

ARTICLE I
GENERAL PROVISIONS

27-1 Title

A Comprehensive Ordinance regulating and limiting the uses of land and the uses and locations of buildings and structures; regulating and restricting the height and bulk of buildings and structures and determining the area of yards and other open spaces; regulating and restricting the density of housing and population; implementing the housing requirements mandated by the "Mt. Laurel" Supreme Court decisions; dividing the Borough of Jamesburg into districts for such purposes; adopting a map of said Borough showing boundaries and the classification of such districts; establishing rules, regulations and standards governing the subdivision and development of land within the Borough; establishing a Combined Land Use Board; and prescribing penalties for the violation of its provision.

This Ordinance shall consist of text and a Zoning Map, said map being entitled "Zoning Map, Borough of Jamesburg." This map, together with all explanatory matter thereon, is declared to be a part of this ordinance, and is on file and shall be kept on file with the Borough Clerk and Combined Land Use Board Secretary. If and when changes are made in zoning boundaries or other matters included on said Zoning Map, such changes in the map shall be made promptly after the amendment has been approved by Borough Council.

27-2 Short Title.

The short form by which this ordinance may be known shall be "THE LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF JAMESBURG."

27-3 Purpose.

The Ordinance is adopted pursuant to N.J.S.A. 40:55D-1 et seq. and subsequent amendments and supplements thereto, in order to promote and protect the public health, safety, comfort, convenience, prosperity, morals, and general welfare, and in the furtherance of the following related and more specific objectives:

To secure safety from fire, flood, panic, and other natural and man-made disasters;

To provide adequate light, air and open space;

To ensure that the development of the Borough does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole;

To promote the Smart Growth planning goals of the State of New Jersey with the establishment of appropriate population densities and housing concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;

To protect and preserve the character of homes and businesses within the Borough and to promote orderly and beneficial development and redevelopment of such areas;

To provide sufficient space in appropriate locations for a variety of residential, recreational, and commercial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of Jamesburg citizens and workers;

To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging the location of such facilities and routes which would result in congestion, blight, or safety hazards;

To promote a desirable visual environment through creative development techniques and good civic design and arrangements;

To safeguard and improve the amenities and appearance of the Borough by providing for the regulation of signs and for appropriate review of proposed new structures and substantial alterations;

To protect the public health, safety, convenience and general welfare by providing for the parking of motor vehicles and for the loading and unloading of commercial vehicles;

To provide protection against fire, flood, explosion, excessive noise, noxious fumes and other hazards in the interest of public safety, health, comfort and the general welfare.

To provide for special districts for mixed land uses and flexible development areas to ensure that such districts and uses shall be compatible with each other and not detrimental to surrounding areas and are in accordance with the Borough's Master Plan;

To regulate the use and bulk of buildings in relation to the land surrounding them;

To control those uses of land, buildings and structures which do not conform to zoning standards and to regulate their reasonable expansion so that no adjoining uses or persons are adversely affected;

To regulate the intensity of land uses and to ensure the provision of open spaces surrounding buildings, necessary to provide adequate access, light and air and to protect the public health;

To prohibit and to gradually eliminate uses, buildings or structures which are incompatible with the character of neighborhood development or detrimental to adjoining areas;

To encourage intense and varied development where land, utilities and access to mass transportation exists;

To provide flexibility to encourage new construction, repair, renovation, rehabilitation and investment and a more efficient use of land;

To provide for proper site planning and subdivision layouts;

To promote the conservation of historic sites and other older buildings, open space, energy resources and valuable natural resources in the Borough and to prevent degradation of the natural environment through improper use of land;

To encourage planned and comprehensive developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, and recreational development to the particular site and its surroundings;

To encourage coordination of the various public and private procedures and activities that shape land development with a view of lessening the cost of such development and to promote more efficient use of land;

To encourage senior citizen housing construction;

To promote the conservation of energy through the use of planning practices designed to reduce energy consumption and to provide for maximum utilization of renewable energy sources.

To conserve and enhance the value of property throughout the Borough of Jamesburg.

To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs.

These specific objectives shall also include, among others, the purposes set forth in the statements of intent of the various regulations for the respective zoning districts and the goals found in the Borough Master Plan.

27-4 Interpretation of Standards.

The provisions of this Ordinance shall be held to be minimum requirements. Where this Ordinance imposes a greater restriction than is imposed and required by other provisions of law or by other rules, regulations or resolutions, the provisions of this Ordinance shall control. Where the provisions of any other laws, ordinances, rules, regulations or resolutions require greater restrictions than are imposed by this Ordinance, the provisions of such other laws, rules, regulations or restrictions shall control.

27-5 Prohibited Uses.

The conversion of existing single-family residences into two- or multi-family dwellings is prohibited in all zoning districts.

All uses not expressly permitted in this Ordinance are prohibited.

27-6 Applicability of Definitions.

Definitions as set forth in Article II shall apply throughout this Ordinance.

27-7 Establishment of Controls.

The regulations set forth in this Ordinance for each zoning district shall be minimum regulations, unless otherwise specified, and shall apply uniformly to each class or kind of structure or land.

In all zoning districts, after the effective date of this Ordinance, any new building or structure or any tract of land shall be constructed, developed and used only in accordance with the regulations specified for each district.

In all zoning districts, after the effective date of this Ordinance, any existing building or other structure or part thereof or any tract of land which is not in conformity with the regulations for the district in which it is located shall be deemed as nonconforming and subject to the regulations found in this Ordinance.

27-8 Compliance.

All applicable requirements shall be met at the first time of erection, enlargement, alteration, moving or change in use of a structure and shall apply to the entire structure or structures, whether or not the entire structure or structures were involved in the erection, enlargement, alteration, moving or change in use. Moreover, no building or structure shall be erected, moved, altered, added to or enlarged unless in conformity with this Ordinance and no building or structure shall be designed, used or occupied and no land shall be used or occupied for any purpose or in any manner other than as specified in this Ordinance. Nothing in this Ordinance shall be deemed to require a change in plans, construction, or intended use of any buildings, structure or land on which actual construction or the application for a permit and/or preliminary plans were lawfully submitted to any governmental agency having applicable jurisdiction, and said actions were begun and diligently pursued before the adoption of this Ordinance.

27-9 Types of Controls.

The following minimum and uniform regulations shall apply in their respective districts:

Use regulations, including uses by right, accessory uses and conditional uses.

Area and bulk regulations, including required front, side and rear yards, maximum permitted height and maximum allowable lot coverages.

Off-street parking regulations, including minimum required parking spaces.

Off-street loading regulations, including minimum required loading spaces.

27-10 Effective Date.

This Ordinance shall take effect upon final passage, publication, and filing with the Middlesex County Planning Board.

27-11 Inconsistent Ordinances Repealed.

All previously adopted subdivision, site plan and zoning ordinances and their amendments are repealed.

27-12 Saving Provision.

These regulations shall not abate or modify any action, penalty, liability, or right pending under any ordinance repealed by the adoption of this Ordinance except as expressly provided in this Ordinance.

27-13 Site Plan Approvals, Zoning Variances, & Building Permits Outstanding.

Nothing in this Ordinance shall require any change in a building permit, site plan or zoning variance which was approved before the enactment of this Ordinance provided construction shall have been started within one (1) year from the effective date of this Ordinance and the project shall be continuously pursued to completion, otherwise said approvals and permits shall be void.

ARTICLE II
DEFINITIONS AND DESCRIPTIONS

27-14 Word Usage.

For the purpose of this Ordinance, certain phrases and words are herein defined as follows:

Words used in the present tense include the future tense;

Words used in the singular number include the plural number and vice versa;

Words used to include the male gender include the female gender and vice versa;

The word "used" shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be used;

The word "person" includes corporation or partnership as well as individuals;

The word "lot" includes the words "plot," "parcel," or "premises";

The word "structure" includes the word "building," "dwelling," or "residence."

The term "such as" shall be considered as introducing a typical or illustrative designation of terms and shall not be construed as constituting a complete list;

The word "shall" is mandatory and not discretionary; and

The word "may" is discretionary and not mandatory.

27-15 Compliance with other Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose of this Article, have the meaning as herein defined. Any word or term not noted below shall be used with a meaning as defined in Webster's Third New International Dictionary of the English Language, unabridged or the latest edition. Moreover, whenever a term is used in this Article which is defined in N.J.S.A. 40:55D-1, et seq., such term is intended to have the meaning as defined in J.J.S.A. 40:55D-1, et seq., unless specified to the contrary in this Article. Where improvements are governed by the New Jersey Residential Site Improvement Standards (RSIS), such terms shall have the same meaning as in N.J.A.C. Title 5, Chapter 21.

27-16 Definitions and descriptions.

Unless otherwise expressly stated, the following words and terms shall, for the purpose of this Ordinance, have the meanings as indicated:

ACCESSORY BUILDING, STRUCTURE OR USE - a building, structure or use of which is customarily associated with and is subordinate and incidental to the principal building, structure or use and which is located on the same lot therewith, including but not limited to

cabanas, garages, carports, greenhouses, sheds, decks, non-portable swimming pools, spas, and all roofed structures. Any accessory building or structure attached to the principal building shall be considered part of the principal building. A storage and/or a construction trailer shall not be considered a permitted accessory building, structure or use except as permitted pursuant to a development application.

ADMINISTRATIVE OFFICER - means the Combined Land Use Board Secretary or as designated by the Borough Council.

ADDITION, BUILDING - an extension or an increase in the floor area, height, or coverage of a building or structure.

ALTERNATIVE TOWER STRUCTURE - includes man-made trees, clock towers, bell steeples, flagpoles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

AMUSEMENT ARCADE - a building or part of a building in which pinball machines, videogames, or other similar player operated amusement devices are maintained, as a principal use.

ANCILLARY FACILITIES - the buildings, cabinets, vaults, closures and equipment required for operation of telecommunication systems including but not limited to repeaters, equipment housing, and ventilation and other mechanical equipment.

ANTENNA - any exterior apparatus designed for telephonic, radio or television communications through the sending and/or receiving of electromagnetic waves, digital signals, analog signals, radio frequencies, wireless telecommunications signals or other communications signals. Parabolic dish antennas used for satellite communications shall not be included within this definition.

AUTO BODY SHOP - an establishment that repairs and repaints motor vehicles after collision, fire damage, water damage, or other natural disaster or for the purpose of restoration.

AUTOMOBILE WRECKING - an establishment that recycles parts and other materials from motor vehicles or otherwise disposes of same.

AUTOMOBILE SALES LOT OR BUILDING - a lot or building used for the sale or hire of automotive equipment. This shall be interpreted to include new and used car dealerships and auto accessory sales rooms but not the sale of junked automotive equipment.

AUTOMOBILE SERVICE STATION, GASOLINE STATION, OR MOTOR VEHICLE SERVICE STATION - a structure and surrounding land used for the storage and sale of petroleum fuel primarily to motor vehicles and for accessory uses such as the sale of lubricants, accessories, or supplies, the incidental washing of motor vehicles, and the performing of minor repairs. A service station is not a repair garage, auto body shop, or car wash.

CAR WASH - any building or premises or portions thereof used for washing and/or detailing automobiles, light trucks and vans for compensation.

REPAIR GARAGE - any building, premises and land in which, or upon which, a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

ADULT ENTERTAINMENT USE - an establishment consisting of, including, or having the characteristics of any or all of the following:

ADULT BOOKSTORE - an establishment having as a substantial or significant portion of its stock-in-trade books, magazines, publications, tapes, or films that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

ADULT CABARET - (1) An establishment devoted to adult entertainment, either with or without liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas; (2) a cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.

ADULT MINI MOTION PICTURE THEATER - an enclosed building with a capacity for less than fifty persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

ADULT MOTION PICTURE THEATER - an enclosed building with a capacity for fifty or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

ADVERSE EFFECT - conditions or situations created by a proposed development that impose, aggravate, or lead to impractical, unsafe or unsatisfactory conditions on properties such as, but not limited to, improper circulation and drainage rights-of-way, inadequate drainage facilities and utility service flows, insufficient street widths, unsuitable street grades, unsuitable street locations to accommodate prospective traffic or coordinate and compose a convenient and effective circulation system, locating lots in a manner not adaptable for the intended purposes without danger to health or peril from flood, fire, erosion or other menace, providing for lots of insufficient size and neither providing nor making future allowance for access to the interior portion of a property for other facilities required by this Ordinance.

AGE RESTRICTED HOUSING - buildings, including apartments or condominiums, which are restricted so that only persons age fifty-five (55) or older and persons who are married and cohabitating with a person fifty-five (55) or older may become residents in any unit.

AISLE - the traveled way by which cars enter and depart parking spaces.

ALLEY - a service roadway providing access to residential parking and garages generally from the rear of residential lots. Such roadway is not intended for general (public) traffic circulation.

ALTERATIONS - as applied to a building or a structure:

- A. A change or rearrangement in the structural parts or in the existing facilities or an enlargement, whether by extension of a side or by increasing in height or by moving from one location or position to another.
- B. Any other activity that would change the use of the building.
- C. Changes to the appearance of the exterior surface of any improvement.
- D. The addition of a sign or the enlargement of any existing sign upon the premises.
- E. Alteration shall not mean necessary repairs and renovation of an existing structure for the purpose of maintenance.

APPLICANT - the landowner or the agent, optionee, contract purchaser or attorney authorized in writing to act for the landowner submitting an application for development under this Ordinance.

APPROVING AUTHORITY - the Combined Land Use Board of the Borough of Jamesburg unless a different agency or individual is designated by Ordinance.

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

AS-BUILT PLAN - a survey by a New Jersey licensed land surveyor that indicates improvements on, above, and below the ground after construction pursuant to a final site plan or subdivision approval precedent to the issuance of a Certificate of Occupancy.

ASSISTED LIVING RESIDENCE - a facility which is licensed by the NJ Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed, for four (4) or more adult persons unrelated to the proprietor. In the context of this definition, "apartment" shall mean a dwelling unit offering at a minimum, one unfurnished room, private bathroom, kitchenette, and a lockable door on the unit entrance.

AWNING - a roof-like cover that is temporary or movable in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements and that may be periodically retracted against the face of the building. An awning may or may not include signage.

BABYSITTING - an activity provided in an occupied residence in which child care is provided only for a child or children related to the resident care-giver, or only for a child or children of one (1) unrelated family, or only for a combination of such children; not being a **CHILD CARE CENTER** or **FAMILY DAY CARE HOME**. Babysitting is a permitted accessory use in all Borough residences.

BACK-HAUL NETWORK - the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

BALCONY - an unroofed outdoor living area cantilevered from the face of a building on second or higher floors.

BANK - a commercial bank, saving and loan, or savings bank. A check-cashing use is not a bank use.

BASEMENT OR CELLAR - the portion of a building that is partly or entirely below grade, not designed for living quarters or habitable use and having more than one-half (½) of its clear height below the average level of the ground adjoining the building.

BED AND BREAKFAST - a portion of a residential dwelling unit containing sleeping accommodations without individual cooking facilities which are used, let or hired out for compensation for the use of temporary guests. A central dining room area may be utilized to furnish meals only to the guests.

BELGIAN BLOCK - a type of paving stone used as curbing generally cut in a truncated pyramidal shape, laid with the base of the pyramid down.

BERM - a mound of soil, either natural or constructed, used for one or more of the following purposes: screen, buffer, separator, landscape feature, noise attenuator, dam, or stormwater control.

BICYCLE-COMPATIBLE ROADWAY - a road designed to accommodate the shared use of the roadway by bicycles and motor vehicles.

BICYCLE FACILITIES - a general term denoting improvements and provisions made by public or private agencies to accommodate or encourage bicycling, including parking facilities, maps, all bikeways, and shared roadways not specifically designated for bicycle use.

BICYCLE LANE - a portion of a roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

BICYCLE AND PEDESTRIAN PATHWAY - a pathway physically separated from motorized vehicular traffic generally by an open space or barrier and either within the highway right-of-way or within an independent right-of-way or easement.

BICYCLE ROUTE - a segment of a system of bikeways designated by the jurisdiction having authority with appropriate directional and informational markers, with or without a specific bicycle route number.

BIKEWAY - any road, path, or way which in some manner is specifically designated as being open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes, including pedestrians.

BILLBOARD, SIGN - a sign that 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. Where the Zoning Officer or his designee finds that a proposed off-site sign is intended primarily for business identification and directional purposes and not advertising, such sign shall not be considered a billboard within the meaning of this definition.

BOARD - the Combined Land Use Board of the Borough of Jamesburg.

BOARDING, LODGING OR ROOMING HOUSE - a building or part thereof arranged or used for lodging, without shared kitchen facilities, for compensation, monetary or otherwise, and not occupied as a single housekeeping unit.

