special permit, unless said signs have been approved as part of a site plan or subdivision approval. This permit shall be granted by the Planning Board subsequent to a finding that the sign conforms to the intent and purposes of this section.
- (a) Signs integrated or structurally incorporated into the architecture of a building.
 - (b) Signs made of landscape materials or plantings.
 - (c) Off- and on-premises directional signs.
 - (d) Signs displaying time or temperature.
 - (e) Temporary signs on new construction sites, except permitted signs, and one sign not to exceed four square feet stating the contractor's name, address and telephone number.
 - (f) Supergraphics.
 - (g) Three-dimensional signs.
 - (h) Ground signs. All signs with less than 10 feet of vertical clearance between the level of the center line of the adjacent road and the bottom of the sign.
- (2) Submission of application; requirements.
- (a) The applicant shall file at least 14 days before the date of the regular public meeting of the Planning Board eight copies of a site plan or plat and three copies of an application for a special permit sign, together with all other drawings and documentation required herein or by any rule of the Planning Board, with the Township Clerk. The applicant shall obtain all necessary forms from the Township Clerk. The Secretary of the Board shall inform the applicant of the steps to be taken to initiate applications and of the regular meeting dates of the Board. A fee shall accompany the application in the amount set forth in § 182-2.

- (b) Approval by County Planning Board required. All applications for site plan approval for signs on a county road shall be submitted to the County Planning Board for its review and recommendation and, where applicable, approval where required by state statute or county requirements. The applicant shall furnish proof of such submission within 10 days of the submission of his application to the Township Reviewing Board by presenting a copy of his site plan with an indication from the county that it has been filed with it. Any application for site plan approval shall not be deemed complete in the absence of proof that it has been filed with the County Planning Board, if required. If the County Planning Board has failed to grant or deny approval of the site plan at the time of approval of the applicant's application, such approval shall be conditioned on approval of such site plan by the County Planning Board.
- (c) Notice and publication required. A public hearing, after proper notice and publication by the applicant in accordance with Chapter 58, the Land Use Procedures Ordinance of the Township, shall be held on all applications.
- (d) Plat details. A complete application for a special permit sign shall also consist of the following:
 - [1] A plat or map with the following details and information.
 - [a] The boundaries of the tax lot where the proposed sign is to be located and dimensions of said lot.
 - [b] The tax lot and block number of said lot.
 - [c] The location of all structures within 100 feet of the proposed sign location, including underground utilities.
 - [d] The location and dimensions of the existing paved surface.
 - [e] The distance from the paved surface of the road.
 - [f] A sketch showing the design of the proposed sign and the dimensions of the same. Said sketch may be contained on the same sheet as the map showing the location of the sign but in a separate area thereof. Said drawing shall be of sufficient size to clearly show the proposed sign design, including the height of the lettering. The materials to be used in the construction of the sign shall be specified thereon, as well as sign colors.
 - [g] An affidavit of ownership and consent of the property owner shall be submitted if the applicant is not the owner of the subject property where the sign is to be located.
 - [h] The applicant shall submit, in written narrative form, a statement specifying:

- [i] The necessity for the sign.
 - [ii] Whether the sign will obstruct the view of motorists in the area.
 - [iii] The nature of the sign, e.g., advertising, directional, informational, decorative, etc.
- [2] The Board may require the applicant to submit a survey of the subject premises, showing the location and dimension of the road right-of-way and the exact location of the proposed sign. Said survey shall be prepared, signed, sealed and certified to by a surveyor or engineer licensed under the laws of the State of New Jersey.

§ 490-31. Nonconforming uses, buildings or structures.

- A. Unlawful uses not to be construed as nonconforming. No unlawful building or structure or unlawful use of a building or structure, lot or land existing at the effective date of this chapter shall be deemed to be a nonconforming building, structure or use.
- B. Continuance.
- (1) Any lawful use occupying any building, structure, lot or land at the time of the effective date of this chapter or any amendment thereto, which use does not comply after the effective date of this chapter or any amendment thereto with the use regulations of the district in which it is situated, may be continued in the building or structure or upon the lot or land so occupied.
 - (2) A nonconforming building or structure existing at the effective date of this chapter may not be restored in the case of destruction if the cost of restoring is more than 60% of its assessed valuation for taxing purposes, based at 100% of true value of the improvement in accordance with insurance industry standards at the time of destruction, and such restoration must be commenced within 12 months from the date of destruction and must be diligently pursued until completion.
 - (3) A nonconforming building or structure that is not devoted to a nonconforming use may be reconstructed, structurally altered, restored or repaired in whole or in part.
- C. Extension.
- (1) A nonconforming use shall not be enlarged or extended, except as provided in Chapter 70, Land Use Procedures.
 - (2) An existing nonconforming residential building may be expanded only if the following conditions are met:
 - (a) Whether or not the lot in question has sufficient lot area, when an existing part of the principal structure encroaches not more than 15 feet into the required front or rear yard, the remaining part of the principal structure may be expanded horizontally into the same yard, provided that:

- [1] The existing lot and structure(s) thereon is/are a valid preexisting nonconforming lot and structure(s).
 - [2] The expansion encroaches into the front or rear yard in question no further than the existing encroachment.
 - [3] The width of the proposed expansion is no greater than the width of the existing encroachment.³⁰
- (b) A nonconforming structure which is nonconforming because it violates a yard or bulk area requirement may be expanded vertically, provided that the vertical expansion is constructed entirely within the footprint of the existing structure, that the expansion is at least five feet from the rear and side property lines of the lot; and the expansion does not violate the height requirements of the zone. **[Amended 5-16-2001 by Ord. No. 13-01; 7-18-2001 by Ord. No. 19-01]**
- D. Change. A nonconforming use shall be changed only to a conforming use, except as provided in Chapter 70, Land Use Procedures.
- E. Abandonment.

30. Editor's Note: Former Subsection C(2)(a)[4], which immediately followed this subsection and provided that the proposed expansion does not violate the required side yard, was repealed 5-16-2001 by Ord. No. 13-01 and 7-18-2001 by Ord. No. 19-01.

- (1) A nonconforming use shall be deemed to have been abandoned:
 - (a) When it is changed to a conforming use.
 - (b) In cases where such nonconforming use is of a building or structure designed for such use, when it has been voluntarily discontinued for a period of 24 consecutive months.
 - (c) In cases where such nonconforming use is of a building or structure not designed for such use or is of a lot or land whereon there is no consequential building or structure devoted to such use, when it has been voluntarily discontinued for a period of 12 consecutive months.
- (2) A nonconforming use that has been abandoned shall not thereafter be reinstated.

§ 490-32. Site plan application.

A. Site plan review.

- (1) Prior to the issuance of a permit for any development, other than those exemptions listed herein, and as a condition for the issuance of any such permit for development, a site plan of the proposed development must be submitted to and approved by the Planning Board or Board of Adjustment, whichever has jurisdiction, in accordance with the requirements of the site plan regulations.
- (2) All single- and two-family dwellings and their permitted accessory structures shall be exempt from site plan review.
- (3) No application for site plan approval shall be deemed to be complete until and unless the applicant provides proof that no taxes or assessments for local improvements are due or delinquent on the property for which site plan approval is sought. The Planning Board or approving authority shall not be required to take any action on the application until such time as this requirement is complied with.

B. Copies and distribution.

- (1) At least 18 prints and three copies of the application form shall be submitted to the Clerk of the Planning Board at least three weeks prior to the regular public meeting of the Planning Board.
- (2) The Clerk shall transmit the prints to the Township Engineer, Planner, Health Officer, Construction Official, Fire Marshal, all Planning Board members, the Environmental Commission and the Township Forester (if greater than 5,000 square feet of disturbance is proposed), the Director of the Department of Public Works, County Planning Board (when required) and other agencies or officials with jurisdiction over the site plan. **[Amended 2-16-2005 by Ord. No. 4-05]**