BUFFER - an area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, and/or fences, designed to physically separate or screen one use or property from another so as to visually shield or block noise, lights or other nuisances. No building, structure, parking area, street, sign (except traffic directional signs) or storage of materials shall be permitted in this area.

BUFFER AREA - the area surrounding a telecommunications tower and ancillary facilities which lies between the tower and adjacent lot lines and/or land uses.

BUILDING - any structure having a roof supported by columns or walls and intended for the permanent, temporary or continuous shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

BUILDING ALTERATIONS, STRUCTURAL - any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or in the utility system or mechanical equipment of a structure, which materially alters its usability, capacity, or function.

BUILDING COVERAGE - the horizontal plan projection taken at grade level of all covered or roofed areas and uncovered porches or decks on a lot, whether permanent or temporary. In computing building area, cornices, eaves, gutters, steps, and balconies are excluded.

BUILDING HEIGHT - the vertical distance measured from the mean elevation of the finished grade along the front of the building to the highest point of the roof for flat roofs, to the mean height level (between the eaves and ridge) for gable and hip roofs and to the deck line of mansard roofs. In all cases the building height shall not include chimneys, spires,

towers, elevator penthouses, tanks, antennas, air-conditioning equipment, and similar projections, provided however that such projections shall be attractively and appropriately designed and/or shielded.

BUILDING LINE - a line parallel to the street line touching that part of a building closest to the street.

BULK REGULATIONS - standards and controls that establish the maximum size of building and structures on a lot and the buildable area within which the building may be located, including area, coverage, setback, height, floor area ratio, and yard or other requirements affecting the physical placement of buildings and structures on a lot.

BUSINESS SERVICES - establishments primarily engaged in rendering services to business establishments on a fee or contract basis, including but not limited to printing, copying, computer services, publishing, binding, photo finishing, and personal supply services.

BUS SHELTER - a small roofed structure having from one (1) to three (3) walls located near a street and designated primarily for the protection and convenience of bus passengers.

CALIPER - the diameter of a tree trunk measured in inches at a point six (6) inches above natural grade. For tree surveying, the diameter of a tree trunk measured 4½ feet above natural grade.

CAPITAL IMPROVEMENT - a governmental acquisition of real property or major construction project.

CARPORIT - a covered roof extending from the exterior building wall which allows a vehicle to park underneath.

CARRIER - a company that provides wireless services.

CARTWAY - the actual road surface area from curblin to curblin which may include travel lanes, parking lanes, and deceleration and acceleration lanes. Where there are no curbs, the cartway is that portion between the edges of the paved, or hard surface, width.

CERTIFICATE OF OCCUPANCY - a statement signed by the Construction Official, setting forth that a particular lot or a particular structure may lawfully be occupied for a specific use or uses.

CERTIFICATION, SOIL EROSION - written endorsement by the Borough Engineer of a plan for soil erosion and sediment control which indicates that the plan meets the standards established by the Standards for Soil Erosion and Sediment Control in New Jersey as promulgated by the State Soil Conservation Commission (N.J.S.A. 4:24-39 et seq.).

CHILD CARE CENTER - any facility which is maintained for the care, development and supervision of six (6) or more children under the age of six (6) who attend the facility for less than twelve (12) hours a day and which offers such programs as day care center, drop-in centers, recreation-type centers sponsored and operated by a County of municipal

government, centers serving mildly sick children, centers that had not been licensed by the NJ Department of Human Services prior to the enactment of the Child Care Center Licensing Act of 1984, day nursery schools, play schools, cooperative child centers, centers for children with special needs, infant-toddler programs, employment related centers, and/or kindergartens that are not an integral part of a private educational institution or system offering elementary education in grades kindergarten through sixth. A Child Care Center shall not offer programs operated by a public or private day school of elementary and/or high school grade, special activity programs for children, youth camps, and/or religious classes.

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.

CLUSTER HOUSING OPTION - a residential development option which allows for either a reduction in minimum lot size or for construction of attached housing as long as the overall gross density for the entire tract of land is not increased.

CO-LOCATION - when two or more receiving and/or transmitting facilities are placed together in the same location or on the same antenna support structure.

COMMUNITY RESIDENCE FOR THE DEVELOPMENTALLY DISABLED - any community residential facility licensed pursuant to P.L. 1977, c. 448 (C.30:11B-1 et seq.) providing food, shelter and personal guidance, under such supervision as required, to not more than fifteen (15) developmentally disabled or mentally ill persons, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to: group homes, half-way houses, intermediate care facilities, supervised apartment living arrangements, and hotels. 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. 163; 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 SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE - any shelter approved for a purchase of a service contract and certified pursuant to standards and procedures established by regulation of the Department of Human Services pursuant to P.L. 179, c. 337 (N.J.S.A. 30-40-1-14) providing food, shelter, medical care, legal assistance, personal guidance, and other services to not more than fifteen (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.

COMPLETE APPLICATION - an application for development shall be complete for purposes of commencing the applicable time period for action by the Combined Land Use Board. In the event the application is not certified to be complete within forty-five (45) days of the date of its submission, the application shall be deemed complete upon the expiration of the forty-five (45) day period for purposes of commencing the applicable time period for action by the Combined Land Use Board unless: (a) the application lacks information indicated on a checklist adopted by Ordinance and provided to the applicant; and (b) the Administrative Officer has notified the applicant, in writing, of the deficiencies in the application within forty-five (45) days of the submission of the application. The applicant may request that one (1) or more of the submission requirements be waived within forty-five (45) days. The Combined Land Use Board may subsequently require correction of any information found to be in error and submission of additional information not specified in the Ordinance or any revisions in the accompanying documents, as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application have been met. The application shall not be deemed incomplete for lack of any such additional information or any revision in the accompanying documents so required by the Combined Land Use Board.

CLEAR CUTTING - the removal of all standing trees on a lot or portion of a lot.

COMMON OPEN SPACE - an open space area within or related to a site designated as a development not individually owned, and designed and intended primarily 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.

CONCEPT PLAN - a preliminary presentation and attendant documentation of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

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 specified in this Ordinance and upon issuance of authorization by the Combined Land Use Board. Any application seeking exception to the conditions and standards shall be considered an application for a Use Variance.

CONSERVATION EASEMENT - the grant of a property right stipulating that the described land will remain in its natural state and precluding future or additional development, except as may be specifically permitted therein.

CONSTRUCTION OFFICIAL - the municipal official specified in the New Jersey Uniform Construction code and designated as such by the Borough Council responsible for the enforcement of the State Uniform Construction Code.

CONSTRUCTION TRAILER - any wheeled or formerly wheeled vehicle designed for transport upon roads or highways under its own motive power or under motive power other than its own and used or intended to be used in connection with construction or development for the storage of materials, tools or equipment, or for office purposes. The meaning of "construction trailer" shall be deemed not to include mobile homes or recreation vehicles.

CONTIGUOUS PARCEL - tracts of land which share a common boundary.

CONVENIENCE STORE - a freestanding retail store offering primarily packaged groceries and offering token selections of a wide variety of sundries.

CONVENTIONAL DEVELOPMENT - development other than planned development.

COUNTY PLANNING BOARD - means the County Planning Board, as defined in section 1 of P.L. 1968, c. 285 (C. 40:27-6.1), of the County in which the land or development is located.

COVERAGE, IMPERVIOUS - the square footage or other area measurement by which all buildings and impervious surfaces cover a lot as measured in a horizontal plan to the limits of the impervious area(s), such as surface areas, walkways, patios and plazas. All parking spaces and lots, buildings, roads, driveways, walkways, tennis courts, patios, decks and any other structure or on-site material or ground condition that does not permit the natural absorption of water shall be included in the computation of improvement coverage. All surfaced parking areas and driveways, all required parking areas which are permitted to remain unsurfaced and all gravel driveways shall be included in the computation of impervious coverage.

CLUB, SOCIAL OR FRATERNAL - a private organization for social purposes in which the principal use is in enclosed buildings and limited or no outdoor sports are involved.

COMMUNITY RESIDENCE FOR PERSONS WITH HEAD INJURIES - a community residential facility licensed pursuant to P.L. 8197, c. 448 (C.30:11B-1, et seq.) providing food, shelter and personal guidance, under such supervision as required, to not more than fifteen (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 hospitals. Such a residence shall not be considered a health care facility within the meaning of the "Health Care Facilities Planning Act," P.L. 9171, c. 136 (C.26:2H-1, et seq.). The term "person with head injury" means 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.

CULVERT - a closed or open conduit designed for the purpose of conveying an open channel watercourse under a road, highway, pedestrian walk, railroad embankment, or other type of overhead structure.

DAYS - calendar days.

DEDICATION - a conveyance or offer of conveyance of property to public use, which precludes the owner or any successor in interest from asserting any right of ownership inconsistent with the use for which the property is dedicated, until acceptance of the offer is acknowledged by the Borough or other public entity.

DENSITY, GROSS - the permitted number of dwelling units per gross acre of land to be developed.

DENSITY, NET - the total number of dwelling units per unit of land excluding all areas designated as common open space, streets, easements, water areas and wetlands.

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 REGULATION - a zoning ordinance, land subdivision and site plan ordinance, official map ordinance or other municipal regulation of the use and development of land, or amendment thereto.

DEVELOPMENT - the division of a parcel of land into two (2) or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any excavation or landfill, mining, dredging, filling, grading, paving, drilling, and any other uses 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 this Ordinance and N.J.S.A. 40:55D-1 et. seq.

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 and alleviation of flooding.

DRAINAGE EASEMENT AND UTILITY RIGHT-OF-WAY - the lands required for the installation and maintenance of storm water and sanitary sewers, water pipes or drainage ditches and other utilities, or lands required along a natural stream or water course for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage, erosion and sedimentation.

DRIVE-THROUGH FACILITY - a facility associated with a use that, by design, physical facilities, service or by packaging procedures, encourages or permits customers to receive services and obtain goods while remaining in their motor vehicles.

DRIVEWAY - a paved or unpaved area used for ingress and egress of vehicles and allowing access from a street to a building or other structure or facility.

DESIGN STANDARDS - regulations that set forth specific improvement requirements.

DETENTION BASIN - a man-made or natural water collector facility designed to collect surface or subsurface water in order to impede its flow and to release collected water gradually at a rate not greater than that existing prior to the development of the property, into natural or man-made outlets.

DWELLING - any permanent building or portion thereof designed or used exclusively as the residence or sleeping place of one (1) or more persons. Dwellings may include but not be limited to the following types:

DWELLING, SINGLE-FAMILY - a freestanding detached building on one (1) lot, or within a lot held in common ownership, serving one family.

DWELLING, TWO-FAMILY TWIN - a freestanding detached building on one (1) lot, or within a lot held in common ownership serving two (2) families, with private exterior entrances to each dwelling.

DWELLING, SEMI-DETACHED - a freestanding detached building on one (1) lot, or within a lot held in common ownership serving up to four (4) families, with private exterior entrances to each dwelling and in general, having the exterior appearance of a single-family dwelling (e.g., duplex, triplex or quadplex dwelling types).

DWELLING, MULTI-FAMILY - a building or portion thereof used or designed as a residence for three (3) or more dwelling units including apartments.

DWELLING, TOWNHOUSE - a building containing at least three (3) connected dwelling units divided by common party walls, with private entrances to each dwelling. For purposes of this Ordinance, "townhouse" may include dwelling units with simple, condominium or cooperative ownership or any combination thereof.

DWELLING APARTMENT - three (3) or more units located within a single building, with an entrance to each dwelling by direct access from the outside or through a common hall. Apartments may include buildings in cooperative or condominium ownership.

DWELLING UNIT - a group of interrelated rooms or structures, intended or designed for non-transient residential uses of one (1) family; separated from other dwelling units by lockable doors; having access to the outside without crossing another dwelling; and, having living and sleeping facilities, cooking facilities, fixed or portable, and complete sanitary facilities for the exclusive use of the occupants thereof.

EARTH TERMINAL OR EARTH TERMINAL ANTENNAE - any apparatus or device, commonly known as an earth terminal antenna, earth terminal, earth station, satellite communications antenna, satellite antenna, microwave dish antenna, or dish antenna, and including as part of such apparatus or device the main reflector, subreflector, feed, amplifier and support structure, which is designed for the purpose of transmitting or receiving microwave, television, radio, satellite or other electromagnetic energy signals into or from space, but does not include conventional television, radio and amateur radio antennae.

EASEMENT - a right to use the real property of another created by deed or other legal means, for the benefit of private persons or the public, for one (1) or more specific purposes.

ENVIRONMENTAL IMPACT REPORT - a description and analysis of all possible direct and indirect effects that development will have on residents and the site itself as well as adjacent and noncontiguous areas.

ERECT - to build, construct, attach, place, suspend or affix and shall also include the painting of wall signs and the painting of signs or displays on the exterior surface of a building, structure or natural surface.

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

EXCAVATION OR CUT - any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated.

EASEMENT, CROSS ACCESS - a portion of a property which is permanently reserved for the purpose of enabling vehicular and/or non-vehicular access between adjoining properties and may be either improved or unimproved.

EASEMENT, SIGHT - an easement that establishes a clear sight triangle.

EAVE - the projecting lower edges of a roof overhanging the wall of a building.

ESCROW - a deed, bond, money, or a piece of property held by a third person to be delivered to him or her to the grantee only upon fulfillment of a condition or upon the grantor's failure to fulfill a condition.

FAA - the Federal Aviation Administration.

FALL ZONE - the area on the ground within a prescribed radius from the base of a wireless telecommunications tower. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

FAMILY - one or more individuals not necessarily related by blood, marriage, adoption or guardianship, living together in a dwelling unit as a single housekeeping unit, including shared bathroom and kitchen facilities, and also may include other shared living space. Such occupancy is distinguished from a boarding, lodging or rooming house type of occupancy dwelling unit.

FAMILY DAY CARE HOME - a private residence which qualifies as a family day care home pursuant to the "Family Day Care Provider Registration Act," P.L. 1987, c. 27 (C.30:5B-16 et seq.); and as further defined as a private residence in which child care services are provided for a fee to not less than three (3) and no more than five (5) children at any one time for no less than fifteen (15) hours per week. Refer to N.J.S.A. 40:55D-66.5b for further information on family day care homes.

FCC - the Federal Communications Commission.

FENCE - an artificially constructed barrier of wood, masonry, stone, wire, metal, or any other manufactured material or combination of materials used as a boundary or means of protection, confinement or concealment.

FINAL PLAT - the final map of all or a portion of the subdivision which is presented to the Combined Land Use Board for final approval in accordance with these regulations and which, if approved, shall be filed with the proper County recording officer.

FINAL APPROVAL - the official action of the Combined Land Use 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.

FLOOD OR FLOODING - a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the usual and rapid accumulation of runoff of surface waters from any source.

FLOOD FRINGE AREA - that portion of the flood hazard area not designated as the floodway.

FLOOD HAZARD AREA - the floodway and the flood fringe area of a delineated stream.

FLOOD HAZARD DESIGN ELEVATION - the elevation of the Flood Hazard Area Design Flood.

FLOOD HAZARD AREA DESIGN FLOOD - the one hundred (100) year storm in non-delineated areas and the one hundred (100) year storm plus twenty-five percent (25%) in delineated areas.

FLOOD INSURANCE RATE MAP (FIRM) - the Official Map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY - the official report provided in which the Federal Emergency Management Agency has provided flood profiles as well as the Flood Boundary-Floodway map and the water surface elevation of the base flood.

FLOODPLAIN - the relatively flat area or low lands adjoining the channel of a natural stream, which has been or may be hereafter covered by flood water.

FLOODWAY - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than two tenths (0.2) of a foot.

FLOOR AREA, GROSS - the total floor area of a structure used for residential purposes or for business or commercial activities. In the case of the latter, this shall include customer facilities, showcase facilities, work areas, storage and sales facilities. However, the "floor area" of a structure shall not include:

- A. Cellar space, except that cellar space used for retailing shall be included for the purpose of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths. Also, cellar space constructed and finished as to be suitable for human habitation shall be counted in computing total "floor area."
- B. Attic space, whether or not a floor has actually been laid, providing structural headroom of less than seven (7) feet six (6) inches.
- C. Uncovered steps.
- D. Terraces, breezeways and open porches.
- E. Accessory off-street parking spaces.

FLOOR AREA RATIO (FAR) - the sum of the area of all floors of buildings or structures compared to the total area of the site.

FUNCTIONALLY EQUIVALENT SERVICES - cellular Radio, Personal Communication Service (PCS), Enhanced Specialized Mobile Radio, Specialized Mobile Radio and Paging, Commercial Land Mobile Radio and additionally emerging technologies.

GARAGE, PRIVATE - a structure that is accessory to a residential building and that is used for the parking and storage of vehicles owned and operated by the residents thereof and that is not a separate commercial enterprise available to the general public.

GARAGE, PUBLIC OR COMMERCIAL - any garage not included within the definition of a "private garage."

GENERAL DEVELOPMENT PLAN - a comprehensive plan for the development of a planned development pursuant to N.J.S.A. 40:55D-45.2.

GOVERNING BODY - the Borough Council of Jamesburg Borough.

GRADE - the slope of a road, path, driveway, swale or other surface, or the average finished ground elevation adjoining a building or project completion.

GROUND COVER - low-growing plants or sod that in time form a dense mat covering the area in which they are planted preventing soil from being blown or washed away and the growth of unwanted plants.

GROUP HOME - any single-family dwelling used in the placement of children pursuant to law recognized as a group home by the Department of Institutions and Agencies in accordance with rules and regulations adopted by the Commissioner of Institutions and Agencies, provided, however, that no group home shall contain more than twelve (12) children.

GUYED TOWER - tower that is supported or braced through the use of cables (guy wires) that are permanently anchored.

HEIGHT, TOWER - when referring to a tower, the vertical distance measured from the lowest finished grade at the base of the tower to the highest point on the tower, even if said highest point is an antenna.

HISTORIC BUILDING - any building or structure which is historically or architecturally significant.

HISTORIC SITE - any real property, man-made structure, natural object or configuration or any portion or group of the foregoing of historical, archaeological, cultural, scenic or architectural significance.

HOME OCCUPATION - any indoor activity carried out by a resident for financial gain in a dwelling unit or in an accessory building which is clearly incidental and secondary to the use of the dwelling for residential purposes. A customary personal service occupation conducted for profit in a residential use by members of the resident family. The following uses shall be considered home occupations: dressmaking, home cooking for off-premises consumption, private tutoring, and individual teaching of music, portrait painting or sculpture, and computer programming. Barber shops, beauty parlors, dance studios and automobile repair shops, clinics, and landscaping and excavation businesses are specifically prohibited as home occupations.

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

HOMEOWNERS' ASSOCIATION - An organization operating in a development under recorded agreements through which each lot owner shall be a member and each dwelling unit is subject to a charge for a proportionate share of the expenses for the organization's activities and maintenance, including any maintenance costs levied against the association by the Borough in accordance with N.J.S.A. 40:55D-43.

HOTEL OR MOTEL, OR EXTENDED FAMILY STAY FACILITY - a building or group of buildings consisting of individual sleeping units designed for transient travelers and not for permanent residency; which may include conference and meeting facilities and restaurants.

INSTITUTIONAL USE - a non-profit, religious, community service or public use such as a religious building, post office, library, community meeting hall, cultural-recreational-educational facility, visual and/or performance arts building or government-owned or operated building or structure.

ISLAND, TRAFFIC - in street design, a raised area, usually curbed, placed to guide traffic and separate lanes, or used for landscaping, signage, or lighting.

JUNKYARD - any place of business conducted or maintained for the purpose of buying, selling and storing, or any of them, old junk, ropes, iron, brass, copper, tin, lead, rubber in various forms, old papers, bottles or any other material or materials, old unregistered automobiles or trucks or other motor or mobile vehicles and other abandoned and unusable vehicles and such other miscellaneous assortment of articles and materials which are commonly classified and designated as "junk."

LAND - any ground, soil, or earth, including drainageways and areas not permanently covered by water within the Borough, plus improvements and fixtures on, above or below the surface.

LANDSCAPE PLAN - a component of a development plan on which is shown proposed landscape species (such as number, spacing, size at time of planting and planting details); proposals for protection of existing vegetation during and after construction; proposed treatment of hard and soft surfaces; proposed decorative features; grade changes; buffers and screening devices; and any other information required to facilitate an informed decision by the approving authority.

LANDSCAPING - an area of land restricted to landscape items which may also include such elements as natural features, earth berms, sculpture, signs, lighting, access-ways, bikeways and pedestrian-ways, but not including motor vehicle parking, extending along the entire lot line where they are required. The width of a landscape area shall be measured at right angles to the lot line.

LATTICE TOWER - a type of mount that is self-supporting with multiple legs and cross-bracing of structural steel.

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 and which abuts upon a street, alley or other appropriate means of access.

LONG-TERM CARE FACILITY - an institution or a distinct part of an institution that is licensed or approved to provide health care under medical supervision for 24 or more consecutive hours or two or more patients who are not related to the governing authority or its members by marriage, blood, or adoption. Long-term care facility shall include the terms skilled nursing facility and intermediate care facility.

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

LOT AREA - the area of a lot taken at its perimeter, exclusive of any portion within a public or private street right-of-way.

LOT DEPTH - the shortest horizontal distance between the front lot line and a line drawn parallel to the front lot line through the midpoint of the rear lot line. The greater frontage of a corner lot shall be deemed its depth and the lesser frontage is its width.

LOT, FLAG - a lot located to the rear of another lot, connected to the public street frontage common to both lots by a narrow strip of land.

LOT FRONTAGE - the distance between the side lot lines measured along the street line. In odd-shaped or triangular-shaped lots in the residential zones, the length of the frontage may be considered to be the same as the lot width, except that such length of frontage shall not be less than one-half (½) of any minimum frontage herein required that the actual length of the street line shall not be less than fifty (50) feet. In the case of a corner lot, either street line may be considered the lot frontage, provided that it equals or exceeds the minimum frontage requirements of this Ordinance for the land in question.

LOT, CORNER - a lot at the junction of, and abutting on, two (2) or more intersecting streets. Unless prior subdivision approval requires otherwise, each corner lot shall have two (2) or more front yards, one (1) side yard and one (1) rear yard. Designation of the side and rear yards shall occur either at the time of application for subdivision approval for new residential lots or at the time of application for building permit for lots within existing development where no prior designation of such yards occurred.

LOT, INTERIOR - a lot other than a corner lot.

LOT LINE - any line forming a portion of the exterior boundary of a lot and the same line as the street line for that portion of a lot abutting a street.

LOT, THROUGH - a lot, other than a corner lot, which extends from one (1) street to another, having frontage on both streets.

LOT WIDTH - the straight line horizontal distance between side lot lines at setback points on each side lot line measured from the street line at the minimum required building setback line.

LOWEST FLOOR - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not build so as to render the structure in violation of the applicable non-elevation design requirements in the Flood Damage Preservation section.

MAINTENANCE GUARANTEE - any security which may be accepted by the Borough for the maintenance of improvements required by this Ordinance, including but not limited to surety bonds and letters of credit pursuant to N.J.S.A. 40:55D-53.5.

MAP FILING LAW - Chapter 141 of the Laws of New Jersey 1960, as amended from time to time.

MARQUEE - any hood, canopy, awning, or permanent construction which projects from the wall of a building, usually above an entrance.

MASTER PLAN - the current edition of the Jamesburg Borough Master Plan which shall have been duly adopted by the Combined Land Use Board.

MOBILE SIGN - a sign which is not affixed to the building structure or permanently attached to a freestanding structure.

MONOPOLE - the type of tower that is self-supporting with a single shaft of wood, steel or concrete and a platform (or racks) for panel antennas arrayed at the top.

MOUNT - the structure or surface upon which antennas are mounted, including the following three types of mounts:

- A. Mounted on the roof or the side of a building.
- B. Antenna support (tower) mounted on the ground.
- C. Mounted on or in a structure other than a building

MOUNTABLE CURB - a curb with a sloped face designed to be crossed by a vehicle.

MOVING LANE - moving or travel lane where traffic movement is the primary, if not sole, function.

MULCH - a layer of wood chips, dry leaves, straw, hay, plastic, or other materials placed on the surface of the soil around plants to retain moisture, to prevent weeds from growing, to hold the soil in place, and to aid plant growth.

MUNICIPAL AGENCY - the Combined Land Use Board, Borough Council, or any agency created by or responsible to the Borough when acting pursuant to this Ordinance and the Municipal Land Use Law (MLUL).

MLUL - Municipal Land Use Law.

NEW CONSTRUCTION: Structures for which the start of construction commenced on or after the effective date of this Ordinance.

NON-CONFORMING BUILDING OR STRUCTURE - a building or structure the size, dimension or location of which was lawful prior to the adoption, revision or amendment of this 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.

NON-CONFORMING LOT - a lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of this Ordinance, but fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

NON-CONFORMING SIGN - any sign lawfully existing on the effective date of an Ordinance, or any amendment thereto, which is rendered non-conforming by reason of such adoption, revision or amendment.

NON-CONFORMING USE - a use or activity which was lawful prior to the adoption, revision or amendment of this Ordinance, but which fails to conform to the requirements of this Ordinance in which it is located by reasons of such adoption, revision or amendment.

NON-PROFIT EDUCATIONAL INSTITUTION - any educational institution for higher learning chartered by the State of New Jersey, or a private educational institution normally subject to regulations prescribed by the State of New Jersey, which institution is operated on a non-profit basis. This definition shall be deemed to include all activities secondary or subordinate to the main activity of any such institution, which activities are a part of the normal operation of such institution as set forth in its Article.

NURSING HOME - a facility operated for the purpose of providing therein lodging, board, and nursing care to sick, invalid, infirm, disabled, or convalescent persons for compensation and duly licensed by all governmental agencies.

OFFICES - a space accommodating any or all of the following: executive, general corporate and clerical activities, research and consumer product development connected with service industries such as financial, insurance, and banking; development of computer software; demographic, economic and statistical research; and activities of a similar character.

OFFSITE - 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 or drainage or utility easement.

OFF-STREET LOADING SPACE - a temporary loading area for a truck or delivery van that is directly accessible to an access aisle and that is not located within a dedicated street right-of-way.

OFF-STREET PARKING SPACE - a temporary storage area for a motor vehicle that is directly accessible to an access aisle, and that is not located on a dedicated street right-of-way.

ON-SITE - shall mean located on a lot or portion of a lot which is the subject of a development application.

ON-STREET PARKING SPACE - a temporary storage area for a motor vehicle which is located on a dedicated street 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.

OUTDOOR STORAGE - the keeping in an unroofed area of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

OWNER - any individual, partnership, firm, association, syndicate, or corporation having sufficient proprietary interest in the land sought to be subdivided or otherwise developed to commence and maintain proceedings under this Ordinance.

PAD SITE - an area reserved for a freestanding building located within a shopping center.

PARKING LOT - an off-street, ground level area, usually surfaced and improved for the temporary storage and circulation of motor vehicles.

PARKING SPACE or STALL - a storage area provided for the parking of a single motor vehicle.

PERFORMANCE GUARANTEE - any security, including cash, which may be accepted by the Borough, in lieu of certain improvements having been installed; provided that the Borough shall not require more than ten percent (10%) of the total performance guarantee in cash.

PERMITTED USE - any use of land or buildings as permitted by this Ordinance.

PERSONAL SERVICES - establishments primarily engaged in providing services involving the care of a person or his or her goods or apparel, including but not limited to laundering, shoe repair, hair and body care, tailoring, travel agents, spas, tanning salons and nutrition/weight loss.

PERSONAL WIRELESS SERVICE FACILITY - a facility for the provision of personal wireless services, as defined by the Telecommunications Act of 1996.

PERVIOUS SURFACE - any surface that permits a significant portion of surface water to be absorbed.

PLAT - the map of a subdivision or site plan, used interchangeably in this Ordinance with plan.

MINOR PLAT – The map of a subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification and meeting the requirements of this Ordinance.

PRELIMINARY PLAT – The preliminary map indicating the proposed layout of the subdivision or site plan which is submitted to the Combined Land Use Board for consideration and preliminary approval and meeting the requirements of this Ordinance.

FINAL PLAT – The final map of all or a portion of the subdivision or site plan which is presented to the Combined Land Use Board for final approval and meeting the requirements of this Ordinance.

PLAZA or SQUARE - a continuous open area, accessible to the public at all times and designed to receive maximum sunlight containing but not limited to trees and other landscaping, seating, decorative pavement, art work, kiosks, and water features.

PORCH - a roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building.

PRE-APPLICATION CONFERENCE - an initial meeting between applicants and/or developers and municipal representatives which affords applicants and developers the opportunity to present their proposals informally prior to formal application submission.

PRELIMINARY APPROVAL - the conferral of certain rights, prior to final approval, after specific elements of a development have been approved by the Combined Land Use Board and agreed to by 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.

PRINCIPAL BUILDING - a building in which is conducted the main or principal use of the lot on which the building is situated.

PRINCIPAL FACADE - the portion of the building that faces the street which generates the most vehicular and pedestrian traffic as determined by the approving authority.

PRINCIPAL USE - the primary or main purpose for which a lot or building is being utilized.

PRIVATE STREET - a street that is not publicly accepted or not intended to be publicly maintained.

PROPERTY OWNER - an individual or other legal entity having sufficient proprietary interest in the land for which land use approvals are sought, to maintain or consent to such land use application. Owner shall include an individual or other legal entity that has the actual or apparent authority from the owner to act as its agency to maintain such application or provide such consent.

PUBLIC AREAS - public parks, playgrounds, trails, paths and other recreational areas; other public open spaces; scenic and historic sites; and sites for schools and other public buildings and structures.

PUBLIC IMPROVEMENTS - improvements which the Combined Land Use Board may deem necessary or appropriate, including but not limited to streets, grading, pavement, gutters, curbs, sidewalks, street lighting, shade and street trees, utilities, landscaping, street furniture and hardware, traffic and signage.

PUBLIC OPEN SPACE - an open space area conveyed or otherwise dedicated to the Borough, a Borough agency, the School Board, a State or County agency or any other public body for recreational or conservational uses.

QUASI-PUBLIC - private organizations and groups of a fraternal, church or charitable nature.

QUORUM - means the majority of the full-authorized membership of a municipal agency.

RADIO FREQUENCY (RF) ENGINEER - an engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

RADIO FREQUENCY RADIATION (RFR) - the emissions from personal wireless service facilities or any electromagnetic energy within the frequency range from 0.003 MHz to 300,000 MHz.

RECORDED LOT - a subdivided lot that is recorded with the Middlesex County Clerk's Office pursuant to the Map Filing Law.

RECREATIONAL VEHICLES - a vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation or for recreational, camping and travel use and not for commercial purposes or profit, and including but not limited to travel trailer, trucks campers, camping trailers and self-propelled motor homes.

RESERVATION - a provision in a deed or other real estate conveyance that retains a right of the existing owner even if other property rights are transferred; and a method of holding land for future public use by designating public areas on a plat, map, or site plan as a condition of approval.

RESIDENTIAL HEALTH CARE FACILITIES FOR THE ELDERLY - a development of apartments and/or townhouse residential living units intended exclusively for and solely occupied by persons sixty-two (62) years of age or older; housing intended and operated for occupancy by at least one (1) person fifty-five (55) years of age or older per unit, subject to the further condition that eighty percent (80%) of the units must be occupied by at least one (1) person fifty-five (55) years of age or older, with ancillary and directly related facilities to be primarily used by the residents of the development, including health care services, dining facilities, recreational facilities, and other ancillary facilities deemed appropriate by the reviewing authority and in accordance with the applicable provision of this Ordinance.

RESIDENTIAL SITE IMPROVEMENTS STANDARDS (RSIS) - standards, pursuant to N.J.A.C. 5:21 et seq. In this Article, those definitions so marked are derived from Standards.

RESIDENTIAL DENSITY - the number of dwelling units per acre of residential land area located outside of the floodway, including streets, easements and open space portions of a development.

RESTAURANT -

- A. RESTAURANT, SIT-DOWN – an establishment where food and beverages, including alcoholic beverages, are prepared and sold and consumed primarily on the premises, where food sales constitute more than 50% of the gross sales receipts for all food and beverages. Such an establishment may include table or self-service, and food and beverages may be consumed either inside or at designated outdoor seating areas.
- B. RESTAURANT, CARRYOUT – an establishment where food and beverages are prepared and sold for consumption on or off premises (customers tables or counters typically available). Such an establishment may take phone orders for food and may deliver food to customers.
- C. RESTAURANT, DRIVE-THROUGH – an establishment where food and beverages are prepared and sold for consumption on or off premises, and which includes one or more drive-through customer service windows.

RETAIL FOOD ESTABLISHMENT – an establishment where food and beverages are offered for retail sale for consumption off premises. Such foods or beverages may be packaged in a ready-to-consume state or may come packaged and sold in bulk quantities. Examples of retail food establishments include ice cream shops, retail mini-marts, bakeries, and delicatessens.

TAVERN OR BAR – an establishment where food and beverages, including alcoholic beverages, are prepared and sold and consumed on the premises, where food sales constitute 50% or less of the gross sales receipts for all food and beverages.