C. Information required.

- (1) Site plans shall include the following information, where appropriate, at a convenient scale and be prepared by a New Jersey licensed architect, professional engineer, land surveyor or planner:
 - (a) The location of all existing watercourses, wooded areas, easements, rights-of-way, streets, roads, highways, freeways, railroads, canals, rivers, buildings, structures or any other feature directly on the property or beyond the property if such feature has an effect upon the use of said property.
 - (b) The location, use and ground area of each proposed building, structure or any other land use.
 - (c) The location and widths of proposed streets servicing the site.
 - (d) The location and capacity of proposed off-street parking areas and loading and unloading facilities.
 - (e) Proposed storm and sanitary drainage facilities, including contours.
 - (f) The location and treatment of proposed entrances and exits to public rights-of-way, including the possible utilization of traffic signals, channelization, acceleration and deceleration lanes, additional width and any other device necessary to traffic safety and/or convenience.
 - (g) The location of and identification of proposed open spaces, parks or other recreation areas.
 - (h) Proposals for soil erosion and sedimentation control.
 - (i) The location and design of landscaping, buffer areas and screening devices. The landscape plan shall meet the standards and contain the data required in § 490-33E and F.
 - (j) The location of sidewalks, walkways and all other areas proposed to be devoted to pedestrian use.
 - (k) The general nature and location of public and private utilities, including maintenance and solid waste disposal facilities.
 - (l) The specific location and design of signs and lighting fixtures.
 - (m) Lot lines, setbacks and yard dimensions.
 - (n) A place for the signature of the Chairman and Secretary of the Planning Board.
 - (o) The proposed and existing type of heating, including the location and size of all existing and proposed above and underground storage tanks.
 - (p) Tree locations and inventory as provided for under Chapter 273, Forest, Tree and Soil Preservation and Mitigation. **[Added 7-14-2004 by Ord. No. 22-04]**

- (2) The owner of record, applicant, scale, Tax Map block and lot numbers, zoning district, person preparing the plan and a signature block for the Chairman and Secretary of the approving agency.
- (3) Preliminary architectural plans for the proposed buildings or structures, indicating typical floor plans, elevations, height and general design or architectural styling if required by the approving agency.
- (4) Any other information required by the approving agency which is reasonably necessary to ascertain compliance with the provisions of this chapter.

D. Minor site plans and exempt site plans.

- (1) Minor site plans.
 - (a) Site plans involving construction or alteration of an existing structure or site which, in the opinion of the three-member Site Plan Committee appointed by the approving agency chairman, does not materially impact the existing use of the site, including traffic circulation, parking, drainage or other criteria established in § 490-32. If said construction or alteration is deemed a minor site plan by said Committee, the minor site plan shall not require a public hearing. **[Amended 7-14-2004 by Ord. No. 22-04]**
 - (b) Conditions of approval may be imposed as part of a minor site plan review, provided that such conditions are restricted to the site in question.
- (2) Exempt site plans.
 - (a) The Site Plan Committee may waive the requirement for site plan review if the total amount of construction or alteration is under \$2,500 and if the nature or extent of construction or alteration is considered part of normal repair, maintenance or replacement.
 - (b) The Site Plan Committee shall classify and approve exempt site plans by unanimous vote only, and such action shall be ratified by a majority vote of the Planning Board at its regular monthly public meeting.

E. Approving agency review.

- (1) In reviewing the site plan the approving agency shall consider its conformity to the Master Plan and the other codes and ordinances of the Township. Traffic flow, circulation and parking shall be reviewed to ensure the safety of the public and of the users of the facility and to ensure that there is no unreasonable interference with traffic on surrounding streets. The impact on drainage shall be considered to ensure against flooding. Conservation features, aesthetics, landscaping and impact on surrounding development as well as on the entire Township shall be part of the approving agency review.
- (2) In its review the approving agency may request recommendations from the Township Traffic Safety Advisory Committee, Recreation Advisory Board or any other local, county, state or federal agency which may have an interest in the

particular development for which site plan approval is being sought. [Amended 9-1-2004 by Ord. No. 28-04]

F. Site plan binding.

- (1) The site plan as approved by the Planning Board shall be binding upon the applicant. Any changes from the approved plan shall require resubmission and reapproval by the Planning Board, except as permitted in § 490-32H.
- (2) A deviation from an approved site plan or failure to adhere to the conditions of approval shall be deemed as being a violation of this chapter. Said violation shall be sufficient cause to deny or revoke the certificate of occupancy until compliance is assured.
- (3) In the event that a particular facility is to be constructed in stages, a site plan for each particular stage shall be required for the issuance of each building permit.
- (4) There shall be only one minor site plan approval for any parcel, lot or contiguous parcel.

G. Performance guaranty. The approving agency may require that improvements and landscaping be secured by a performance guaranty in the same manner prescribed for such improvements in Chapter 435, Subdivision of Land.

H. Township Engineer's action regarding site plan change. The Township Engineer may authorize minor variations in the site plan caused by field conditions. The Township Engineer shall notify the approving agency of any such change, in writing, for review at its next meeting following the date of authorization.

I. Fees. Application for site plan review shall be accompanied by a fee to be determined in accordance with § 70-28 of the Jefferson Township Municipal Code.

§ 490-33. Performance standards.

A. As a condition of approval and the continuance of any use, occupancy of any structure, and operation of any process or equipment, the applicant, owner or occupant shall supply evidence, satisfactory to the municipal agency, or to its designated representative, that the proposed use, structure, process or equipment will conform fully with all of the applicable performance standards.

- (1) As evidence of compliance, the municipal agency may require certification of tests by appropriate government agencies or by recognized testing laboratories, any costs thereof to be borne by the applicant.
- (2) The municipal agency may require that specific types of equipment, machinery or devices be installed or that specific operating procedures or methods be followed if the government agencies or testing laboratories examining the proposed operation shall determine that the use of such specific types of machinery, equipment, devices, procedures or methods are required in order to assure compliance with the applicable performance standards.

- (3) Permits and certificates required by other government agencies shall be submitted to the municipal agency as proof of compliance with applicable codes.
 - (4) If appropriate permits, tests and certifications are not or cannot be provided by the applicant, then the municipal agency or Construction Official may require that instruments and/or other devices or professional reports or laboratory analysis be used to determine compliance with these performance standards for an existing or proposed use and the cost thereof shall be borne by the owner, applicant or specific use in question. **[Amended 2-16-2005 by Ord. No. 4-05]**
 - (5) Conditional permit. In the event that a determination cannot be made at the time of application that a proposed use, process or piece of equipment will meet the performance standards established herein, the municipal agency may issue or may recommend issuance of a conditional permit. The conditional permit would be based on submission of evidence that the proposed use, process or equipment will meet the performance standards established herein after completion or installation and operation. Within 30 days after a conditional permit is issued, a certificate of occupancy shall be applied for and satisfactory evidence submitted that all performance standards established herein have been met.
- B. Applicability and enforcement of performance standards.
- (1) Applicability.
 - (a) Prior to the issuance of any zoning or building permit and as part of any application for development, all submissions, attachments and certifications required herein shall be submitted to the appropriate municipal agency, accompanied by a sworn statement filed by the owner of the subject property or the operator of the proposed use indicating that said use will be operated in accordance with the performance standards set forth herein.
 - (b) Any existing structure, use or operation allowed to deteriorate or that is modified so as to reduce its level of compliance with these performance standards will be deemed to be in noncompliance and to constitute a violation.
 - (2) Continued compliance with these performance standards is required and shall be enforced by the Construction Official. **[Amended 2-16-2005 by Ord. No. 4-05]**
 - (3) All violations shall be terminated within 30 days of notice or shall be deemed a separate violation for each day following and shall be subject to the fines set forth herein.
 - (4) Whenever, in the opinion of the Construction Official, there is a reasonable probability that any use or occupancy violates any of the performance standards contained herein, the Construction Official is hereby empowered to employ a qualified technician or technicians to perform investigations, measurements and analyses to determine whether or not the performance standards of this section are being violated. In the event that a violation is found to exist, the violator shall be liable for the reasonable fees of the technicians employed to perform such

investigations, measurements and analyses. [Amended 2-16-2005 by Ord. No. 4-05]

C. Performance standards established.

- (1) Regulation of nuisance elements. A "nuisance element" is any solid particle discharge, odor, liquid or solid waste, radiation, noise, vibration, glare, temperature change, fire and explosion hazard or electromagnetic interference which exceeds the performance standards established under this section.
- (2) Locations where determinations are to be made for enforcement of performance standards. The determination of the existence of nuisance elements shall be made at the following locations:

Nuisance Characteristic	Location
Smoke	Vent or smokestack
Solid particle discharge	Vent, smokestack or property line
Odors	Required setback lines
Liquid wastes	Outlet
Solid wastes	Within property line
Radiation	Vent, smokestack or building wall
Noise	Residential district boundary and lot boundary as noted
Vibration	Building wall
Glare	Property lines
Temperature change	Vent or smokestack for air and at the outlet for liquid or solid discharge
Fire and explosion hazards	Within property line
Electromagnetic interference	Outside property line

D. Standards to be enforced.

- (1) General. No substance shall be emitted into the atmosphere in quantities which are injurious to human, plant or animal life or to property, or which will interfere unreasonably with the comfortable enjoyment of life and property anywhere in the Township of Jefferson. All provisions of Title 7, Chapter 27, N.J.A.C., as amended and as augmented by regulations hereinafter designated, and all the following provisions stated, whichever shall be the more stringent, shall be complied with.
- (2) Smoke.
 - (a) In any zone, no smoke, the shade of which is darker than No. 1 of the Ringelmann Smoke Chart, shall be emitted into the open air from any fuel-burning equipment; provided, however, that the smoke emitted during the cleaning of a fire box or the building of a new fire, the shade or

appearance of which is not darker than No. 2 of the Ringelmann Smoke Chart may be permitted for a period or periods aggregating no more than three minutes in any 15 consecutive minutes.