RE-SUBDIVISION - 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 the alteration of streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, but not including conveyances so as to combine existing lots by deed or other instrument.

RETAIL SALES - establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods, including but not limited to specialty shops and boutiques.

RETAIL SALES, OUTDOOR - the display and sale of products and services primarily outside of a building or structure, including garden supplies, food and beverages, and building and landscape materials.

RETAINING WALL - a structure that is designed and constructed to stabilize two (2) generally horizontal surfaces which are vertically displaced.

RETENTION BASIN - a stormwater management basin designed to retain some water on a permanent basis.

RIGHT-OF-WAY - a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use.

SCHOOL - any public or private institution offering instruction for students.

SCS - the Freehold Soil Conservation Service.

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.

SELECTIVE CUTTING - the removal of larger trees on an individual basis while leaving trees of lesser size for future harvest.

SENIOR CITIZEN - a person who has attained the age of fifty-five (55) years, or the surviving unmarried spouse of a deceased senior citizen.

SETBACK - an area extending the full width of the lot between the street right-of-way and the required yard within which no buildings or parts of buildings may be erected.

SETBACK LINE - that line that is the required minimum distance from any lot line and that establishes the area within which the principal structure must be erected or placed.

SEWER - any pipe conduit used to collect and carry away sewage or storm water runoff from the generating source to treatment plants or receiving streams.

SHADE OR STREET TREE - a tree in a public or private space, street, special easement, or right-of-way adjoining a street.

SHOPPING CENTER - a group of retail commercial establishments planned, constructed and managed as a total entity with customer and employee parking on-site, provision for goods delivery separated from customer access, aesthetic consideration, e.g., landscaping, comprehensive signage plan, and shopper protection from the elements.

SHOULDER - the portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses.

SIGHT TRIANGLE - a triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

SIGN - any object device, display or structure or part thereof, situated outdoors or indoors (within three (3) feet of a window), which is used to advertise, identify, display, direct or attract attention to any object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. This definition shall specifically include any building or part of a building, including walls and facades used for such purposes and shall further include banners, pennants, flags and similar attracting devices.

SIGN, ANIMATED OR MOVING - any sign which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.

SIGN, BANNER - a sign which may or may not contain a message constructed of cloth, canvas, plastic, or other flexible material typically suspended or hung by cord, string, or rope from a structure.

SIGN, CANOPY - a sign that is mounted or painted on, or attached to a canopy that is otherwise permitted by this Ordinance.

SIGN, CHANGEABLE COPY - a sign designated in such a fashion that the message on the sign can be easily and periodically altered, typically with moveable lettering, and whose message does not change more than once a day.

SIGN, DEVELOPMENT - a sign designating the name of a subdivision of residential homes, whether single-family or multi-family, attached or detached or an apartment complex.

SIGN, DILAPIDATED - a sign which is structurally unsound, contains faulty wiring or loose fastenings, or is otherwise detrimental to the public health, safety or welfare.

SIGN, DIRECTIONAL - any sign which is designed and erected solely for the purpose of traffic or pedestrian which is placed on the property to which or on which the public is directed.

SIGN, ELECTION - a temporary sign that is related to a particular election for public office, referendum, or other plebiscite at the federal, state, or local level.

SIGN, EXTERNALLY LIGHTED - any sign whose sole source of artificial illumination is outside the display portion of the sign.

SIGN, HOME OCCUPATION - a sign that relates to any business or profession conducted within a structure whose primary use is residential and the occupant of that residence conducts the business therein.

SIGN, INCIDENTAL - a sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "No Parking," "Loading Zone," "Telephone," or "Rest Room" or other similar directives such as the hours of operation or credit cards honored at the establishment.

SIGN, INTERIOR - any sign that is affixed to or painted on the interior of a window or any sign located inside and within three (3) feet of the face of the window, which sign is designed to be visible from the exterior of the window.

SIGN, INTERNALLY LIGHTED - any sign whose sole source of artificial illumination is contained within the display portion of that sign.

SIGN, MOBILE - a sign which is not permanently attached to a building or not placed in the ground in such a fashion as to be permanent in a manner conforming to the Uniform Construction Code or which is located or attached to a trailer, on wheels, or other similar attachment such that the sign may be moved from place to place, either within the lot or to another location.

SIGN, OFFICIAL - a sign, symbol or device, erected, constructed or maintained by the Federal, State, County or local government or any agency thereof, for the purpose of informing or guiding the public or for the protection of the public health, safety and welfare.

SIGN, OFF-PREMISE COMMERCIAL - a sign containing a commercial message which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the property on which the sign is located.

SIGN, OFF-PREMISE NON-COMMERCIAL - a sign that does not contain a commercial message which directs attention to an institution, government, or non-profit corporation and their policies; or contains a message directed to the general public health, safety and welfare programs.

SIGN, PORTABLE - any sign not permanently attached to the ground or other permanent structure; or a sign designed to be transported, including but not limited to, signs designed to be transported by means of wheels; signs converted to "A" or "T" frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; any signs attached to or painted on vehicles parked and visible from the public right-of-way, unless such vehicles are used in the normal day-to-day operation of the business.

SIGN, REAL ESTATE - a sign of an owner of real property or of a licensed real estate broker, designating a property "for sale" or "for lease."

SIGN, VEHICLE - a sign affixed or painted on a vehicle or trailer and parked at a location conspicuous to the traveling public.

SIGN, WARNING - a sign indicating no trespassing or no fishing and/or hunting or for existing danger where a warning is legally required.

SIGN, WINDOW - a sign that is applied or attached to the interior or exterior of a window or located in such a manner within a building that it is legible from the lot line which contains said sign.

SIGN AND ADVERTISING STRUCTURE - any structure or part thereof, or any device attached to a building or painted or represented thereon, which shall display or include any letter, model, banner, pennant, insignia, device, trade flag, symbol, or representation which is in the nature of, or which is used as, an announcement, direction or advertisement, for commercial purposes or otherwise. A sign includes any message, neon tube, string of lights, or similar device outlining, hung, painted upon or attached to a part of a building or lot for public view for those outside building, but does not include the flag or insignia of any nation or group of nations, or of any governmental agency or of any political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, movement, organization, or event. Excluded from this definition are signs which are solely devoted to prohibiting trespassing, hunting, or fishing.

SIGN AREA - the area defined by the frame or edge of a sign. When there is no geometric frame or edge to the sign, the area shall be defined by as projected, enclosed, four-sided (straight side) geometric shape which must closely outlines the said sign.

SIGN FUNCTIONS - functions include, but may not be limited to the following categories:

- A. **ADVERTISING** – a sign directing attention to a business commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where the sign is maintained.
- B. **BUSINESS** – a sign directing attention to a business, commodity, service, or entertainment conducted, sold or offered upon the same premises as those upon which the sign is located.
- C. **DIRECTORY** – a sign of permanent character, but with interchangeable letters, words or numerals, indicating the names of persons associated with, or events conducted upon, or products or services offered upon the premises whereon a sign is maintained.
- D. **IDENTIFICATION** – a sign other than a bulletin board, directory or nameplate sign, including the name of a permitted use, the name and address of a building, or the name of the management thereof, or the date(s) of construction thereof.
- E. **INSTRUCTIONAL** – a sign conveying instructions with respect to the premises on which it is maintained, such as parking lot entrance or exit signs, and danger signs.
- F. **NAMEPLATE** – a sign indicating the name, address and/or profession or occupation of a person.
- G. **PUBLIC** – signs of a non-commercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of his duty, such as safety signs, street, warning, and regulatory signs, temporary construction signs, danger signs, memorial plaques or citations, official court and public notices, signs of historical interest, and the like.
- H. **SUBDIVISION DEVELOPMENT** – a temporary sign used for the purposes of advertising the sale of lots or other parcels.

I. TEMPORARY – a sign which is designed to advertise or announce, for a limited period, a particular event or series of events, to solicit political support, or to announce the availability for sale or lease of a particular item or items.

J. CHANGEABLE COPY – see "SIGN, CHANGEABLE COPY."

SIGN HEIGHT - the greatest vertical dimension between the top of a sign and the ground.

SIGN SIZE - the surface display area of a sign determined by a computation as otherwise provided for in this Ordinance.

SIGN TYPES - these may include, but not be limited to the following types:

- A. AWNING – a sign which is attached to or made part of an awning.
- B. GROUND – a freestanding sign supported by uprights or braces in or upon the ground and not attached to any part of a building.
- C. HANGING – a sign design to project beyond the front face and perpendicular to it over a public walkway.
- D. INTEGRAL – a sign carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.
- E. MARQUEE – a sign attached to or hung from a marquee, canopy, or other covered structure projecting from and supported by the building.
- F. ROOF – a sign which is erected, constructed or maintained on, above or as part of the roof of any building.
- G. FACADE or WALL – a sign which is attached directly to the building and is parallel to the building.
- H. WALL PAINTED – a sign which is painted directly on the side of a building or structure.

SITE IMPROVEMENTS - any construction work on, or improvements in connection with development limited to streets, roads, parking facilities, sidewalks, drainage structures and utilities.

SITE PLAN - a development plan of one (1) or more lots on which is shown:

- A. The existing and proposed conditions of the lot, including but not limited to topography, vegetation, drainage, flood plains, marshes and waterways;
- B. 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

- C. Any other information that may be reasonably required in order to make an informed determination concerning the adequacy of the plan in accordance with the requirements of this Ordinance.

SITE PLAN, MAJOR - any site plan not classified as a minor site plan.

SITE PLAN, MINOR - any development plan for not more than 1,000 square feet of additional gross floor area or less than a 10% increase in impervious coverage, or a development plan for a proposed permitted accessory use, provided that the proposed development plan:

- A. Conforms to applicable zoning regulations.
- B. Does not involve a planned development.
- C. Does not involve extension of a new street.
- D. Does not involve the extension of any off-tract improvements to be paid for in part by others.

SPECIMEN TREE - a tree with a diameter of thirty (30) inches or greater; a unique, rare, or otherwise specifically selected plant or tree which most typically represents a whole class or group in shape or form; a tree of historical importance; or a tree specifically designated as such by the municipality.

STANDARDS OF PERFORMANCE - standards adopted by Ordinance, pursuant to N.J.S.A. 40:55D-65d, regulating noise levels, glare, earthborne or sonic vibrations, heat, electronic or atomic radiation, noxious odors and airborne particles, waste discharge, screening of unsightly objects or conditions and such other similar matters as may be reasonably required by the Borough or required by applicable Federal or State laws, or Borough Ordinances.

STEALTH DESIGN - a telecommunication facility that is designed or located in such a way that the facility is not readily recognizable as telecommunications equipment (see Alternative Tower Structure).

STEEP SLOPES - slopes over 15%.

STORMWATER MANAGEMENT MEASURES - broad term for structural and nonstructural control of storm water runoff and nonpoint pollution.

STORMWATER RETENTION - a provision for the permanent storage of a fixed volume of water.

STORY - that part of any building comprised between the levels of one (1) finished floor and the level of the next higher finished floor; or, if there is no higher finished floor, then that part of the building comprised between the level of the highest finished floor and the top of the roof beams. No "story" shall be deemed to be a first story if its floor level is more than six (6) feet above the level from which the height of the building is measured. A mezzanine floor

shall be counted as a "story" if it covers over one-third (1/3) of the area of the floor next below it to the floor next above it is twenty-four (24) feet or more. A basement shall be counted as a "story" if its ceiling is over five (5) feet above the level from which the height of the building is measured or if it is used for business purposes or if it is used for dwelling purposes by other than a janitor or domestic servants employed in the same building, including the family of the same.

STORY, HALF - a story of which any two (2) exterior sides meet a sloping roof not more than two (2) feet above the floor of such story, or that portion of any structure herein defined as a basement.

STREET - any street, avenue, road, drive or other way meeting any of the following:

- A. Is an existing state, county, or municipal roadway;
- B. Is shown upon a plat heretofore approved pursuant to law;
- C. Is approved by N.J.S.A. 40:55D-1 et seq.; or
- D. Is shown on a plat duly filed and recorded in the office of the Middlesex County Recording Office prior to the appointment of the 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, sidewalks, parking areas and other areas within the street lines.

SWALE - a low lying or depressed land area commonly wet or moist, which can function as an intermittent drainage way.

STREET, CUL-DE-SAC - a street with a single means of ingress and egress and having a turnaround at the end, the design of which may vary.

STREET, DIVIDED - a street having an island or other barrier separating moving lanes of traffic.

STREET FURNITURE - man-made, above ground items that are usually found in street rights-of-way, including benches, kiosks, bicycle racks, canopies, decorative traffic control fixtures, shelters and phone books.

STREET HARDWARE - the mechanical and utility systems within a street right-of-way such as hydrants, manhole covers, traffic lights and signs, utility poles and lines, parking meters, and the like.

STREET HIERARCHY - the conceptual arrangement of streets based upon function. A hierarchical approach to street design classifies streets according to function, from high-traffic arterial roads to streets whose function is residential access.

STREET LINE - the edge of the existing or future street right-of-way, whichever would result in the widest right-of-way, as shown on the adopted master plan or official map, forming the dividing line between the street and a lot.

STREET, LOCAL - a type of residential access street conforming to traditional subdivision street design, which provides access to building lots fronting on a street and provides parking on both sides of street.

STREET, LOOP - a street that has its only ingress and egress at two (2) points on the same street.

STREET, MAJOR ARTERIAL - a street designed to move traffic from municipality to municipality within a region and to provide connections between higher and lower orders of streets.

STREET, MINOR ARTERIAL - a street which provides connections between major arterials and residential or nonresidential collector streets, and also functions as an intro-municipal travel path, typically under county jurisdiction.

STREET, MAJOR COLLECTOR - the highest order of residential. Conducts and distributes traffic between lower-order residential streets and higher-order streets.

STREET, MINOR COLLECTOR - middle order of residential streets. Provides frontage for access to lots, and carries traffic to and from adjoining residential access streets.

STREET, STUB - a street which is to be extended when the adjacent property is developed.

STREETSCAPE - all the elements that constitute the physical makeup of a street and that, as a group, define its character, including building frontage, street paving, street furniture, landscaping, including trees and other plantings, awnings and marquees, signs, and lighting.

STREET TREE - a tree in a public place, street, special easement or right-of-way adjoining a street constituting a large tree in size when mature.

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 or water.

SUBDIVIDER - any individual, partnership, firm, association, syndicate, or corporation commencing proceedings under this Ordinance to effect a subdivision of land hereunder for himself or for another.

SUBDIVISION - the division of a lot, tract or parcel of land in two (2) or more lots, tracts, parcels or other divisions of land for sale or development. Any of the following shall not be considered subdivisions within the meaning of this Ordinance, if no new streets are created:

- A. Divisions of property by testamentary or intestate provisions;
- B. Divisions of property upon court order, including but not limited to judgments of foreclosure;
- C. Consolidation of existing lots by deed or other recorded instrument; and

- D. The conveyance of one (1) 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 Borough. The term "subdivision" shall also include the term "resubdivision."

SUBDIVISION, MINOR - a minor subdivision of land is a subdivision that does not involve any of the following:

- A. The creation of no more than two (2) lots, including the remainder of the tract fronting on an existing street.
- B. A planned development.
- C. The extension of a new street.
- D. The extension of any off-tract improvements to be paid for in part by others.
- E. A proposal to readjust lot lines with respect to existing lots, resulting in new lot configurations but not an additional lot or lots, shall be classified as a minor subdivision. No minor subdivision shall be approved which may adversely affect the development of the remainder of the parcel from which it is proposed to be divided.

SUBDIVISION, MAJOR - any subdivision not classified as a minor subdivision.

SUBSTANTIAL COMPLETION - that level of completion of physical improvements when the inspecting agency determines that no less than 70% of the work has been provided and satisfactorily installed.

SWIMMING POOL, WADING - a swimming pool that is not permanently installed and meets all of the following criteria: does not require water filtration, circulation, and purification; does not exceed eighteen (18) inches in depth or a capacity of five hundred (500) gallons; and does not require braces or supports. Portable swimming pools are not subject to this Ordinance.

SWIMMING POOL, PRIVATE - a body of water artificially constructed, in whole or in part, having a depth at any point greater than eighteen (18) inches when full, located outdoors within five hundred (500) feet of any residence other than that to which it is appurtenant, used or intended to be used for swimming, bathing, wading, etc., by the owner of the pool and members of his or her household or other guests.

SWIMMING POOL, PUBLIC - any pool other than a private residential swimming pool designed to be used collectively by persons for swimming and bathing purposes including pools designed as part of any hotel or motel or apartment or townhouse development.