- (b) Smoke emissions from the combustion of fuel in mobile sources and from stationary internal combustion engines shall not exceed the limits set forth in Title 7, Chapter 27, N.J.A.C.
- (3) Solid particle discharge.
 - (a) In any residential zone no discharge of solid particles through a stack, duct or vent shall be permitted that is greater than 50% of allowable emissions established by Title 7, Chapter 27, N.J.A.C.
 - (b) In any other zone, except the Industrial Zone, no discharge of solid particles through a stack, duct or vent shall be permitted that is greater than 75% of allowable emission established by Title 7, Chapter 27, N.J.A.C.
 - (c) In the Industrial Zone no discharge of solid particles through a stack, duct or vent shall be permitted that is greater than the allowable emission established by Title 7, Chapter 27, N.J.A.C.
 - (d) No open burning shall be permitted in any zone.
 - (e) All incinerators shall be approved by the State Department of Environmental Protection (NJDEP).
 - (f) Any road, parking area, driveway, truck loading or unloading station or any other exterior area having a substantial movement of vehicles or equipment shall be paved or otherwise stabilized during construction sufficient to prevent the generation of dust from the movement of such vehicles or equipment.
- (4) Odors. In any zone, no odorous material may be emitted into the atmosphere in quantities sufficient to be detected without instruments. Any process which may involve the creation or emissions of any odors shall be provided with a secondary safeguard system so that control will be maintained. Table 1 (Odor Thresholds in Air) in Part 1 (Odor Thresholds for 53 Commercial Chemicals) of Research on Chemical Odors, copyrighted October 1968 by the Manufacturing Chemists Association, Inc., Washington, D.C., shall be used as a guide in determining threshold limits of odors.
- (5) Liquid wastes. No liquid waste shall be discharged into any watercourse in the Township except as herein provided.
 - (a) If the applicant proposes to construct facilities for the treatment of wastes, he shall supply a statement by the NJDEP that such proposed facilities are in compliance with applicable state laws and regulations.
 - (b) No liquid waste shall be discharged into the public sewage collection and disposal system unless the appropriate Township officials and Sewerage

Authority shall have first investigated the character and volume of such waste and shall have certified that it will accept the discharge of such waste material into the system. The applicant shall comply with any requirements of said officials, including the pretreating of such wastes, the installation of processing methods, separation or screening of wastes, control of pH and other methods of improving such wastes prior to discharge, as a condition of approval of such facilities.

- (c) No liquid waste shall be discharged into any storm drain, watercourse, ground sump, well, seepage pit or percolation area or onto the ground surface without being done so in accordance with an approved New Jersey Pollution Discharge Elimination System (NJPDES) permit issued by the NJDEP.
- (6) Solid wastes. Each property owner shall:
 - (a) Assume full responsibility for adequate and regular collection, storage and removal of all refuse, except if the Township of Jefferson assumes the responsibility.
 - (b) Comply with all applicable provisions of the NJDEP.
 - (c) Comply with all provisions of Title 7, Chapter 27, N.J.A.C.
 - (d) Permit no accumulation on the property of any solid waste, junk or other objectionable materials.
- (7) Radiation. All use of materials, equipment or facilities which are or may be sources of radiation shall comply with all controls, standards and requirements of the Atomic Energy Act of 1965, as amended, as well as the New Jersey Radiation Protection Act, N.J.S.A. 26:2D-1 et seq., as amended, whichever shall be more stringent.
- (8) Noise.²⁹ The definitions contained in the Noise Control Regulations of the NJDEP (N.J.A.C. 7:29-1.1 et seq.) are hereby incorporated by reference without being set forth in full with regard to this section.
 - (a) Measurements required under this section shall be made at the locations noted. Measurements shall be made by an individual certified by the NJDEP to take sound measurements, using equipment meeting the United States of America Standards Institute Standard S 1.4-1961 or the latest revision thereof, and S 2.22, or the latest revision.
 - (b) The sound-pressure level of any operation shall not exceed the described levels in the designated octave bands shown below for the locations indicated:

29. Editor's Note: See also Ch. 321, Noise.

SOUND LEVELS		
Octave Band (cycles per seconds)	Location A	Location B
	Maximum Permitted Sound Level (decibels)	Maximum Permitted Sound Level (decibels)
0 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	52	59
600 to 1200	46	53
1200 to 2400	40	47
2400 to 4800	34	41
Above 4800	32	39

- (c) Location A shall be along all residential district boundary lines if the noise source is in a nonresidential district or all points of the property boundary line if the noise source is in a residential district.
 - (d) Location B shall be along all points of the property boundary line if the noise source is in a nonresidential district.
 - (e) Measurements shall be made in all frequency/octave bands indicated.
- (9) Vibration.
- (a) In any zone no vibrations discernible without instruments at or beyond the property lines on which the source is located shall be permitted. At no point at or beyond the property lines on which the source is located shall the maximum ground transmitted steady state or impact vibration caused by any use or activity (except those not directly under control of the property owner or user) exceed a particle velocity of 0.10 inches per second for impact vibrations.
 - (b) Particle velocity is to be determined by the formula $6.2AF$, where F is the frequency of the vibration in cycles per second and A is the maximum single amplitude displacement of the vibration in inches. For the purpose of measuring vibrations, a three-component measuring system shall be used.
 - (c) For the purpose of this chapter, steady state vibrations are vibrations which are continuous, or vibrations in discrete impulses more frequent than 100 per minute. Discrete impulses which do not exceed 100 per minute shall be considered impact vibrations.
- (10) Glare.
- (a) No single standard for glare is promulgated in this chapter due to the impracticality of establishing such standards. It is the intent of these performance standards to ensure that both direct and indirect glare, to the

extent possible, are eliminated or activities producing such glare are carried on within a structure.

- (b) Necessary glare-producing devices, such as roadway and walkway lighting, shall be designed, constructed and maintained in such a manner as not to be a nuisance to surrounding uses.
- (11) Temperature change. In any zone, any use or process shall not produce a temperature change discernible at the measuring point which shall produce a temperature change of greater than 3° F. within 10 feet of the discharge point or property line, whichever is closer.
- (12) Fire and explosion hazards. If it appears that any proposed use structure, process or resulting product or material may constitute a fire or explosion hazard, the approving agency may require the applicant to supply proof of:
 - (a) Approval of the use, structure, process or resulting product or material from the State Department of Labor and Industry indicating that adequate safeguards against fire and explosion have been taken or installed.
 - (b) A report from the appropriate Fire Subcode Official indicating that the applicant has complied with all applicable fire prevention regulations.
- (13) Electromagnetic interference. There shall be no electromagnetic interference that:
 - (a) Adversely affects, at any point, the operation of any equipment other than that belonging to the creator of the interference.
 - (b) Is not in conformance with the regulations of the Federal Communications Commission.

E. Landscape plans.

- (1) The landscape plan shall be prepared by a qualified professional, whose name and address shall appear on the plan.
- (2) Existing trees and plant material shall be incorporated into the plan to the maximum degree possible, and site design should attempt to preserve significant individual species.
 - (a) Existing wooded areas and any significant individual trees or plant material shall be identified on the plan, clearly indicating areas or individual species to remain undisturbed.
 - (b) Trees to remain shall be protected during construction utilizing the following methods:
 - [1] The grade of the land within 10 feet of any such tree shall not be raised or lowered more than three inches.
 - [2] No construction equipment is to be driven within six feet of such trees.