TELECOMMUNICATIONS or TRANSMISSION TOWER - the monopole or lattice framework designed to support transmitting and receiving antennas. For purposes of this section, amateur radio transmission facilities and facilities used exclusively for the transmission of television and radio signals are not "transmission towers."

THINNING - the removal of undesirable, competitive, diseased or damaged trees so as to cultivate and improve the development of remaining trees on a lot.

TOPSOIL- The natural, undisturbed surface layer of soil having a higher level of organic matter than subsequent layers, a pH of 5.0 to 7.5, and suitable for satisfactory growth and maintenance of permanent, locally-adapted vegetation, or

Where the original surface layer has been removed, the reapplication of soil material used to cover an area so as to improve soil conditions for establishment and maintenance of adapted vegetation. The reapplied material must be friable, loamy soil reasonably free of debris, objectionable weeds, and stones; have a natural pH of 5.0 to 7.5; have an organic matter content greater than 2.0 percent; and contain no toxic substances which may be harmful to plant growth.

TRACT - a parcel property or area of land comprised of one (1) or more lots adjacent to one another established by a plat or otherwise as permitted by law to be used, developed, or built upon as a unit.

TRAILER - a structure of vehicular, portable design built on a chassis and designed to be moved from one site to another to be used with or without a permanent foundation, provided, however, that a boat trailer shall not be considered a trailer.

TREE PROTECTION ZONE - the entire area of a site exclusive of buildings, parking, driveways, streets, storm water management facilities and utilities plus a perimeter width around such uses as determined by this Ordinance in which an individual specimen of trees shall be retained.

TREE SAVE AREA - an area within the tree protection zone in which woodland shall be retained and active protection measures shall be taken during land development activities.

TREE, MATURE - any woody perennial plant, having a trunk or main stem with a caliper of six (6) inches or greater at maturity.

UTILITY, PRIVATE or PUBLIC –

- A. Any agency that, under public franchise or ownership, or under certificate of convenience and necessity, or by grant of authority by a governmental agency, provides the public with electricity, gas, heat, steam, communication, transportation, water, sewage collection, or other similar service.
- B. A closely regulated enterprise with a franchise for providing a needed service.

USE - the specific purpose for which a parcel of land, a building or a 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.

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.

USE, PRINCIPAL - the main or primary purpose or purposes for which land and/or structure(s), or use therefore is designed, arranged, or intended or for which they may be occupied or maintained under this Ordinance. All other structures or uses on the same lot and incidental or supplementary thereto and permitted under this Ordinance, shall be considered accessory uses.

UTILITIES - those utilities that are essential to the safe and sanitary operation of a household, and shall include water, sewer, electric, and heat. "Utilities" shall specifically not include cable television or telephone.

UTILITY AREA - a flexible space within the right-of-way designated for the installation of utility lines and facilities.

UTILITY AUTHORITY - any "sewerage authority" as defined in N.J.S.A. 40:14A-3 or any "municipal authority" as defined in N.J.S.A. 40:14B-3.

UTILITY RIGHT-OF-WAY - the lands required for the installation and maintenance of public utilities.

VEHICULAR SIGN - any sign permanently or temporarily attached to a non-operating vehicle, including but not limited to a car, truck, van or bus. All such signs shall be prohibited.

VARIANCE - means permission to depart from the literal requirements of a zoning ordinance, pursuant to N.J.S.A. 40:55D-40b, 70c, and 70d.

WETLAND, FRESHWATER - lands that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation pursuant to N.J.A.C. 7:7A-1.4.

WAIVER - a deviation from a required submission item, performance standard, or design standard.

WIRELESS COMMUNICATIONS - any personal wireless services as defined in the Federal Telecommunications Act of 1996 which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and similar services that currently exist or that may in the future be developed. It does not include any amateur radio facility that is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas, nor does it include non-cellular telephone service.

WIRELESS TELECOMMUNICATION FACILITY - a facility designed and used for the purpose of transmitting, receiving, and relaying voice and data signals from various wireless communication devices including transmission towers, antennas and ancillary facilities. For purposes of this section, amateur radio transmission facilities and facilities used exclusively for the reception of television and radio broadcasts are not telecommunication facilities.

YARD - an open space, as may be required by this Ordinance, of uniform width or depth on the same lot with a building or a group of buildings, which open space lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as herein permitted.

YARD, FRONT - a yard extending across the full width of the lot and lying between the front or street line of the lot and the nearest wall or part of the building. The depth of the "front yard" shall be measured at right angles to the front line of the lot.

YARD, REAR - a yard extending across the full width of the lot lying between the rear line of the lot and the nearest wall or part of the building. The depth of a "rear yard" shall be measured at right angles to the rear of the lot in the same manner as specified herein for the measurement of lot depth.

YARD, SIDE - an open, unoccupied space between the side line of the lot and the nearest wall or part of the building and extending from the front yard to the rear yard, or in the absence of either of such yards, to the front or rear lot lines, as the case may be. The width of a "side yard" shall be measured at right angles to the side line of the lot.

YARD, REQUIRED - any yard measured between a line drawn parallel to a street or lot line at a distance therefrom equal to the respective yard dimension required by this Ordinance.

ZONING DISTRICT - a finite area of land, as designated by its boundaries on the zoning map, through which specific and uniform regulations govern the use of land and/or the location, size and use of buildings.

ZONING MAP - the map annexed to and made part of this Ordinance indicating zoning boundaries.

ZONING OFFICER - the municipal official appointed by the Borough Council to carry out the literal provisions of the Land Development Ordinance.

ZONING PERMIT - a document, also referred to as "Zoning Compliance Approval," 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 installation of a structure or building, and which acknowledges that such use, structure or building complies with the provisions of the Land Development Ordinance or variance therefrom duly authorized by a municipal agency pursuant to N.J.S.A. 40:55D-60 and 40:55D-70.

ARTICLE III
ZONING DISTRICTS, RULES AND REGULATIONS

27-17 Establishment of Zoning Districts.

For the purpose of lessening congestion in the streets; securing safety from fire, panic, and other dangers; protecting health, morals, or the general welfare; providing adequate light and air; preventing the overcrowding of land or buildings; and avoiding undue concentration of population, with reasonable consideration to the character of the district and its peculiar suitability for particular uses and with the objective of conserving the value of property and encouraging the most appropriate use of land throughout the municipality, the Borough of Jamesburg is hereby divided into thirteen zones as follows:

R100	Residential - Single Family
R75	Residential - Medium Density
RC	Residential - Cluster
RTC	Residential - Townhouses/Condominiums
RH	Residential - High Density
NC	Neighborhood Commercial
CBD	Central Business District
PO/R	Professional Office/Residential
O	Office
RB	Retail Business
ARR	Age Restricted Residential
PROS	Public Use and Recreation
ARO	Age Restricted Overlay

27-18 Zoning Map.

The boundaries of the zoning districts are established on the map entitled "Zoning Map of the Borough of Jamesburg" which accompanies and is hereby made part of this Ordinance, dated December 2006 prepared by Remington, Vernick & Vena Engineers. Such map is hereby declared to be part of this chapter.

27-19 Effect of Establishment of Districts.

Every building hereafter erected or moved shall be on a lot adjacent to a public street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

27-20 Interpretation of District Boundaries.

In determining the boundaries of zone districts shown on the Zoning Map, the following rules shall apply:

- A. Where district boundary lines are indicated as approximately following the center lines of streets, street lines or right-of-way lines, waterways, or railroad rights-of-way or such lines extended, such center lines shall be construed to be such boundaries.

- B. District boundary lines are intended to follow street, lot or property lines as they exist on plats of record unless such district boundaries are fixed by dimensions as shown on the Zoning Map.
- C. Where such boundaries are fixed by dimensions and where they approximately follow lot lines and where they are not more than ten (10) feet distant there from, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.
- D. Where district boundaries are so indicated that they are running parallel to the center lines or street lines of streets, such district boundaries shall be construed as being parallel thereto, and at such distances there from as indicated on the Zoning Map.
- E. Whenever any street or public way is vacated by official action, the zoning districts adjoining the side of such public way shall be automatically extended to include the right-of-way thus vacated which shall henceforth be subject to all regulations of the extended district or districts. In general, where the vacated right-of-way is bounded on either side by more than one (1) district, the former center line of such right-of-way shall determine extension of each district. The land formerly within the vacated right-of-way shall henceforth be subject to all regulations of the extended zone or zones.
- F. In all other cases where dimensions are not shown on the Zoning Map, the location of boundaries shown on the map shall be determined by the Zoning Officer by application of a scale thereto.
- G. In cases of uncertainty or disagreement as to the true location of any district boundary line, the determination thereof shall be with the Combined Land Use Board after public hearing.

27-21 General District Regulations.

No development shall take place within the Borough nor shall any land be cleared or altered, nor shall any watercourse be diverted or its channel or floodplain dredged or filled, nor shall any parking areas, accessory or otherwise or access ways thereto, be constructed, installed, or enlarged, nor shall any building permit be issued with respect to any such structure, land or parking area except in accordance with an approval of such development granted pursuant to this Ordinance unless exempted in accordance with Section 27-26 of this Ordinance. Where a lot is formed from part of a lot already occupied by a building, such subdivision shall be effected in such a manner as not to impair any of the requirements of this Ordinance with respect to the existing building and all yards and other open space in connection therewith and so that all resulting lots have adequate dimensions consistent with the requirements of the zoning district in which it is located.

Where the provisions of this Ordinance impose greater restrictions than those of any statute, other Ordinance, or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other Ordinance, or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other Ordinance, or regulations shall be controlling.

27-22 Conformity with Provisions.

No building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land or building be designed, used or intended to be used, for any purpose or in any manner other than as specified among the uses, hereinafter listed as permitted in the district in which such building or land is located.

No building shall be erected, reconstructed, or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located.

No building shall be erected, no existing building shall be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity to the yard, lot area and building location regulations hereinafter designated for the district in which such building or open spaces is located.

No yard or other open space provided about any building for the purpose of complying with the provisions of this Article shall be considered as providing a yard or open space for any other building, and no yard or other open space on one (1) lot shall be considered as providing a yard or open space for a building on any other lot except that such parking spaces as may be required for certain uses as specified in other sections of this Ordinance and which need not be provided on the same lot as the principal structure or use shall be considered as part of the open space required for the continuance of such use but may be relocated in a manner so as to conform in all other respects to Ordinance requirements and subject to approval by the Combined Land Use Board.

The Combined Land Use Board may waive the requirements of this Ordinance for minimum lot size and area only for such lots as were in individual private ownership and so indicated in the public records at the time of passage of this Ordinance and surrounded by improved properties which prevent the acquisition of such additional land as may permit compliance with the terms of this Ordinance.

27-23 Permitted Uses in all districts.

The following uses are permitted in all districts:

All facilities owned or operated or hereafter owned or operated by the Borough of Jamesburg or by any authority or agency created by it.

27-24 Prohibited Uses in all districts.

All uses not expressly permitted by this Ordinance are prohibited in all districts (unless permitted by conditional use permit as elsewhere in this Ordinance provided), such prohibition to include but not be limited to the following:

- A. Adult Entertainment Uses.
- B. Drug Paraphernalia Stores.

- C. Junk Shops.
- D. Junk yard.
- E. Massage Parlors.
- F. Mobile Homes.
- G. Any use which, pursuant to the standards set forth in this Ordinance emits excessive or objectionable amounts of dust, fumes, noise, odor, smoke, vibrations or waste products.
- H. The use of any portable building or structure, stationary vehicle or stand of any description for the purpose of displaying or selling of food, merchandise or commodities of any kind.
- I. The use of a building or structure of a temporary nature on any lot or parcel of land for living or sleeping purposes in any district on either a temporary or permanent basis.
- J. Billboards.
- K. The conversion of single-family detached dwellings into two- or multi-family dwellings.

27-25 Conditional Uses.

Any use listed as a Conditional Use in a particular district may be permitted by the Combined Land Use Board, but only after it has determined that the development proposal complies with the conditions and standards set forth in this Ordinance for the location and operation of such use. All Conditional Uses shall comply with the following requirements and standards in addition to those set forth elsewhere in this Ordinance.

All proposed structures, equipment, or material shall be readily accessible for fire and police protection.

The proposed use shall be of such location, size and character that, in general, it shall be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated, shall be free of nuisance characteristics, and shall not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.

In addition to the above, in the case of any use located in, or directly adjacent to, a residential zone or use:

The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to,

or incongruous with, the said residential zone or use, or conflict with the normal traffic of the neighborhood; and

The location and height of buildings; the location, nature, and height of walls and fences, and the nature and extent of landscaping on the site, shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, nor materially affect the value of property.

Each application for a Conditional Use shall be accompanied by a proposed site plan showing the size and location of the lot, the location of all buildings and proposed facilities including access drives, parking areas, and all streets.

Any lot for which a Conditional Use may be granted shall be deemed to be a conforming use in the district in which such use is located, except as provided in Section F below, provided that such approval shall affect only the lot or portion thereof for which such use shall have been granted.

In case of review of the Conditional Use, the Combined Land Use Board may impose such reasonable conditions, including but not limited to the placing of fencing and screening as will minimize the impact it has upon surrounding residential properties. In such cases, the Combined Land Use Board may also permit reasonable changes in existing structures on the land, within the limitation of the zone in which said use is located, for the purpose of limiting the open use of the land.

27-26 Uses Requiring Site Plan Approval.

All activities except the following shall require site plan approval:

- A. The construction, customary use, and modification of single-family detached dwelling units.
- B. Accessory structures such as private garages, swimming pools, and storage sheds which are incidental to single-family dwellings.
- C. Fences; provided that the fence does not violate a condition of prior variance approval, and further provided that if the proposed fence is to be located on a site developed for nonresidential use, the fence shall not alter the means of ingress and egress as approved by the Combined Land Use Board.
- D. Paving of an unpaved driveway on property developed for single-family dwellings; provided that the paving shall not violate a condition of a prior variance approval.
- E. Construction which is determined by the Zoning Officer to constitute ordinary repairs, as defined by the State of New Jersey Department of Community Affairs Uniform Construction Code.
- F. A proposed development involving a change in use or occupancy but not affecting existing circulation, drainage, building arrangements, landscaping, buffering, lighting, off-street parking, and other considerations of site plan review. Involves

normal maintenance or replacement such as a new roof, painting, new siding or similar activity.

- G. Interior alterations or work on exterior building facades, windows or roofing. However, issuance of a building permit for the work in no way limits the Borough's authority to require future site plan approval based upon the proposed use of the building.
- H. Any change in the occupancy of a building or the utilization of a building or land which does not require more off-street parking spaces than the previous use based upon parking requirements in the Borough's Land Development Ordinance.
- I. Any structure or use for which a site plan review application was made to the Combined Land Use Board prior to the effective date of this Ordinance under Borough Ordinances and regulation then in effect superseded by this Ordinance and that is developed in accordance with an approval of such application heretofore given by the Combined Land Use Board pursuant to said prior Ordinances and regulations for which a building permit is on file with the Construction Official as to the effective date of this Ordinance.
- J. Soil disturbance of less than one hundred (100) cubic yards in total and regardless of the time span required to accomplish the proposed disturbance, except that nothing shall be constructed to prevent the otherwise lawful excavation or cutting, stripping, or other change in the existing configuration of the land for the following purposes and no others;
 - 1) Gardening for noncommercial purposes.
 - 2) Horticultural uses when in accordance with accepted practices approved by the County Soil Conservation District.
 - 3) The construction or reconstruction of curbs, sidewalks, private residential driveways, drainage systems, and other utility service connections, provided that all other Borough, County, and State approvals have been received.
 - 4) Installation, removal, replacement or maintenance of landscaping, including trees, shrubs, flowers, and cover where the existing land contours are not changed by more than one (1) foot.

Site plans for uses of all property, except individual single-family detached residences and those exemptions listed above, shall in addition to conforming to any and all regulations pertaining thereto that are specifically set forth in this Ordinance, be reviewed and approved by the Combined Land Use Board prior to this issuance of a zoning permit. In considering any site plan, the Combined Land Use Board shall be governed by the objectives and standards contained within this Ordinance.

27-27 Area, Yard and Building Requirements.

The schedule of regulations entitled "Schedule of Area, Yard and Building Requirements," made a part hereof, applying to the uses of land and buildings, the yard and other open spaces to be provided contiguous thereto and all other matters contained therein, as indicated for the various zones established by this Article, is hereby declared to be a part of this Article and is incorporated herein by reference and may be found at the end of this Article.

The regulations listed for each zone as designated, reading from left to right across the aforesaid schedule, are hereby prescribed for such zones, subject to the other provisions in this Article, and shall be deemed to be the minimum requirements in every instance of their application, unless otherwise stated.

27-28 Waiver of Site Plan and Subdivision Standards/Review.