- [3] No building materials are to be dumped or stored within six feet of such trees.
 - [4] During construction, no such trees are to support any scaffolding, temporary utility or other devices.
 - [5] The trunks of all individual trees and wooded areas to remain beyond the limits of construction shall be protected from damage by the installation of snow fencing.
 - [6] All such trees shall be pruned to remove dead and diseased limbs and to promote new growth.
- (3) Proposed landscape materials shall be nursery-grown stock only and shall consist of deciduous, evergreen and ground cover species which are typically found in the general area. The species selected shall be appropriate for the site, considering soil and wind conditions, slope, use of the site and purpose of the plantings.
- (a) In areas where a significant loss of existing trees is required because of site development activities, compensating planting of the same species will be required.
 - (b) Consideration will be given to the height and width of plant material at maturity to prevent crowding and shading as the plants grow.
 - (c) The minimum size of trees shall be one-and-one-half-inch caliper (diameter measured at a height of 36 inches).
 - (d) All plant material shall be installed in a workmanlike manner using accepted nursery practices.
 - (e) Replacement of all new trees and shrubs which fail to survive shall be made at the next planting season.
- (4) Plan requirements. All landscape plans shall contain the following data:
- (a) The location of all plant materials, walls, planters, etc.
 - (b) Symbols identifying proposed species.
 - (c) The scientific and common name of all trees, shrubs and ground cover proposed to be installed.
 - (d) The quantity of each species.
 - (e) The size and spacing of each species at initial planting, either by caliper or width or height.
 - (f) Planting notes for installing all plant material.
 - (g) The type of fencing, construction materials, such as railroad ties, and mulching proposed.

- (h) The proposed grass seed mixture and rate of application.
 - (i) A tree and shrub planting detail.
- (5) Occupancy prior to planting. In the case where a building is ready for occupancy at a time of the year when plant installation is not advisable, a temporary certificate of occupancy may be issued (if all other necessary items are in order) if a bond in a form acceptable to the Township Attorney in an amount sufficient to cover the cost of installation has been posted with the Township guaranteeing the installation of the plant material. The temporary certificate of occupancy shall be for a maximum period of six months, and no permanent certificate shall be issued until planting is complete.

F. Buffer zones.

- (1) Where buffers are required along any rear or side lot lines, they shall consist of a minimum of two staggered rows of evergreens, at least six feet in height when installed and interspersed with low evergreen-type plants. No parking, driveways or accessways shall be permitted in the buffer area. Buffer strip requirements shall be in addition to all rear and side yard requirements.
- (2) The Planning Board may request an opinion from the Township Environmental Commission for its recommendations and, where indicated, require additional buffers than the minimum. To ensure proper protection for adjacent properties, the Planning Board shall approve species of plants and trees and locations and density of planting proposed in any buffer strip.
- (3) It shall be the responsibility of the owner and/or occupant to maintain any plantings in buffer strips and to replace them if they are destroyed or die.
- (4) The Planning Board shall specify the date when buffer plants shall be installed.

G. Outside storage. No open or outside storage of manufacturing or other materials, junk, scrap or waste products of any kind shall be permitted.

H. Lighting standards. Site lighting for all uses other than single- or two-family homes shall be required in accordance with the following minimum standards and requirements:

- (1) A lighting plan shall be included with all site plans, and it shall be prepared by a qualified professional, whose name and address shall appear on the plan.
- (2) The maximum height of any light fixture shall be 25 feet.
- (3) All lights shall be shielded to restrict the maximum apex angle of the cone of illumination to 150°.
- (4) For each fixture, the total quantity of light radiated above a horizontal plane passing through the light source shall not exceed 7 1/2% of the total quantity of light emitted from the light source.
- (5) The light intensity provided at ground level shall meet the following illumination objective:

- (a) General parking and pedestrian areas.
 - [1] Six-tenths footcandle minimum.
 - [2] Four to one (avg/min.) uniformity ratio.
- (b) Vehicle use area (only).
 - [1] One and zero-tenths footcandle average.
 - [2] Three to one (avg/min.) uniformity ratio.
- (6) Provisions should be made for reduction of the intensity of illumination to the minimum needed for security purposes when the facility is not in operation. This level shall be 0.2 footcandle minimum within 10 feet of the perimeter of the building on all sides with doors.
- (7) The light intensity shall not exceed 0.2 footcandle at the property line.
- (8) The above lighting criteria shall be proved by means of providing a point-by-point footcandle grid of the entire property on a twenty-foot grid. Additionally the intensities shall be plotted on a twenty-foot spacing along the property lines.
- (9) Construction details shall be provided for all light fixtures showing mounting height, model number and catalog-cut data.
- (10) Any revisions or additions to existing site lighting shall require site plan approval from the Planning Board.

§ 490-34. Piers, docks and marinas.

- A. For the purpose of determining the exterior limits of piers, docks and main walks, any structure, including pilings driven independently of another structure, used for the mooring of boats shall be considered to be a part of the pier itself.
- B. Development controls for private piers and docks.
 - (1) Private piers and docks shall be permitted in all zones where lots have water frontage.
 - (2) No dock or pier shall be located within 10 feet of a side property line.
 - (3) The length of a pier shall not exceed the width of the lot at the mean waterline, but in no event shall a pier extend beyond the pierhead line.
 - (4) No combination of docks and boathouses shall occupy more than 15% of the water lot area within the pierhead line or more than 750 square feet, whichever is less. Irregularly shaped piers and docks may be permitted, but in no case may the total width measured at its widest point and measured parallel to the bulkhead line exceed 30 feet.

- (5) The maximum width of residential docks shall be no more than five feet except upon certification of the Zoning Officer that additional widths will not impede boat traffic or water flow. In any event, the maximum width shall not exceed 10 feet. **[Amended 12-5-2001 by Ord. No. 40-01]**
- (6) There shall be not more than one dock, pier or main walk for each lot or for each 100 feet of frontage; except that where a U-shaped dock is proposed, having a space not more than 12 feet between docks shall be permitted.
- (7) The distance between piers shall be a minimum of 21 feet.
- (8) No dock, pier or main walk shall provide permanent mooring facilities for more than four boats.
- (9) In cases where docks or piers are covered, the requirements shall be the same as those required for boathouses.

C. Development controls for boathouses.

- (1) Boathouses shall be permitted in all zones where lots have water frontage.
- (2) No boathouse shall be located within 14 feet of a side property line.
- (3) No boathouse shall be closer than 28 feet from a neighboring pier or boathouse.
- (4) Any combination of piers, docks, main walks and boathouses shall not occupy more than 15% of the water lot area within the pierhead line. In no case shall a boathouse alone exceed 10% of the water lot area within the pierhead line.
- (5) There shall not be more than one boathouse for each lot.
- (6) Boathouses shall be located over the water and shall abut the lake shoreline.
- (7) Ingress and egress for boats shall be perpendicular to the shoreline.
- (8) There shall be no sleeping accommodations or toilet facilities provided in any boathouse.

D. Development controls for marinas.

- (1) Marinas shall be permitted only in those zones allowing these uses.
- (2) No dock, pier or main walk, as part of a marina, shall be located within 16 feet of a side property line, nor shall a pier within a marina be located closer than 30 feet from a private pier.
- (3) No marina shall occupy more than 25% of the water lot area within the pierhead line.
- (4) No main walk shall be less than eight feet in width, and no catwalk shall be less than two feet in width.

- (5) There shall be permitted more than one main walk or pier, provided that the following requirements are met:
 - (a) The channel to open water shall be not less than four times the width of the widest boat moored in the marina.
 - (b) The clearance in berthing and maneuvering areas within the marina shall be not less than twice the length of the longest boat moored in the marina.
- (6) In cases where piers are covered, the maximum height shall not exceed 16 feet above the high-water mark.

E. General regulations applicable to all piers, boathouses and marinas.

- (1) No dock, pier, boathouse or marina may be constructed or enlarged unless the owner secures from the Zoning Officer a dock permit. Normal maintenance and repairs shall not require any such permit. Any commercial marina shall, in addition, require a Building Permit from the Construction Code Department. **[Amended 2-16-2005 by Ord. No. 4-05; 3-15-2006 by Ord. No. 5-06]**
- (2) Prior to the issuance of a building permit for a commercial marina, the Planning Board shall review and approve a site plan showing, among other things, water and land circulation, parking, moorings, landscaping, signs, and such other data as may be required to permit a competent and thorough review. Compliance with Planning Board conditions or approval to be made a condition for the issuance of the certificate of occupancy. **[Amended 3-15-2006 by Ord. No. 5-06]**
- (3) Permit applications shall be referred to the marine police for any comments and suggestions as part of a site plan review.
- (4) No pier, dock or marina shall extend into any waterway more than 15% of the width of the waterway measured on a line perpendicular to the closest opposite shore or 50 feet, whichever is the lesser. In no event shall any pier, dock or marina extend into any dredged channel or waterway.
- (5) The top of any pier, dock or catwalk shall not be less than 14 inches from the high-water elevation.
- (6) It shall be the responsibility of the owner of a pier, boathouse or marina to maintain said facility in good condition, free of litter and refuse. If said facility is in danger of becoming a hazard to residents, visitors, swimmers or boats, or could adversely affect navigation by reason of structural members extending or floating into waterways, then the Construction Official shall require the owner to undertake repairs to correct the hazardous situation. If the owner fails to undertake repairs after proper notification by the Construction Official, the governing body may authorize repairs to be made at the owner's expense. **[Amended 2-16-2005 by Ord. No. 4-05]**
- (7) The provisions of this section shall be subject to variance by the Board of Adjustment as prescribed by law, except that any pier, dock, boathouse or marina proposed to be extended beyond the pierhead line or beyond 15% of the width of

the waterway shall also be approved by the State Department of Environmental Protection.

- (8) Amendments to this section shall be subject to review by the State Natural Resources Council, which shall have 30 days to respond to any proposed amendment.
- (9) The following technical details shall apply to all waterfront development:
 - (a) The maximum width of private docks shall be no more than five feet, except upon authorization of the Planning Board under site plan approval where it can be demonstrated that additional width is required to assure structural stability. In any event, the overall width shall not exceed 10 feet.
 - (b) The maximum width of catwalks shall be no more than four feet.
 - (c) No solid structures are permitted which lower or adversely affect the capacity of the lake or water flow except by permission of the Department of Environmental Protection.
 - (d) Crib structures may be allowed, provided that their length does not exceed the width of the dock or pier.
 - (e) Crib structures shall not exceed 1/2 of the span between adjacent piling bents.
 - (f) The design of any structure must provide for the free flow of water.

§ 490-35. Conditional uses.

- A. These uses, as designated in the particular zone districts, may be established only in accordance with the following procedure and only after the following criteria are met:
 - (1) Application for conditions use. Application for a conditional use shall be made to the Planning Board, pursuant to the authority of N.J.S.A. 40:55D-67, or to the Zoning Board of Adjustment, pursuant to the authority of N.J.S.A. 40:55D-76, Subdivision b. The application shall be made in accordance with the instructions of the Planning Board and shall be accompanied by a site plan prepared in accordance with the requirements of the Site Plan Ordinance.
 - (2) Hearing required. The applicant shall give notice pursuant to the requirements of N.J.S.A. 40:55D-12, such notice setting forth the date, time and place of the hearing and the nature of the matter to be considered, pursuant to the authority of N.J.S.A. 40:55D-11, only after such date of the hearing shall have been fixed, after a determination that the application is complete, in accordance with the procedures of the Planning Board.
 - (3) Issuance of a permit. The Board shall not order, direct or authorize the issuance of a permit for a conditional use unless it shall find that such use:

- (a) Is a use permitted in the zone district.
- (b) Meets all the required conditions for said zone district, except where the conditions hereinafter set forth specifically amend such conditions.

- (c) Meets the requirements set forth for the particular conditional use hereafter described.

B. General regulations.

- (1) All conditional uses shall be subject to site plan approval.
- (2) All buildings and structures to be erected on the tract shall be so designed and arranged in order to minimize the impact of the use on the established neighborhood scheme and shall be so designed as to harmonize, as far as possible, with the established architectural scheme of the neighborhood.
- (3) A time limit of one year from the date of the conditional use approval shall be set, within which time the applicant shall secure a building permit or, where no building permit is required, a certificate of occupancy for said use. Otherwise, the conditional use approval shall be null and void.

C. Large-scale recreational uses.

- (1) A minimum lot area of 50 acres shall be required.
- (2) No structure or parking area shall be located closer than 100 feet to a front, rear or side lot line.
- (3) Off-street parking spaces shall be required at the rate of one for each four patrons, to be calculated on the basis of the maximum number of patrons such facility can accommodate at any one time.

D. Public utility buildings, structures or facilities.

- (1) No yard shall be less than the height of the facility, nor shall any structure be erected within 100 feet of a conforming residential use.
- (2) Adequate parking shall be required, as determined by the Board when considering the proposed use.
- (3) Adequate fencing must be provided in accordance with the recommendations of the Board in order to provide protection to the public.
- (4) Landscape screening shall be provided and building design shall be of a nature consistent with the character of the neighborhood in which the use is to be located.
- (5) A clear demonstration in the environmental impact statement that the public necessity for the use outweighs the negative impacts shall be required.

E. (Reserved)³⁰

F. Campgrounds.

30. Editor's Note: Former § 137-31E, Cemetery uses, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (1) All campground uses must comply with Chapter 169, Campgrounds, of the Jefferson Code and Chapter XI, Campgrounds, of the New Jersey State Sanitary Code.
- (2) For purposes of this chapter, Section 8:22-1.6, Definitions, as contained in Chapter XI, Campgrounds, of the New Jersey State Sanitary Code, is hereby made a part of this chapter as if repeated at length herein.

G. General medical or surgical hospitals.

- (1) A minimum lot area of five acres with a minimum frontage of 300 feet shall be required.
- (2) The site shall have direct access to an arterial road, and no vehicular access shall be permitted onto any road not classified as a collector or arterial road in the Township of Jefferson Master Plan.
- (3) No building shall be located closer than 100 feet to any property line; and further provided that for every foot in height by which a building exceeds the height limit of the zone in which it is located, the building shall be set back one additional foot from any adjoining residential property line.
- (4) Off-street parking shall be provided at the rate of 1.5 spaces per bed. Parking areas and driveways shall be located at least 25 feet from a street or residential zone property line.

H. Community and membership clubs.

- (1) A minimum lot area of two acres shall be required.
- (2) No building shall be located closer than 100 feet to a residential zone property line.
- (3) The minimum distance from a motor vehicle service station, motor vehicle repair garage or motor vehicle body repair shop shall be 500 feet, measured by a straight line between the nearest property lines.
- (4) Off-street parking shall be provided at the rate of one space per three seats. Parking areas and driveways shall be located at least 25 feet from an intersecting street or residential zone property line.
- (5) Landscape screening shall be provided, and building design shall be of a nature consistent with the character of the neighborhood in which the use is to be located.

I. Funeral homes.

- (1) A minimum lot area of one acre shall be required.
- (2) Driveways shall be located at least 100 feet from an intersecting street or residential zone property line.

J. Building material and storage yards.

- (1) A minimum lot area of two acres shall be required.
- (2) No portion of the building material and storage yard shall be within 500 feet of a motor vehicle service station, residential zone or public meeting place, as measured by a straight line between the limit of the building material and storage yard and the nearest property line of a motor vehicle service station.
- (3) Outdoor storage.
 - (a) No article or material shall be kept, stored or displayed outside the confines of a building unless the same is so screened by a special buffer planting, berm or fence, or combination thereof, as approved by the Planning Board, and it is not visible from any adjacent property or public street.
 - (b) Outdoor storage is only permitted in the side and rear yard.
 - (c) All storage as herein permitted shall be maintained in an orderly manner at all times, and such storage shall not include any discarded or abandoned materials or articles.
 - (d) Any outdoor storage of flammable material, such as lumber, shall be kept at least 20 feet from any property line.
- (4) Off-street parking shall be provided at the rate of one space per 1,000 square feet of building floor area, plus one space per 5,000 square feet of gross yard area, plus one space per employee on the maximum shift. Parking areas shall be separate and distinct from storage areas. Vehicular circulation, ingress and egress shall not require encroachment into storage areas for purposes other than loading of materials.

K. Nonnuisance light industry.

- (1) A minimum lot area of two acres shall be required.
- (2) Warehousing and storage areas must be clearly subordinate to the principal use and may not occupy more than 40% of the floor area of any building.
- (3) No outdoor storage of products or materials is permitted.
- (4) No building shall be located closer than 100 feet to a residential zone property line.
- (5) Landscape screening shall be provided, and building design shall be of a nature consistent with the character of the neighborhood in which the use is to be located.

L. Motor vehicle service stations and motor vehicle repair garages.

- (1) The minimum lot area shall be 20,000 square feet.
- (2) No such facility shall be located closer than 2,000 feet to any other such facility. Said distance shall be measured by driving distance on public roads between the nearest property lines of the respective sites. Where facilities are compared that are on opposite sides of a divided highway with a median barrier, the facilities shall

also be a minimum distance of 500 feet apart, as measured by a straight line between the nearest property lines.