The rules, regulations, and standards set forth in this article shall be considered the minimum requirements for the protection of the public health, safety and welfare of the citizens of the Borough. Any action taken by the Board under the terms of this article shall give primary consideration to the above mentioned matters and to the welfare of the entire community. However, if the applicant can clearly demonstrate that, because of peculiar conditions pertaining to his land, the literal enforcement of this Ordinance is impracticable or will exact undue hardship, the Combined Land Use Board may permit such exemption(s) and waiver(s) as may be reasonable, within the general purpose and intent of the rules, regulations and standards established by this Ordinance. The Combined Land Use Board may waive the requirements for site plan approval where there is a change in use or occupancy and no extensive construction or improvements (or de minimis construction or improvements) are sought. The waiver may be granted only upon a resolution by the Board's finding that the use will not affect existing drainage, circulation, relationship of buildings to each other, landscaping, buffering, lighting and other considerations of site plan approval and that the existing facilities do not require upgraded or additional site improvements. The application for a waiver shall include a discussion of the prior use of the site, the proposed use and its impact. The waiver can be granted only at a public meeting. An application for plan waiver shall be considered to be an application for site plan approval so as to authorize and permit the Combined Land Use Board to exercise its ancillary powers to hear variance requests pursuant to N.J.S.A. 40:55D-60.

27-29 Land Use Board Jurisdiction.

In this Ordinance, any reference to the "Combined Land Use Board" shall be considered to refer to a Zoning Board of Adjustment in those instances where a Zoning Board of Adjustment would have jurisdiction as granted by the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and vice versa.

27-30 Bylaws.

The Combined Land Use Board may, from time to time, promulgate such rules and regulations as it may deem necessary for the proper internal administration of this Ordinance. A copy of such rules and regulations shall be kept in the Borough offices on file with the Borough Clerk and the Combined Land Use Board Secretary.

ARTICLE IV
R100 RESIDENTIAL- SINGLE FAMILY ZONE

27-31 Statement of Intent.

The intent of the R100 Zone is to provide for single-family residential development at a density no greater than 4.35 dwelling units per acre.

27-32 Permitted Uses.

In the R100 Zone, no building, structure or premises shall be used, and no building or structure shall be erected or structurally altered, except for the following permitted uses:

- A. Single-family detached dwellings.
- B. Public parks, playground, buildings, structures and uses owned and operated by the Borough of Jamesburg.

27-33 Accessory Uses.

The following accessory uses, subject to the requirements of Article XVI shall be permitted in this zone:

- A. Private Residential Swimming Pools, Bathhouses, Cabanas and/or other structures customarily incidental to a private swimming pool on a property with a single-family detached dwelling, subject to the requirements of Section 27-95.
- B. Private Recreational Facilities and Landscaping Features, such as trellises and gazebos, customarily associated with single-family detached dwelling units.
- C. Storage and tool sheds, subject to the requirements of Section 27-93.
- D. Off-Street Parking and Private Garages, subject to the requirements of Section 27-93.
- E. Fences and Walls, subject to the requirements of Section 27-96.
- F. Signs, subject to the requirements of Section 27-134.

27-34 Conditional Uses.

The following conditional uses shall be permitted in this zone:

- A. Public and private day schools licensed by the State of New Jersey, subject to the requirements of Section 27-101.
- B. Churches and similar Places of Worship, subject to the requirements of Section 27-102.

- C. Community Residences for Persons With Head Injuries and for the Developmentally Disabled and/or Community Shelters for Victims of Domestic Violence, as required by N.J.S.A. 40:55D-66.1, subject to the standards and requirements for single-family detached dwellings located within the same district and the requirements set forth in Section 27-103.
- D. Family Day Care homes, subject to the requirements of Section 27-104.
- E. Home occupations, subject to the requirements of Section 27-105.
- F. Home professional offices, subject to the requirements of Section 27-106.
- G. Earth terminal or earth terminal antennae, subject to the requirements of Section 27-107.
- H. Public utility installations, subject to the requirements of Section 27-108.

27-35 Area and Bulk Regulations.

Table 1 Area Regulations for the R100 Zone	
REQUIREMENTS	BULK STANDARDS
	SINGLE-FAMILY
Minimum lot area per dwelling unit	10,000 sq. ft.
Minimum lot width	65 ft.
Minimum lot depth	100 ft.
Maximum height	2½ stories or 35 ft.
Minimum depth of front yard	25 ft.
Minimum aggregate width of side yards	24 ft.
Minimum width of each side yard	12 ft.
Minimum depth of rear yard	30 ft.
Maximum lot building coverage	25%
Maximum lot impervious coverage	40%

ARTICLE V
R75 RESIDENTIAL- MEDIUM DENSITY ZONE

27-36 Statement of Intent.

The intent of the R75 zone is to provide for the continuance and rehabilitation of the existing housing stock where conditions warrant while recognizing that contemporary housing with off-street parking needs require larger lots to meet the market needs and demands.

27-37 Permitted Uses.

In the R75 Zone, no building, structure or premises shall be used, and no building or structure shall be erected or structurally altered, except for the following permitted uses:

- A. Single-family detached dwellings.
- B. Apartment buildings consisting of eight (8) or less residential units which were in existence at the time of adoption of this Ordinance; provided, however, that in no event shall the number of units in the apartment building be increased over what was existing at the time of this Ordinance, without first receiving a use variance from the Combined Land Use Board. Further, no such property shall be subdivided to be reduced in size without first receiving a use variance.
- C. Public parks, playgrounds, buildings, structures and uses owned and operated by the Borough of Jamesburg.

27-38 Accessory Uses.

The following accessory uses, subject to the requirements of Article XV, shall be permitted in this zone:

- A. Private Residential Swimming Pools, Bathhouses, Cabanas and/or other structures customarily incidental to a private swimming pool on a property with a single-family detached dwelling units, subject to the requirements of Section 27-95.
- B. Private Recreational Facilities and Landscaping Features, such as trellises and gazebos, customarily associated with single-family detached dwelling units.
- C. Storage and tool sheds, subject to the requirements of Section 27-93.
- D. Off-Street Parking and Private Garages, subject to the requirements of Section 27-93.
- E. Fences and Walls, subject to the requirements of Section 27-96.

27-39 Conditional Uses.

The following conditional uses shall be permitted in this zone:

- A. Public and private day schools licensed by the State of New Jersey, subject to the requirements of Section 27-101.
- B. Churches and similar Places of Worship, subject to the requirements of Section 27-102.
- C. Community Residence for Persons with Head Injuries and for the Developmentally Disabled and/or Community Shelters for Victims of Domestic Violence, as required by N.J.S.A. 40:55D-66.1, subject to the standards and requirements for single-family detached dwellings located within the same district and the requirements of Section 27-103.
- D. Family Day Care homes, subject to the requirements of Section 27-104.
- E. Home occupations, subject to the requirements of Section 27-105.
- F. Home professional offices, subject to the requirements of Section 27-106.
- G. Earth terminal or earth terminal antennae, subject to the requirements of Section 27-107.
- H. Public utility installations, subject to the requirements of Section 27-108.

27-40 Area and Bulk Regulations

- A. The following area regulations shall apply to any lots or single family residential structures in existence at the time of adoption of this Ordinance. The same shall be applicable to single family residences proposed to be constructed on such lots without the necessity of subdivision or re-subdivision or consolidation of any lot in existence at the time of this Ordinance.

Table 2a Area Regulations for Existing Lots in the R75 Zone	
REQUIREMENTS	BULK STANDARDS
	SINGLE-FAMILY
Minimum lot area per dwelling unit	7,500 sq. ft.
Minimum lot width	60 ft.
Minimum lot depth	100 ft.
Maximum height	2½ stories or 35 ft.

Minimum depth of front yard	20 ft.
Minimum aggregate width of side yards	20 ft.
Minimum width of each side yard	10 ft.
Minimum depth of rear yard	25 ft.
Maximum lot building coverage	25%
Maximum lot impervious coverage	50%

- B. Any lot created either by subdivision or consolidation after the adoption of this Ordinance shall comply with the Area Regulations for the R-100 Zone as established in Section 27-35 of the within Ordinance.

Table 2b Area Regulations for the R75 Zone	
REQUIREMENTS	BULK STANDARDS
	SINGLE-FAMILY
Minimum lot area per dwelling unit	10,000 sq. ft.
Minimum lot width	65 ft.
Minimum lot depth	100 ft.
Maximum height	2½ stories or 35 ft.
Minimum depth of front yard	25 ft.
Minimum aggregate width of side yards	24 ft.
Minimum width of each side yard	12 ft.
Minimum depth of rear yard	30 ft.
Maximum lot building coverage	25%
Maximum lot impervious coverage	40%

ARTICLE VI
RC RESIDENTIAL - CLUSTER ZONE

27-41 Statement of Intent.

The intent of the RC Zone is to encourage the creation of single family detached dwellings on smaller lots than would otherwise be permitted for the purposes of creating open space in usable areas and quantities, preserving desirable natural features and tree cover, and encouraging high quality of lot layout, planning and land design which will stabilize and enhance the character of the zone and to preserve the health, welfare and safety of the entire community.

27-42 Permitted Uses.

In the RC Zone, no building, structure or premises shall be used, and no building or structure shall be erected or structurally altered, except for the following permitted uses:

- A. Single-family detached dwellings.
- B. Single-family detached dwellings may be clustered in order to provide the design flexibility necessary to allow for the preservation of environmentally sensitive lands, subject to the following requirements:
 - 1) In a subdivision application, variable lot sizes may be approved by the Combined Land Use Board. The lot sizes may be varied to the extent that not more than fifty percent (50%) of the lots may have lot areas and lot widths of not less than sixty five percent (65%) of that generally required in the zone, provided that the following conditions are met:
 - a. The remaining lots are increased in area so that the average lot size will not be less than ten thousand (10,000) square feet.
 - b. In no event shall the density of development throughout the subdivision exceed the exact number of lots that would have been permitted to be built if such development had proceeded on the basis of lot size and lot width requirements specified in Section 27-42.
 - 2) The Combined Land Use Board may approve a subdivision where all residential lots are reduced in area in no less than sixty five percent (65%) of that required in the zone, provided that the following conditions are met:
 - a. In no event shall the density of development throughout the subdivision exceed the exact number of lots that would have been permitted to be built if such development had proceeded on the basis of lot size and lot width requirements specified in Section 27-42.
 - b. Bulk regulations concerning minimum lot width and yard areas are reduced proportionately to the individual reductions in lot size.

- c. The remainder of lands left in an undeveloped state shall either be dedicated to the Borough as open space or maintained by a homeowners' association which shall have appropriate provisions in its bylaws to prohibit the use of undeveloped lands for any construction other than for recreation purposes without a unanimous vote of its full membership

The Combined Land Use Board shall condition final approval upon acceptance of such land by the Borough Council or upon establishment of a homeowners' association, as the case may be.

- C. Public parks, playground, buildings, structures and uses owned and operated by the Borough of Jamesburg.

27-43 Accessory Uses.

The following accessory uses, subject to the requirements of Article XVI, shall be permitted in this zone:

- A. Private Residential Swimming Pools, Bathhouses, Cabanas and/or other structures customarily incidental to a private swimming pool on a property with a single-family detached dwelling, subject to the requirements of Section 27-95.
- B. Private Recreational Facilities and Landscaping Features, such as trellises and gazebos, customarily associated with single-family detached dwelling units.
- C. Storage and tool sheds, subject to the requirements of Section 27-93.
- D. Off-Street Parking and Private Garages, subject to the requirements of Section 27-93.
- E. Fences and Walls, subject to the requirements of Section 27-96.
- F. Signs, subject to the requirements of Section 27-134.

27-44 Conditional Uses.

The following conditional uses shall be permitted in this zone:

- A. Public and private day schools licensed by the State of New Jersey, subject to the requirements of Section 27-101.
- B. Churches and similar Places of Worship, subject to the requirements in Section 27-102.
- C. Community Residence for Persons With Head Injuries and for the Developmentally Disabled and/or Community Shelters for Victims of Domestic Violence, as required by N.J.S.A. 40:55D-66.1, subject to the standards and requirements for single-family detached dwellings located within the same district and subject to the requirements of Section 27-103.

- D. Family Day Care homes, subject to the requirements of Section 27-104.
- E. Home occupations, subject to the requirements of Section 27-105.
- F. Home professional offices, subject to the requirements of Section 27-106.
- G. Earth terminal or earth terminal antennae, subject to the requirements of Section 27-107.
- H. Public utility installations, subject to the requirements of Section 27-108.

27-45 Area and Bulk Regulations.

Table 3 Area Regulations for the RC Zone	
REQUIREMENTS	BULK STANDARDS
	SINGLE-FAMILY
Minimum lot area per dwelling unit	10,000 sq. ft.
Minimum lot width	65 ft.
Minimum lot depth	100 ft.
Maximum height	2½ stories or 35 ft.
Minimum depth of front yard	25 ft.
Minimum aggregate width of side yards	24 ft.
Minimum width of each side yard	10 ft.
Minimum depth of rear yard	30 ft.
Maximum lot building coverage	25%
Maximum lot impervious coverage	40%

ARTICLE VII
RTC RESIDENTIAL - TOWNHOUSES/CONDOMINIUMS ZONE

27-46 Statement of Intent.

The intent of the RTC zone is to provide for single family residential development, townhouses and apartment style condominiums.

27-47 Permitted Uses.

In the RTC Zone, no building, structure or premises shall be used, and no building or structure shall be erected or structurally altered, except for the following permitted uses:

- A. Single-family detached dwellings.
- B. Apartment buildings which were in existence at the time of adoption of this Ordinance; provided, however, that in no event shall the number of units in the apartment building be increased over what was existing at the time of adoption of this Ordinance, without first receiving a use variance from the Combined Land Use Board. Further, no such property shall be subdivided to be reduced in size without first receiving a use variance.
- C. Public parks, playground, buildings, structures and uses owned and operated by the Borough of Jamesburg.

27-48 Accessory Uses.

The following accessory uses, subject to the requirements of Article XVI, shall be permitted in this zone:

- A. Private Residential Swimming Pools, Bathhouses, Cabanas and/or other structures customarily incidental to a private swimming pool on a property with a single-family detached dwelling, subject to the requirements of Section 27-95.
- B. Private Recreational Facilities and Landscaping Features, such as trellises and gazebos, customarily associated with single-family detached dwelling units.
- C. Storage and tool sheds, subject to the requirements of Section 27-93.
- D. Off-Street Parking and Private Garages, subject to the requirements of Section 27-93.
- E. Fences and Walls, subject to the requirements of Section 27-96.
- F. Signs, subject to the requirements of Section 27-134.

27-49 Conditional Uses.

The following conditional uses shall be permitted in this zone:

- A. Public and private day schools licensed by the State of New Jersey, subject to the requirements of Section 27-101.
- B. Churches and similar Places of Worship, subject to the requirements in Section 27-102.
- C. Community Residence for Persons With Head Injuries and for the Developmentally Disabled and/or Community Shelters for Victims of Domestic Violence, as required by N.J.S.A. 40:55D-66.1, subject to the standards and requirements for single-family detached dwellings located in within the same district, subject to the requirements of Section 27-103.
- D. Family Day Care homes, subject to the requirements of Section 27-104.
- E. Home occupations, subject to the requirements of Section 27-105.
- F. Home professional offices, subject to the requirements of Section 27-106.
- G. Earth terminal or earth terminal antennae, subject to the requirements of Section 27-107.
- H. Public utility installations, subject to the requirements of Section 27-108.

27-50 Area and Bulk Regulations.

Table 4 Area Regulations for the RTC Zone		
REQUIREMENTS	BULK STANDARDS	
	SINGLE-FAMILY	TOWNHOUSES, CONDOMINUMS AND APARTMENTS
Minimum lot area per dwelling unit or tract size	7,500 sq. ft.	15 acres
Minimum lot width	60 ft.	N/A
Minimum lot depth	100 ft.	N/A
Maximum height	2½ stories or 35 ft.	2½ stories or 35 ft.
Minimum depth of front yard	20 ft.	N/A
Minimum aggregate width of side yards	20 ft.	N/A
Minimum width of each side yard	10 ft.	N/A
Minimum depth of rear yard	25 ft.	N/A

Maximum lot building coverage	25%	25%
Maximum lot impervious coverage	50%	60%

ARTICLE VIII
RH RESIDENTIAL - HIGH DENSITY ZONE

27-51 Statement of Intent.

The purpose of the RH zone is to provide for the preservation of the integrity of high density residential areas within the zone by preventing further intrusion of two-family, multi-family and non-residential uses.

27-52 Permitted Uses.