- (3) No such facility shall be located within 500 feet of a public meeting place, fire house or fire station.
- (4) All storage areas, pits, lifts and working areas shall be within a building. All lubrication, repair or similar activities shall be performed in an enclosed building, and no dismantled parts shall be placed outside. Trash facilities shall be adequately screened and enclosed. All gasoline pumps, air pumps, kiosks and the islands upon which they are normally located shall be set back from all street and property lines at least 30 feet. A minimum of 25 feet shall exist between any two islands and between any island and the service station building. All building structures shall be set back a minimum of 50 feet from all street and property lines, with the exception of setbacks of free standing pump island canopies which shall be a minimum of 10 feet from all property lines and a minimum of 15 feet from street right-of-way lines within 100 feet of street intersections. No structure shall be permitted within 100 feet of a residential district boundary line.
- (5) No access shall be located closer than 75 feet to the intersection of two streets, measured along the right-of-way lines extended to the nearest point of said access.
- (6) No junked motor vehicle or parts thereof and no unregistered unlicensed motor vehicle shall be stored on the premises of any service station. Not more than six motor vehicles may be located on the premises outside a building for a period not to exceed 10 days, provided that the owners are awaiting the repair of said motor vehicles. All vehicles stored overnight on the premises shall be screened from public and residential view.
- (7) No body or fender repairs shall be permitted on any part of the premises.
- (8) No motor vehicles, trailers or boats for sale or lease shall be parked, stored or displayed on any part of the premises.
- (9) No vending machines shall be permitted out of doors.
- (10) Floor drains shall not be connected to any sanitary or storm sewer system, and connection of floor drains to any subsurface containment shall be subject to a New Jersey pollution discharge elimination system permit. A separate grease/oil separation unit shall be installed.
- (11) Off-street parking shall be provided at the rate of three spaces per service bay (six minimum), plus one space per employee on the maximum shift, plus one space per service vehicle.
- (12) It is intended that service stations be designed compatibly with other permitted uses in the zone in which they are located, that they not be stripped along the available highway frontage or at each quadrant of a convenient intersection and that they be located within shopping centers and in other complexes as an integral part of the overall design. Ingress and egress shall recognize the turning movements generated. The access points shall be coordinated with the access

points required for the nearby uses and the frequency of intersecting side streets, minimizing left turns off collector and arterial streets and maintaining building setbacks compatible with the required setbacks and landscaping.

M. Farming.

- (1) There shall be a minimum lot size of five acres.
- (2) Nothing herein shall be construed to permit the harboring or keeping of animals, except domestic pets, unless harboring of said animals is permitted under any of the other ordinances of the Township of Jefferson.
- (3) Single-family residences may be established on the same lot as farming uses, provided that the lot shall have a minimum area of one acre for said use in addition to the required five-acre minimum set forth above.
- (4) All other area, yard and bulk requirements of the zone shall be met.
- (5) Farm stands shall be permitted as an accessory use, provided that a minimum of 15 off-street parking spaces are provided, the farm stand is located at least 100 feet from the side and rear property line and no access to the stand shall be located closer than 50 feet to the intersection of two streets measured along the right-of-way lines extended to the nearest point of said access.

N. (Reserved)³⁴

O. Home professional offices and home occupations which require more demand for parking than one vehicle at a time, in addition to the vehicles for the permitted principal uses, and said parking shall be provided on-site and off-street.

- (1) Off-street parking for more than three vehicles shall be located in the rear yard and adequately screened from adjacent residential uses to prevent headlight glare.

P. Recycling facilities.

- (1) The minimum lot area shall be 10 acres.
- (2) No building shall be located closer than 150 feet to a residential use or residential zone property line, nor 200 feet from a stream or body of water.
- (3) Off-street parking shall be provided at the rate of 1.1 spaces per employee for single shift operations and 1.25 per employee on the maximum shift for consecutive shift operations. Off-street parking shall be located no closer than 100 feet to a residential use or residential zone property line.
- (4) Landscape screening shall be provided, and building design shall be of a nature consistent with the character of the neighborhood in which the use is to be located.
- (5) No outdoor storage of products, materials or containers shall be permitted.

34. Editor's Note: Former Subsection N, regarding community residences and community shelters, was repealed 8-11-2004 by Ord. No. 27-04.

- (6) All parking, access roads and buildings shall be drained to a stormwater management facility to ensure water quality and prevent seepage into the ground.
- (7) All parking and access roads shall be paved.
- (8) All required truck queuing areas shall be within the limits of the site and shall be capable of storing the maximum anticipated number of vehicles.
- (9) A traffic study shall be submitted as part of the site plan review which shall show that the route of all trucks will be directed to an arterial road without having to pass through a residential district prior to reaching the arterial road.
- (10) A stormwater management plan shall be submitted as part of the site plan review, which plan shall address surface water runoff quality and its effect on surrounding wells, streams and water bodies. All wells, streams and water bodies within 1,000 feet of the site shall be identified and individually and specifically addressed.
- (11) An operating and maintenance plan for the facility shall be submitted as part of the site plan review.
- (12) Prior to the issuance of a certificate of occupancy, an environmental preservation bond shall be submitted to the Township in an amount as recommended by the Planning Board to cover the cost of any on-site or off-site environmental restoration that may realistically result as a result of the construction and/or operation of the facility.

§ 490-36. Telecommunications antennas and towers. [Added 5-15-2002 by Ord. No. 14-02]

A. Telecommunications antennas and towers permitted in certain zones.

- (1) There is hereby permitted to be erected in any industrial or commercial zone district of the Township a telecommunications tower or antenna on any conforming lot; provided, however, that such tower or antenna shall be set back from the boundary of any existing off-site residential lot, including a lot zoned for residential use and/or having located thereon an existing residence, a distance at

least equal to 125% of the height of the tower. In addition, in any industrial or commercial zone of the Township there shall be permitted an antenna to be erected on any existing structure other than a tower (such as a building, sign, light pole, water tower or other freestanding, nonresidential structure) that is 50 feet in height or greater, so long as said antenna protrudes no more than 20 feet from the height of said existing structure, provided that said antenna meets the one-hundred-twenty-five-percent setback requirement as set forth in this subsection and the overall height requirement of 120 feet as set forth in Subsection A(2).

- (2) There shall be permitted in any zone of the Township the installation of an antenna on any existing tower of any height, so long as the addition of said antenna adds no more than 20 feet to the height of said existing tower, and provided that such installation shall not include the placement of additional buildings or other supporting equipment used in connection with said antenna, and further, providing that the total height of the tower does not exceed 120 feet.
- B. Franchise proof required. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communications system in the Township have been obtained and shall file a copy of all required franchises with the Clerk of the Township of Jefferson who shall distribute copies of same to the Township Construction Official and Township Planning Department. In addition, on or before February 1 in each subsequent year after construction the owners and/or operators of the towers or antenna shall provide a certification that the franchise as required by law for the operation of said wireless communications systems remain in full force and effect. **[Amended 2-16-2005 by Ord. No. 4-05]**
- C. Site plan approval.
- (1) Any installation of an antenna or tower shall require site plan approval pursuant to § 490-32 of the Township Code. In addition to the information required in said section, applicants for site plan approval for a tower or antenna shall submit the following:
 - (a) The distance between the proposed tower and the nearest residential unit.
 - (b) A statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future years.
 - (c) Line of sight analysis detailing the view of the proposed tower from various directions and angles from adjacent residential areas. The analysis shall be utilized to determine buffer requirements.
 - (2) In addition to any standards for consideration of site plan approval applications pursuant to § 490-32 of this chapter, the appropriate Township board shall consider the following factors in determining whether to issue site plan approval or conditions for approval:

- (a) Height of the proposed tower;
 - (b) Proximity of the tower to residential structures and residential district boundaries;
 - (c) Nature of uses on adjacent and nearby properties;
 - (d) Surrounding topography;
 - (e) Surrounding tree coverage and foliage;
 - (f) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and
 - (g) Proposed ingress and egress.
- D. Exemptions for property owned, controlled or leased by the Township. All applications for antennas or towers to be placed on property owned, controlled or leased by the Township are exempt from Planning Board or Board of Adjustment review but are subject to review and approval by the Township governing body which may require a license or lease for such antenna and/or tower.
- E. Availability of suitable existing towers or other structures. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the appropriate Township board, and said board makes specific and separate written findings thereon, that no existing tower or structure can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the appropriate Township board related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
- (1) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
 - (2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - (3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - (4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - (5) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

- (6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- F. Maximum tower height. The maximum height of any tower shall not exceed 120 feet. For purposes of measurement, the maximum tower height shall include any structures supporting the tower and any antenna.
- G. Design standards. Applicants shall satisfy the design standards enumerated below to obtain site plan approval for towers in addition to other standards that may be required pursuant to the Township Zoning Ordinance, Construction Code and/or other applicable regulations:
 - (1) Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the appropriate Township board may waive such requirements as it deems appropriate.
 - (2) Landscaping. The following requirements shall govern the landscaping surrounding towers for which site plan approval is required; provided, however, that the appropriate Township board may waive such requirements if the goals of this chapter would be better served thereby.
 - (a) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from all surrounding properties.
 - (b) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
 - (c) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
 - (3) The equipment cabinet or structure used in association with antennas shall comply with the following:
 - (a) The cabinet or structure shall not contain more than 200 square feet of gross floor area or be more than 12 feet in height. In addition, for buildings and structures which are less than 65 feet in height, the related unmanned equipment structure shall not be located on the roof of the structure.
 - (b) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 10% of the roof area.
 - (c) If the equipment structure is located on the roof of a building, it shall be appropriately screened.

- (d) The equipment cabinet or structure shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet.
- (4) Aesthetics. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and surrounding buildings. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (5) Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the appropriate Township body may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
- (6) Signs. No signs or other nonessential accouterments shall be allowed on any antenna or tower with the exception of warning signs or other signs required by federal, state or local law.
- H. Consulting fee for Township employees. The Township reserves the right to apply a fee for any consulting services performed by any Township employees that may be utilized to assist any telecommunications provider and its affiliates in locating an existing tower's location within the municipality, which fee shall be based upon the time spent.
- I. Abandonment of tower. If any tower and/or antenna ceases to be used, the telecommunications company shall notify the Township, and the company shall remove the antenna within 60 days from the date that it ceases to be used, and if there are no other antennas on the tower, the tower shall be removed within 12 months from the date that it ceases to be used. In the event that any tower or antenna ceases to be used for a period of 12 months, the same shall be considered to be abandoned, and the owner shall be responsible for its removal within 60 days from the date that the Township has determined that the tower or antenna has been abandoned.

ARTICLE IX

Administration and Enforcement

§ 490-37. Interpretation.

In applying and interpreting the provisions of this chapter, they shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals, comfort, convenience or general welfare. The following specific regulations shall apply:

- A. A minimum required lot or yard size for one building or structure shall not be used as any part of a required lot or yard for a second structure.
- B. The required lot or yard for an existing building or structure shall not be diminished below the minimum requirements of this chapter.

- C. The parking spaces required for one building or structure or use shall not be included in the computation of required parking spaces for a second building or structure or use.

§ 490-38. Relationship to other provisions of law and to private covenants and agreements.

- A. Nothing contained in this chapter shall be taken to repeal, abrogate, annul or in any way impair or interfere with any provisions of law or ordinance or regulations, existing or as may be adopted in the future; nor is it intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of buildings, structures, premises, lots or land, or upon the height of buildings or structures, or requires larger lots, yards, courts or other open spaces than imposed or required by such other provisions of law, ordinance or regulation, or by such easements, covenants or agreements, the provisions of this chapter shall control.
- B. Wherever the provisions of any other law or ordinance or regulation impose a greater restriction than this chapter, the provisions of such other law or ordinance or regulations shall control.
- C. No provision contained in this chapter shall be construed as justifying the encroachment of any building or structure within any street lines now or hereafter laid down on the Township Map.

§ 490-39. Enforcement; duties of Zoning Officer.

It shall be the duty of the Zoning Officer to administer and enforce the provisions of this chapter. Should said Zoning Officer be in doubt as to the meaning or intent of any provision of this chapter, or as to the location of any district boundary line on the Zoning Map, or as to the propriety of issuing a building permit or a certificate of occupancy in a particular case related to the provisions of this chapter, he shall appeal the matter to the Board of Adjustment for interpretation and decision. The Zoning Officer shall adopt rules of procedure, consistent with this chapter, for the purpose of assuring efficient and uniform administration of its provisions.

§ 490-40. Inspection of premises. [Amended 2-16-2005 by Ord. No. 4-05]

The Zoning Officer and his/her deputies and assistants and the Construction Official, Code Enforcement Officer, Township Engineer, Chief of Police and Fire Chief and their authorized agents shall have the right and authority, at any reasonable hour, to enter any building, structure, premises, lot or land, whether already erected or put into use or in the course of erection and putting into use, for the purpose of determining whether or not the provisions of this chapter are being complied with.

§ 490-41. Building permits; survey.

- A. All procedure with respect to application for and issuance of building permits shall be in conformity with the provisions of Chapter 182, Construction Codes, Uniform. All such applications shall be accompanied by such other information as may be necessary to determine and provide for the enforcement of this chapter.
- B. The plot plan shall show a separate lot for each main building; provided, however, that where a development consists of an integrated arrangement of dwellings, multiple dwellings or other buildings designed and intended to be maintained in a single ownership, the Construction Official may waive the requirement of showing separate lots for each separate main building. **[Amended 2-16-2005 by Ord. No. 4-05]**
- C. No building permit shall be issued for the erection, construction, reconstruction, structural alteration or moving of any building or structure or part thereof unless the plans and intended use indicate that such building or structure is designed and intended to conform in all respects to the provisions of this chapter.
- D. Where a lot is formed from part of a lot already improved, the separation must be effected in such a manner as not to impair any of the provisions of this chapter, whether related to the then existing improvement or to a proposed or future new improvement on the lot so formed, and in such a manner that both the remainder of the former lot and the new lot so formed shall comply with the lot area and lot width provisions of this chapter.
- E. After completion of the foundation walls of a building or structure, the owner shall cause a survey to be made by a licensed land surveyor showing the true location of such foundation walls with respect to the lot lines of the lot, and a copy of such survey shall be filed with the Construction Official before any further construction is commenced. **[Amended 2-16-2005 by Ord. No. 4-05]**

§ 490-42. Completion of buildings for which permits have been issued.

- A. Nothing in this chapter shall require any change in the plans, construction or designated use of a building or structure for which a lawful building permit has been issued prior to the effective date of this chapter or any amendment thereto affecting such building or structure or the use thereof, provided that:
 - (1) The construction of such building or structure shall have been begun and diligently prosecuted within three months from the date of such permit.
 - (2) The ground-story framework, including the second tier of beams, shall have been completed within six months from the date of such permit.
 - (3) The entire building or structure shall be completed according to such filed and approved plans upon which the issuance of such permit was based within one year from the effective date of this chapter or any such amendment thereto.
- B. In the event that any one of the conditions of § 490-42A(1), (2) and (3) is not complied with, such building permit shall be revoked by the Construction Official. **[Amended 2-16-2005 by Ord. No. 4-05]**

§ 490-43. Certificates of occupancy.

- A. It shall be unlawful to use or to permit the use of any building, structure, premises, lot or land or part thereof hereafter erected or altered, enlarged or moved in whole or in part after the effective date of this chapter, or any building, structure, premises, lot or land or part thereof of which the use is changed, until a certificate of occupancy has been obtained by the owner, as provided for under the Uniform Construction Code.³⁴
- B. No certificate of occupancy shall be issued for any building, structure, premises, lot or land unless the erection, construction, reconstruction, structural alteration or moving of any building or structure or part thereof and the intended use thereof are in conformity in all respects with the provisions of this chapter.
- C. Upon written application by the owner or his authorized agent, the Construction Official shall issue a certificate of occupancy for any building or structure, lot or land, existing and in use at the effective date of this chapter, provided that said Construction Official shall find that such building or structure, lot or land is in conformity with the applicable provisions of this chapter, or is a nonconforming building or structure as defined in § 490-5 or a nonconforming use as defined in § 490-5, and in any case is in conformity with all other ordinances. **[Amended 2-16-2005 by Ord. No. 4-05]**

§ 490-44. Fees.

Fees for building permit applications and for the issuance of building permits and certificates of occupancy shall be as provided in Chapter 182, Construction Codes, Uniform.

§ 490-45. Violations and penalties. [Amended 6-14-2006 by Ord. No. 16-06]

For any and every violation of any written provision of this chapter and upon failure to comply with written notice thereof or order to remove such violation within five days after service of such notice or order, the owner, agent or contractor of a building, structure, premises, lot or land where such violation has been committed or shall exist and the lessee or tenant of an entire building, structure, premises, lot or land where such violation has been committed or shall exist and the owner, agent or contractor, lessee or tenant of any part of a building, structure, premises, lot or land in which part such violation has been committed or shall exist and the agent, architect, builder or contractor or any other person who commits, takes part or assists in such violation or who maintains any building, structure, premises, lot or land in which such violation shall exist shall be subject to a fine not exceeding \$2,000 or to imprisonment for not more than 90 days, or both, and each and every day the violation continues after the owner, agent or contractor of the building, structure, premises, lot or land where such violation occurred has been notified thereof shall be deemed a separate and distinct violation.

34. Editor's Note: See Ch. 182, Construction Codes, Uniform.

§ 490-46. Public records. [Amended 2-16-2005 by Ord. No. 4-05]

Duly certified copies of this chapter and of the Zoning Map which forms a part hereof, together with copies of all amendments hereto, shall be filed in the Township Clerk's office and in the Construction Official's office and shall be open to public inspection.

§ 490-47. Procedure for amendment.