In the RH Zone, no building, structure or premises shall be used, and no building or structure shall be erected or structurally altered, except for the following permitted uses:

- A. Single-family detached dwellings.
- B. Apartment buildings which were in existence at the time of adoption of this Ordinance; provided, however, that in no event shall the number of units in the apartment building be increased over what was existing at the time of adoption of this Ordinance, without first receiving a use variance from the Combined Land Use Board. Further, no such property shall be subdivided to be reduced in size without first receiving a use variance.
- C. Public parks, playground, buildings, structures and uses owned and operated by the Borough of Jamesburg.

27-53 Accessory Uses.

The following accessory uses, subject to the requirements of Article XVI, shall be permitted in this zone:

- A. Private Residential Swimming Pools, Bathhouses, Cabanas and/or other structures customarily incidental to a private swimming pool on a property with a single-family detached dwelling, subject to the requirements of Section 27-95.
- B. Private Recreational Facilities and Landscaping Features, such as trellises and gazebos, customarily associated with single-family detached dwelling units.
- C. Storage and tool sheds, subject to the requirements of Section 27-93.
- D. Off-Street Parking and Private Garages, subject to the requirements of Section 27-93.
- E. Fences and Walls, subject to the requirements of Section 27-96.
- F. Signs, subject to the requirements of Section 27-134.

27-54 Conditional Uses.

The following conditional uses shall be permitted in this zone:

- A. Public and private day schools licensed by the State of New Jersey, subject to the requirements of Section 27-101.
- B. Churches and similar Places of Worship, subject to the requirements of Section 27-102
- C. Community Residence for Persons With Head Injuries and for the Developmentally Disabled and/or Community Shelters for Victims of Domestic Violence, as required by N.J.S.A. 40:55D-66.1, subject to the standards and requirements for single-family detached dwellings located in within the same district and the requirements of Section 27-103
- D. Family Day Care homes, subject to the requirements of Section 27-104.
- E. Home occupations, subject to the requirements of Section 27-105.
- F. Home professional offices, subject to the requirements of Section 27-106.
- G. Earth terminal or earth terminal antennae, subject to the requirements of Section 27-107.
- H. Public utility installations, subject to the requirements of Section 27-108.

27-55 Area and Bulk Regulations.

Table 5 Area Regulations for the RH Zone	
REQUIREMENTS	BULK STANDARDS
	SINGLE-FAMILY
Minimum lot area per dwelling unit	10,000 sq. ft.
Minimum lot width	65 ft.
Minimum lot depth	100 ft.
Maximum height	2½ stories or 35 ft.
Minimum depth of front yard	25 ft.
Minimum aggregate width of side yards	24 ft.
Minimum width of each side yard	12 ft.
Minimum depth of rear yard	30 ft.
Maximum lot building coverage	25%

Maximum lot impervious coverage	40%
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ARTICLE IX
NC NEIGHBORHOOD COMMERCIAL ZONE

27-56 Statement of Intent.

The intent of the NC zone is to provide a business district adjacent to residential districts in which such uses are permitted that are normally required for the daily local business and/or convenience needs of the residents of the immediately surrounding residential areas.

27-57 Permitted Uses.

In the NC Zone, no building, structure or premises shall be used, and no building or structure shall be erected or structurally altered, except for the following permitted uses:

- A. Retail stores, including but not limited to the sale of antiques, art, dry goods, variety and general merchandise, clothing, fabrics, floor covering, food, books, hardware, hobby and art supplies, garden supplies, flowers, drugs, handicraft art, household supplies or furnishings, pets, sale or repair of jewelry, sporting goods, watches and clocks, optical goods, musical, professional and office supplies.
- B. Single-family detached dwellings.
- C. Personal services, including but not limited to barbershops, hairdressers, cleaning and pressing establishments, photographers, funeral homes, shoe repairs, tailors, newspaper, printers, frame shops, laundromats and travel agencies.
- D. Professional and private offices, including but not limited to real estate, accounting, insurance, architects, psychologists and lawyers.
- E. Medical offices and facilities, including but not limited to doctor, dentist and veterinary offices, chiropractors and psychiatrists.
- F. Financial institutions, including but not limited to bank, savings and loan associations, credit unions and other financial institutions.
- G. Restaurants, including drive-in or take-out and fast food.
- H. Public parks, playground, buildings, structures and uses owned and operated by the Borough of Jamesburg.

27-58 Accessory Uses.

The following accessory uses, subject to the requirements of Article XVI, shall be permitted in this zone:

- A. Parking lots provided that:
 - 1) There is no automotive service or repair.

2) The lot will not increase traffic congestion in the streets abutting the property.

B. Fences and Walls, subject to the requirements of Section 27-96.

C. Signs, subject to the requirements of Section 27-134.

27-59 Conditional Uses.

The following conditional uses shall be permitted in the zone:

A. Earth terminal or earth terminal antennae, subject to the requirements of Section 27-107.

B. Public utility installations, subject to the requirements of Section 27-108.

27-60 Area and Bulk Regulations.

Table 6 Regulations for the NC Zone		
REQUIREMENTS	BULK STANDARDS	
	Single-Family	Commercial
Minimum lot area per dwelling unit or site area	7,500 sq. ft.	6,000 sq. ft.
Minimum lot width	60 ft.	50 ft.
Minimum lot depth	100 ft.	100 ft.
Maximum height	2½ stories or 35 ft.	2½ stories or 35 ft.
Minimum depth of front yard	20 ft.	15 ft.
Minimum aggregate width of side yards	20 ft.	20 ft.
Minimum width of each side yard	10 ft.	10 ft.
Minimum depth of rear yard	25 ft.	15 ft.
Maximum lot building coverage	25%	50%
Maximum lot impervious coverage	50%	80%

ARTICLE X
CBD CENTRAL BUSINESS DISTRICT ZONE

27-61 Statement of Intent.

The CBD Zone is intended to encourage retail sales and personal services oriented to pedestrian shopping on the ground floor, and other commercial activity and residential use on the upper floors. Design standards set forth in Section 27-143 shall be followed to ensure integrated and compatible design with respect to the relationship and location of buildings, architectural façade design, circulation, walkways, landscape amenity, and buffer features.

27-62 Permitted Uses.

In the Central Business District zone, no building, structure or premises shall be used, and no building or structure shall be erected or structurally altered, except for the following permitted uses:

- A. Retail stores, including but not limited to the sale of antiques, art, dry goods, variety and general merchandise, clothing, fabrics, floor covering, food, books, hardware, hobby and art supplies, garden supplies, flowers, drugs, handicraft art, household supplies or furnishings, pets, sale or repair of jewelry, sporting goods, watches and clocks, optical goods, musical, professional and office supplies.
- B. Personal services, including but not limited to barbershops, hairdressers, cleaning and pressing establishments, photographers, funeral homes, shoe repairs, tailors, newspaper, printers, frame shops, laundromats and travel agencies.
- C. Professional and private offices, including but not limited to real estate, accounting, insurance, architects, psychologists and lawyers.
- D. Medical offices and facilities, including but not limited to doctor, dentist and veterinary offices, chiropractors and psychiatrists.
- E. Financial institutions, including but not limited to bank, savings and loan associations, credit unions and other financial institutions.
- F. Restaurants, including drive-in or take-out and fast food.
- G. Hotels and motels.
- H. Shopping centers.
- I. Funeral homes.
- J. Public parks, playground, buildings, structures and uses owned and operated by the Borough of Jamesburg.

27-63 Mixed Residential and Non-Residential Use.

The following regulations shall apply to existing dwelling units on the second or third floor of a principal building:

- A. The habitable floor area devoted to residential use(s) shall not exceed two-thirds (2/3) of the total habitable floor area of the building or structure containing said residential uses(s).
- B. Any single dwelling unit shall have a minimum of six (600) square feet of habitable floor area.

27-64 Accessory Uses.

The following accessory uses, subject to the requirements of Article XVI, shall be permitted in this zone:

- A. Parking lots provided that:
 - 1) There is no automotive service or repair.
 - 2) The lot will not increase traffic congestion in the streets abutting the property.
- B. Fences and Walls, subject to the requirements of Section 27-96.
- C. Signs, subject to the requirements of Section 27-134.

27-65 Conditional Uses.

The following conditional uses shall be permitted in the zone:

- A. Earth terminal or earth terminal antennae, subject to the requirements of Section 27-107.
- B. Public utility installations, subject to the requirements of Section 27-108.
- C. Childcare centers, subject to the requirements of Section 27-109.

27-66 Area and Bulk Regulations.

Table 9 Regulations for the CBD Zone		
REQUIREMENTS	BULK STANDARDS	
	SINGLE FAMILY	COMMERCIAL/ MIXED USE
Minimum lot area per dwelling unit or site area	7,500 sq. ft.	2,500 sq. ft.
Minimum lot width	60 ft.	25 ft.
Minimum lot depth	100 ft.	100 ft.
Maximum height	2½ stories or 35 ft.	3 stories or 45 ft.
Minimum depth of front yard	20 ft.	10 ft.
Minimum aggregate width of side yards	20 ft.	0 ft. unless adjacent to a residential use then 20 ft is required.
Minimum width of each side yard	10 ft.	0 ft unless adjacent to a residential use or zone then 10 ft. is required
Minimum depth of rear yard	25 ft.	15 ft.
Maximum lot building coverage	25%	65%
Maximum lot impervious coverage	50%	95%

ARTICLE XI
PO/R PROFESSIONAL OFFICE/RESIDENTIAL ZONE

27-67 Statement of Intent.

The intent of the PO/R zone is to permit professional and businesses offices among existing residential uses. Any new development will essentially be for office uses within converted residential buildings. Design standards set forth in Article XVIII shall be followed to ensure integrated and compatible design with respect to the relationship and location of buildings, parking, circulation, walkways, landscape amenity, and buffer features.

27-68 Permitted Uses.

In the Professional Office/Residential zone, no building, structure or premises shall be used, and no building or structure shall be erected or structurally altered, except for the following permitted uses:

- A. Single-family detached dwellings.
- B. Conversion of existing residential structures to professional and private offices, including but not limited to real estate, accounting, insurance, architects, psychologists and lawyers, subject to site plan review and the following requirements:
 - 1) The conversion of an existing residential structure to an office use shall only be permitted where the character of the existing structure is maintained and where all off-street parking and other requirements contained in this Ordinance are met.
 - 2) There shall be no physical evidence of said office use from the exterior of the building.
 - 3) The remodeling of any residential building in order to create an impression of business activity is prohibited.
 - 4) At the time of site plan review, placement of an access drive shall be determined so as to allow for a future common drive with an adjacent residential parcel along at least one (1) side yard. In addition, reservation of an access easement to allow for such a possibility at the opposite side yard may be required. Similarly, depending on lot configuration, rear yard cross-easements to permit for interconnections of parking areas may be required.
 - 5) No parking shall be permitted in the existing front yard of the structure.
 - 6) There shall be adequate landscaping and/or screening to shield parking areas from adjoining lots.
 - 7) No lot existing at the time of adoption of this Ordinance on which a conversion is proposed shall be further reduced in size.

- C. Public parks, playground, buildings, structures and uses owned and operated by the Borough of Jamesburg.

27-69 Accessory Uses.

The following accessory uses, subject to the requirements of Article XVI, shall be permitted in this zone:

- A. Parking lots provided that:
 - 1) There is no automotive service or repair.
 - 2) The lot will not increase traffic congestion in the streets abutting the property.
- B. Fences and Walls, subject to the requirements of Section 27-96.
- C. Signs, subject to the requirements of Section 27-134.

27-70 Conditional Uses.

The following conditional uses shall be permitted in the zone:

- A. Earth terminal or earth terminal antennae, subject to the requirements of Section 27-107.
- B. Public utility installations, subject to the requirements of Section 27-108.
- C. Childcare centers, subject to the requirements of Section 27-109.

27-71 Area and Bulk Regulations.

Table 10 Regulations for the PO/R Zone		
REQUIREMENTS	BULK STANDARDS	
	Single-Family	Commercial
Minimum lot area per dwelling unit or site area	7,500 sq. ft.	4,000 sq. ft.
Minimum lot width	60 ft.	40 ft.
Minimum lot depth	100 ft.	100 ft.
Maximum height	2½ stories or 35 ft.	2½ stories or 35 ft.
Minimum depth of front yard	20 ft.	10 ft.
Minimum aggregate width of side yards	20 ft.	20 ft.
Minimum width of each side yard	10 ft.	10 ft.
Minimum depth of rear yard	25 ft.	15 ft.
Maximum lot building coverage	25%	30%
Maximum lot impervious coverage	50%	60%

ARTICLE XII
O OFFICE ZONE

27-72 Statement of Intent.

The intent of the O Zone is to permit a healthy mix of general, corporate, professional and sales offices within unified planned developments on large minimum tract sizes. Each planned development should utilize sensitive site design and promote architectural compatibility with the surrounding neighborhood and coordinate internal pedestrian and vehicular traffic flow.

27-73 Permitted Uses.

In the O Zone, no building, structure or premises shall be used, and no building or structure shall be erected or structurally altered, except for the following permitted uses:

- A. Professional and private offices, including but not limited to real estate, accounting, insurance, architects, psychologists and lawyers.
- B. Medical offices and facilities, including but not limited to doctor, dentist and veterinary offices, chiropractors and psychiatrists.
- C. Financial institutions, including but not limited to bank, savings and loan associations, credit unions and other financial institutions.
- D. Public parks, playground, buildings, structures and uses owned and operated by the Borough of Jamesburg.

27-74 Accessory Uses.

The following accessory uses, subject to the requirements of Article XVI, shall be permitted in this zone:

- A. Parking lots provided that:
 - 1) There is no automotive service or repair.
 - 2) The lot will not increase traffic congestion in the streets abutting the property.
- B. Fences and Walls, subject to the requirements of Section 27-96.
- C. Signs, subject to the requirements of Section 27-134.

27-75. Conditional Uses.

The following conditional uses shall be permitted in the zone:

- A. Earth terminal or earth terminal antennae, subject to the requirements of Section 27-107.

B. Public utility installations, subject to the requirements of Section 27-108.

C. Childcare centers, subject to the requirements of Section 27-109.

27-76 Area and Bulk Regulations.

Table 11 Regulations for the O Zone	
REQUIREMENTS	BULK STANDARDS
Minimum lot area	2 ac.
Minimum lot width	200 ft.
Minimum lot depth	200 ft.
Maximum height	2½ stories or 35 ft.
Minimum depth of front yard	15 ft.
Minimum aggregate width of side yards	20 ft.
Minimum width of each side yard	10 ft.
Minimum depth of rear yard	15 ft.
Maximum lot building coverage	15%
Maximum lot impervious coverage	60%

ARTICLE XIII
ARR AGE RESTRICTED RESIDENTIAL ZONE

27-77 Statement of Intent.

The intent of the ARR District is to provide for the development of age-restricted housing in accordance with accordance with the Federal Fair Housing Act, as amended.

27-78 Permitted Uses.

In the Age Restricted Residential zone, no building, structure or premises shall be used, and no building or structure shall be erected or structurally altered, except for the following permitted uses:

- A. Age restricted housing. Approval of an age-restricted housing project in the Township shall be conditioned upon the submission by the applicant to the Board attorney of restrictive covenants on the deeds to any and all portions of a tract so developed, to insure that qualifications under the Federal Fair Housing Act, as amended shall at all times be maintained.
- B. Detached single-family dwellings.
- C. Professional and general business offices.

27-79 Accessory Uses.

The following accessory uses, subject to the requirements of Article XVI, shall be permitted in this zone:

- A. Accessory uses and structures prescribed in subsection 27-33 for the R-100 residential district.
- B. Administrative offices related to age restricted housing.
- C. Off-street parking areas.

27-80 Conditional Uses.

The following conditional uses shall be permitted in the zone:

- A. Home professional offices.
- B. Home daycare providers
- C. Quasi-public clubs and organizations.
- D. Home occupations.

E. Inns.

27-81 Area and Bulk Regulations.

Table 12 Regulations for ARR Zone	
REQUIREMENTS	BULK STANDARDS
Minimum lot area	3 ac.
Minimum lot width	250 ft.
Minimum lot depth	200 ft.
Maximum height	4 stories or 70 ft.
Minimum depth of front yard	30 ft.
Minimum aggregate width of side yards	40 ft.
Minimum width of each side yard	20 ft.
Minimum depth of rear yard	25 ft.
Maximum lot building coverage	50%
Maximum lot impervious coverage	70%

ARTICLE XIV
RB RETAIL BUSINESS ZONE

27-82 Statement of Intent.

The RB district is intended to serve as a pedestrian oriented shopping district, with retail facilities that service local needs. It is encouraged that generally retail stores and personal service establishments be located on the ground floor of buildings with offices occupying the upper floors.

27-83 Permitted Uses.