- A. All amendments to this Zoning Ordinance and to the Zoning Map which forms a part hereof shall be adopted in accordance with the provisions of N.J.S.A. 40:55D-62 through 40:55D-64, as most recently amended.
- B. Any request of a change of zone shall include the following:
 - (1) A map, accurately drawn to an appropriate scale, showing the areas of the land included in the proposed change, the streets in the immediate vicinity and the name of the owner or owners of the lands immediately adjacent to and extending within 100 feet of all boundaries of said property.
 - (2) An eight-by-ten-inch photograph of the property for which the change is requested and photographs showing all properties within the one-hundred-foot limits as described above.
- C. Fee and escrow for request of a change in the Zoning Ordinance. Any request for a change in the Zoning Ordinance pertaining to the rezoning of a particular piece or pieces of property shall be accompanied by the payment of a fee in the amount of \$200, which fee shall be an application charge to cover direct administrative expenses and which fee is not refundable. In addition, every such application shall be accompanied by an escrow payment in the sum of \$1,000 to cover the costs of professional services, including engineering, planning and other expenses connected with the review of the submitted request for a change in zoning. The applicant shall be charged in accordance with a fee schedule filed by the professionals with the Township Clerk indicating the amount of the fees on a per-hour basis to be charged by that professional. In the event that there is no new schedule of fees filed by the professional, the schedule previously filed by the professional shall prevail. No additional escrows shall be required unless the complexity and magnitude of the application requires additional review, in which case the applicant shall be notified of the cost of the additional review and shall be required to add to the escrow the estimated cost for the additional review. Upon a determination of the application and a decision by the Township Council, the applicant shall receive an accounting of the fees used in the escrow account, and the applicant shall receive a return of all moneys in his escrow account not used, which money shall be returned without interest. In the event that the applicant contests the accounting, a final determination as to the amount of the escrow to be paid to the Township for reimbursement of services rendered in connection with the application shall be made by the Board reviewing the application. The Township Council has the right to waive all or any portion of the application fee and/or the escrow amount for good cause shown. **[Amended 9-1-2004 by Ord. No. 28-04]**

§ 490-48. Validity.

If any article, section, subsection, paragraph, clause, phrase or provision of this chapter or the location of any district boundary shown on the Zoning Map that forms a part hereof shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this chapter or Zoning Map as a whole or any part or provision hereof other than the part so adjudged to be invalid or unconstitutional.

§ 490-49. Repealer.

All ordinances or parts of ordinances inconsistent with this chapter are hereby repealed.

§ 490-50. When effective.

This chapter shall take effect upon final passage and publication in the manner provided by law.

ARTICLE X**Zoning Compliance Permit ³⁵**

[Added 3-1-2006 by Ord. No. 4-06]

§ 490-51. Obtaining a zoning compliance permit.

Any change of occupancy or ownership of an existing business or commercial use shall not occur without first obtaining a zoning compliance permit from the Jefferson Township Zoning Officer.

§ 490-52. Duties of Zoning Officer.

The Zoning Officer is to determine whether or not the proposed occupancy is in compliance with zoning ordinances and any previous site plan approvals or other approvals granted by agencies of the Township of Jefferson. In making a determination of compliance, the Zoning Officer shall consider:

- A. Use compliance within the zoning district;
- B. Compliance with parking requirements;
- C. Compliance with signage requirements; and
- D. Compliance with any permits granted by the Department of Health.

³⁵. Editor's Note: See also § 256-20, Registration and inspection of certain uses.

§ 490-53. Determination of compliance.

In determining compliance, the Zoning Officer shall refer any application to the Department of Health and the Fire Marshal and, if deemed necessary, the Construction Code Official for review and recommendation.

§ 490-54. Referral to Planning Board and/or Board of Adjustment.

If the Zoning Officer determines that the change of occupancy may require site plan approval, the application will be denied and referred to the Planning Board. At the next regularly scheduled meeting of the Planning Board, the Planning Board shall decide whether or not site plan approval is necessary. If the Planning Board determines that site plan approval is necessary, the applicant shall file that application. If the Zoning Officer determines that a variance may be needed, the Zoning Officer will refer the application to the Board of Adjustment, and the Board of Adjustment, at its next regularly scheduled meeting, will determine if a variance is required.

§ 490-55. Fee.

Every application for a zoning compliance permit shall require a fee of \$25.

§ 490-56. Violations and penalties.

For any and every violation of this article, the violator shall be subject to the penalties applicable to any other zoning violation. Every violation that continues shall be considered as a separate violation for each day of continuance.

ZONING

490 Attachment 1

RESIDENTIAL ZONING Schedule of District Regulations TOWNSHIP OF JEFFERSON

[Amended 8-15-2001 by Ord. No. 21-01; amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 1)]

Zoning District	Minimum Lot Area	Minimum Lot Width (feet)	Setback, Principal Building			Maximum Building Height		Maximum Building Coverage	Maximum Lot Coverage	Maximum Infrastructure Disturbance	Maximum Lot Improvement Disturbance	Maximum Permitted Density
			Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	(Stories)	(Feet)					
RC Conventional	5 acres	200	75	35	100	2½	35	N/A	40% or 20,000 square feet ¹	70% of the gross tract area	40,000 square feet plus 10,000 square feet for each additional whole acre	1 unit/ 5 acres
Cluster	1 acre	200	75	35	100	2½	35	N/A	40% or 20,000 square feet ¹	70% of the gross tract area	50% or 20,000 square feet	1 unit/ 5 acres
R-40 Conventional	40,000 square feet	100	50	25	75	2½	35	15% or 10,000 square feet	25% or 20,000 square feet	10% of the entire tract	50% or 20,000 square feet	1 unit/acre
Cluster ²	25,000 square feet	75	50	10 one, 20 total	35	2½	35	20% or 10,000 square feet	30% or 20,000 square feet	10% of the entire tract	50% or 20,000 square feet	1 unit/acre
R-30 Conventional	30,000 square feet	100	50	10 one, 30 total	35	2½	35	20% or 10,000 square feet	30% or 20,000 square feet	10% of the entire tract	50% or 20,000 square feet	1 unit/ 30,000 square feet
Cluster	20,000 square feet	75	50	10 one, 20 total	35	2½	35	25% or 10,000 square feet	30% or 20,000 square feet	10% of the entire tract	50% or 20,000 square feet	1 unit/ 30,000 square feet
R-10 ⁴	5 acres	200	50	50	50	2½	35	20%	40%	N/A	N/A	4 units/acre
PARC ³								25% of entire tract		N/A	N/A	450 total units of entire tract

NOTES:

¹ Maximum building envelope size.

² With both community sewage system and a community water system.

³ Development of the PARC shall be in accordance with Ordinance No. 18-03 (see also § 490-25, PARC Planned Adult Residential Community Zone.

⁴ See § 490-12E for regulations applicable to multifamily residence development, and see § 490-12F for regulations applicable to townhouse residence development.

ZONING

490 Attachment 2

NONRESIDENTIAL ZONING Schedule of District Regulations TOWNSHIP OF JEFFERSON [Amended 9-5-2001 by Ord. No. 25-01]

Zoning District	Minimum Lot Area	Minimum Lot Width (feet)	Setback, Principal Building			Maximum Building Height		Maximum Building Coverage	Maximum Lot Coverage	Maximum Infrastructure Disturbance	Maximum Lot Improvement Disturbance	Maximum Permitted Density
			Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	(Stories)	(Feet)					
VC	1 acre	N/A	50	10	40	3	45	40%	90%	N/A	N/A	40 units/acre
C-1	10,000 square feet	75	30	10	20	N/A	40	25%	60%	N/A	75%	N/A
C-2	20,000 square feet	100	50	10	40	N/A	40	25%	60%	N/A	75%	N/A
O	80,000 square feet	200	75	50	50	N/A	40	20%	50%	N/A	65%	N/A
IP	3 acres	200	75	50	50	N/A	40	30%	60%	N/A	70%	N/A
BP ¹	100 acres	400	100 ²	100 ²	100 ²	N/A	60 ³	20%	50%	N/A	65%	N/A
Q	100 acres	400	100 ^{2,4}	100 ^{2,4}	100 ^{2,4}	N/A	60 ³	5% or 50,000 square feet	15%	N/A	N/A	N/A
CR	100 acres	400	100 ⁴	70 ⁴	100 ⁴	2½	35	5% or 50,000 square feet	15%	N/A	N/A	N/A

NOTES:

¹ General development plan submitted and approved in accordance with N.J.S.A. 40:55D-45 required, with both a community sewage system and a community water system.

² One hundred fifty feet minimum to collector roads and a one-hundred-foot buffer to a residential zone or use.

³ No building shall exceed 20 feet unless set back from all property lines a distance equal to five times the building height.

⁴ No accessory use or structure shall be located within 75 feet of any residential zone.