In the Retail Business zone, no building, structure or premises shall be used, and no building or structure shall be erected or structurally altered, except for the following permitted uses:

- A. Retail stores, including but not limited to the sale of antiques, art, dry goods, variety and general merchandise, clothing, fabrics, floor covering, food, books, hardware, hobby and art supplies, garden supplies, flowers, drugs, handicraft art, household supplies or furnishings, pets, sale or repair of jewelry, sporting goods, watches and clocks, optical goods, musical, professional and office supplies and packed goods when sold only on the premises.
- B. Personal services, including but not limited to barbershops, hairdressers, cleaning and pressing establishments, photographers, funeral homes, shoe repairs, tailors, newspaper, printers, frame shops, laundromats and travel agencies.
- C. On the first and./or second floor business, administrative, and professional offices or business establishments providing the following services:
 - 1) Finance, insure or real estate sales or services.
 - 2) Business or professional services.
 - 3) Health services.
 - 4) Social services.
 - 5) Consulting services.
- D. Gasoline service stations and public garages.
- E. Public parks, playground, buildings, structures and uses owned and operated by the Borough of Jamesburg.

27-84 Accessory Uses.

The following accessory uses, subject to the requirements of Article XVI, shall be permitted in this zone:

- A. Parking lots provided that:
 - 1) There is no automotive service or repair.
 - 2) The lot will not increase traffic congestion in the streets abutting the property.
- B. Fences and Walls, subject to the requirements of Section 27-96.
- C. Signs, subject to the requirements of Section 27-134.

27-85 Conditional Uses.

The following conditional uses shall be permitted in the zone:

- A. Earth terminal or earth terminal antennae, subject to the requirements of Section 27-107.
- B. Public utility installations, subject to the requirements of Section 27-108.
- C. Childcare centers, subject to the requirements of Section 27-109.

27-86 Area and Bulk Regulations.

Table 13 Regulations for the RB Zone	
REQUIREMENTS	BULK STANDARDS
Minimum lot area per dwelling unit or site area	5,000 sq. ft.
Minimum lot width	50 ft.
Minimum lot depth	100 ft.
Maximum height	3 stories or 45 ft.
Minimum depth of front yard	15 ft.
Minimum aggregate width of side yards	20 ft.
Minimum width of each side yard	10 ft.
Minimum depth of rear yard	15 ft.
Maximum lot building coverage	50%
Maximum lot impervious coverage	80%

ARTICLE XV
PR PUBLIC USE AND RECREATION ZONE

27-87 Statement of Intent.

The purpose of this zone is to provide for public schools buildings promote the retention of public open space and recreation areas.

27-88 Permitted Uses.

In the PR Zone, no building, structure or premises shall be used, and no building or structure shall be erected or structurally altered, except for the following permitted uses:

- A. Public school buildings.
- B. Public parks, playgrounds, buildings, structures and uses owned and operated by the Borough of Jamesburg.

27-89 Accessory Uses.

The following accessory uses, subject to the requirements of Article XVI, shall be permitted in this zone:

- A. Storage sheds, subject to the requirements of Section 27-93.
- B. Off-Street Parking, subject to the requirements of Section 27-93.
- C. Fences and Walls, subject to the requirements of Section 27-96.

27-90 Conditional Uses.

Such other use as may be interpreted by the Combined Land Use Board to be exclusively public municipal activities.

ARTICLE XVI
ARO AGE RESTRICTED OVERLAY ZONE

27-91 Statement of Intent

The purpose of this zone is to provide additional opportunities for the development of an age-restricted project in accordance with applicable federal laws and regulations.

27-92 Permitted Uses

Age restricted housing. Approval of an age-restricted housing project in the Township shall be conditioned upon the submission by the applicant to the Board attorney of restrictive covenants on the deeds to any and all portions of a tract so developed, to insure that qualifications under the Federal Fair Housing Act, as amended shall at all times be maintained.

27-93 Accessory Uses

The following accessory uses, subject to the requirements of Article XVI, shall be permitted in this zone:

- A. Accessory uses and structures prescribed in subsection 27-33 for the R-100 residential district.
- B. Administrative offices related to age restricted housing.
- C. Off-street parking areas.

27-94 Conditional Uses

The following conditional uses shall be permitted in the zone:

- A. Earth terminal or earth terminal antennae, subject to the requirements of Section 27-107.
- B. Public utility installations, subject to the requirements of Section 27-108.
- C. Childcare centers, subject to the requirements of Section 27-109.

27-95 Area and Bulk Regulations

The area and bulk regulations of the underlying zoning shall apply.

ARTICLE XVII
EXCEPTIONS & SUPPLEMENTAL REGULATIONS

27-96 Nonconforming Uses & Standards.

- A. Limitations on Continuance of Nonconforming Uses - Any nonconforming use which lawfully existed at the time of passage of this chapter may be continued upon the lot or in the building so occupied. However, except as required by the Borough to bring the building or premises up to code, no structural alterations shall be made to a building which is nonconforming because of use, and no nonconforming use of building or land shall be enlarged or relocated to any other portion of the lot occupied by such nonconforming use; nor shall additional signs advertising the nonconforming use be permitted to be erected.
- B. Abandonment of Use - If any nonconforming use of a building or land ceases for twelve (12) consecutive months or for eighteen (18) months during any three (3) year period, such structure and premises in combination shall be considered abandoned and shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- C. Restoration of Buildings Which are Nonconforming Because of Use - If a building or structure which is nonconforming because of use is destroyed by fire, explosion, windstorm or other act of God, the structure shall not be rebuilt unless in accordance with the use restrictions of the district in which it is located.
- D. Continuance of Nonconforming Buildings and Structures - A nonconforming structure, provided the use of same is permitted in the district, may be reconstructed, enlarged, relocated or structurally altered, provided the enlargement, reconstruction, alteration or relocation does not increase or aggravate the extent of nonconformance.

~~27-92~~27-97 Principal Buildings.

- A. Except for multi-family housing developments, in no case shall there be permitted more than one (1) residential building on each subdivision lot of record.
- B. All principal buildings shall be built upon a lot with frontage upon a public street or private road improved in accordance with Borough requirements or for which such improvements have been insured by the posting of a performance guaranty. However, if the Borough Council has no plans to improve an unpaved street, the Board may approve development along the street subject to improvements required by the Borough Engineer to protect the safety of future inhabitants.

~~27-93~~27-98 Accessory Structures.

Unless specified elsewhere in this Ordinance, accessory structures shall conform to the following regulations:

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A. Location

- 1) In any zone where residential uses are permitted, no private detached garage or other accessory building or parking area shall be located within a required front yard nor within a required side yard, except that nothing shall prohibit an owner of a home from counting a driveway as an off-street parking space. A residential driveway shall be set back a minimum of one (1) foot from the side property line.
- 2) In the case of exceptionally wide lots where side yards are provided of greater width than required by this chapter, accessory buildings may be erected in the side yards, provided that the side yard required as a minimum by this Article for the particular zone involved be left open and unoccupied except as permitted in this Article.
- 3) A private garage constructed as a structural part of a main dwelling shall be considered part of the principal building and shall comply in all respects with yard requirements of this chapter for the principal buildings.

B. Accessory buildings may occupy, in the aggregate, not more than forty percent (40%) of the required rear yard area in all zoning districts.

C. The minimum distance of any detached accessory structure from the principal building shall be five (5) feet.

D. In any zone where residential uses are permitted, no accessory structure shall exceed fifteen (15) feet in height.

E. On through lots (any lot running from one street to another), no accessory building erected in the rear yard shall be nearer the street line than the minimum distance specified for a front yard setback on the street which the yard abuts.

F. No accessory building shall be used for residential dwelling purposes in any zoning district.

| 27-949 Additions and Alterations to Non-Conforming Structures.

Nothing in this article shall be deemed to prevent normal maintenance and repair, structural alteration in, or the reconstruction of, a non-conforming structures; provided that such action does not increase or extend the degree of, or create any new, non-conformity with regard to the regulations pertaining to such buildings or the lot upon which they are constructed; [As an example, a dwelling which complies fully with all requirements except that it is closer to the street than the minimum required depth of a front yard may build an addition to the rear that does not encroach on the required rear yard.] except that, the floor area of a detached single-family house that occupies a lot that is smaller than the minimum lot area required in the district in which such house is located may be increased by not more than ten percent (10%) of the floor area existing as of the date of adoption of this Ordinance provided that the resulting structure complies with all other requirements of this Ordinance.

Any existing structure on a non-conforming lot or an existing structure on a non-conforming lot which violates any yard requirements may have additions to the principal building and/or an accessory building may be constructed on such a lot without an appeal to the Zoning Board of Adjustment, provided that the total permitted building coverage is not exceeded and the accessory building and/or the addition to the principal building do not violate any other requirements of this Ordinance.

27-100 Swimming Pools, Tennis Courts, and Similar Private Recreational Facilities

- A. Except for portable swimming pools which have a depth at any point of less than 15 inches or a capacity of 300 gallons or less, the following regulations shall apply to permanent and portable swimming pools, hot tubs, tennis courts and similar recreational facilities that are accessory to a residential use:
- 1) Said use shall be located on the same lot as the principal structure.
 - 2) Said use shall comply with the minimum yard requirements for principal structures.
 - 3) Said use shall be appropriately screened and fenced to minimize adverse impact on adjoining properties.
 - 4) A swimming pool shall be a permitted accessory use and no swimming shall be permitted unless it complies with the requirements of this Ordinance.
 - 5) No existing or hereafter constructed swimming pool shall be located on a lot unless there is a residence on such lot.
 - 6) No swimming pool shall be hereafter constructed, installed, relocated or reconstructed unless the pool itself and any apron, accessory building, structure and equipment are all located at least ten (10) feet from all property lines and at least thirty (30) feet from the property line of any street bordering the property in question. Swimming pools are prohibited in front and side yards.
 - 7) All private hot tubs shall be covered and locked when not in use.
- B. Tennis courts may use a hurricane type fence around the court area. The maximum height shall be six (6) feet along the property line and an additional one foot in height for every additional one foot set back from the property line, not to exceed ten (10) feet.
- C. Tennis court drainage shall be reviewed and approved by the Borough Engineer.

27-101 Fences and Walls.

- A. No fence that is a solid fence shall be erected from the front house or building line forward. This includes fences erected along a public right-of-way or across a front yard.

- B. All fences shall be constructed with the finished side out and the structural side toward the interior, except in residential districts, where the fence in front of the house shall be constructed with the finished side out and the rear with the finished side in.
- C. Fences which are painted shall be painted in only one (1) color. All fences shall consist of one (1) color which is harmonious with the surrounding areas. Multicolored fences are prohibited. Fences painted originally must be maintained.
- D. Every fence shall be maintained in a safe, sound, upright condition and in accordance with the approved plan on file with the Zoning Officer.
- E. All fences must be erected within the property line. Fences at the intersection or interception of two (2) or more streets shall abide by the requirements of Section 27-117 of the Borough of Jamesburg Code.
- F. A fence not more than six (6) feet in height is permitted along the rear lot line and along the side lot line to the front building line. A fence not more than four (4) feet is permitted along the side lot line from the front building line to the front lot line and along the front lot line.
- G. A fence not more than six (6) feet in height is permitted along the rear lot line and along the side lot line to the front building line. A fence not more than four (4) feet is permitted along the side lot line from the front building line to the front lot line and along the front lot line.
- H. No fence hereinafter erected, altered or reconstructed in industrial districts shall exceed a height of six (6) feet above ground level.
- I. The following fences and materials are strictly prohibited:
 - 1) Barbed wire or wire on which barbs or points are strung or fastened, except in an industrial zone. Barbed wire shall be permitted in industrial zones but may be attached only to the top of the fence and shall be angled inward no less than forty-five (45) degrees. Such barbed-wire course may be in addition to such fence as permitted in Subsection G above.
 - 2) Concertina and razor-wire fences.
 - 3) Canvas or cloth fences.
 - 4) Electrically charged fences.
 - 5) Poultry netting or snow fences.
 - 6) Expandable and collapsible fences, except where permitted as temporary fences.

- 7) Glass may not be embedded in any type of fence.
- 8) Solid fences or a combination of materials thereof which creates the effect of a solid fence, in industrial districts, except where required for junkyards.
- 9) Masonry walls

J. Permits; fees.

- 1) A permit shall be obtained from the Zoning Officer for the erection, alteration or reconstruction of any fence, including temporary fences, as defined in this Article. No separate permit shall be required for new fences as a part of development where site plan review is required. However, all requirements in this Section shall be observed as a part of site plan review.
- 2) The cost of the permit shall be established in the Borough of Jamesburg's Fee Ordinance. No fee shall be required for the alteration or reconstruction of any existing fence.
- 3) Each application for a fence permit shall be filed in duplicate on forms furnished by the Zoning Officer and shall be accompanied by a sketch indicating the proposed location and dimensions of the fence, as well as the materials to be used.
- 4) Temporary fences shall be permitted for the duration of construction or the event held. The permit must contain the length of time of construction.
- 5) Approval of all fence materials shall be subject to Uniform Construction Code conformance. Any provision herein shall be deemed to be in conformity with the Uniform Construction Code.
- 6) Upon the issuance of a fence permit, the Zoning Officer shall inspect the premises upon which a permit was issued to determine whether the fence meets the provisions of this ordinance.

K. Exceptions.

- 1) These regulations shall not apply to municipal property and public recreational uses.
- 2) These regulations shall not be applied as to restrict the erection of a wall for the purpose of retaining earth, provided that such wall does not exceed the height, measured from the ground level, of the highest adjacent grade.
- 3) A fence so herein provided may be permitted to encroach on the Borough right-of-way no more than four (4) feet or to the sidewalk, whichever is less, provided that proof on insurance liability is submitted to the Zoning Officer. The liability insurance shall not be canceled unless written approval from the

Zoning Officer is obtained. Proof of insurance shall be submitted to the Zoning Officer each year after a permit is issued for fences that encroach on a Borough right-of-way.

- 4) The Zoning Officer shall have the power to enforce these regulations. If the Zoning Officer, upon inspection determines that any fence or portion of any fence is not being maintained in a safe, sound, upright conditions, he shall notify the owner of such fence, in writing, of his findings and state briefly the reasons for such findings and order such fence or portion of fence repaired or removed within fifteen (15) days of the date of such written notice.
- 5) No fence, building or structure shall be erected, reconstructed or altered on which hazardous wires, such as barbed, concertina or razor; sharp glass; spikes; or any other hazardous material are embedded or attached.

| [27-9727-102](#) Breaking Curbs for Driveway Construction.

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- A. No person, firm or corporation shall break, cut or otherwise damage or disturb any existing curb in the right-of-way of any public street except in accordance with this article.
- B. Such an existing curb may be broken in order to permit the construction of a driveway for access to property contiguous to such curb, but only in accordance with this article.
- C. The Zoning Officer shall, upon written request of the owner or contractor fixing the location and size of the opening, authorize the Borough Clerk to issue a permit where the property in question contains only a single-family detached dwelling and access is desired for the use of the occupants of such dwelling and the opening will not exceed fourteen (14) feet.
- D. In all other instances, permission therefore shall be obtained from the Combined Land Use Board upon written application and notice to other property owners as required in the case of a variance. The standards to be used by the Combined Land Use Board in granting or denying such permission or in attaching such conditions as the Board may deem appropriate shall be: (1) increasing or aggravating the hazards of both vehicle and pedestrian traffic; (2) the reasonable size of the opening in relation to the intended use; (3) the existence of other means of access; (4) interference with the proper drainage of surface waters; (5) and any other factor involving the public convenience or necessity.
- E. The refinishing of all curb cuts shall be done in a good and workmanlike manner.

27-103 Commercial Vehicles Permitted Weight

No more than one (1) commercial vehicle with a gross vehicle weight of less than ten thousand (10,000) pounds may be parked, stored, or garaged at any dwelling unit or on any public street within the residential districts of the Borough.

27-104 Exceptions and Supplemental Requirements to Bulk and Area Regulations.

- A. On a corner lot, there shall be deemed two (2) front yards on abutting streets, one rear yard and one side yard.
- B. Yard Dimensions:
 - 1) Where minimum permitted yard dimensions are less than sufficient to accommodate a required buffer area, they shall be increased accordingly.
 - 2) Where a lot abuts any street which is proposed to be widened on the Official Map or Master Plan of Jamesburg, the required minimum yard dimension shall be measured from the proposed right-of-way line.
 - 3) On a through lot, front yards are required along all street lines.
 - 4) When a lot adjoins a cul-de-sac or abuts a curved street with a radius of less than five hundred (500) feet, the required lot frontage may be reduced to not less than one-half (½) of the required minimum lot width, and the minimum lot width at the front yard line may be reduced to not less than seventy-five (75%) percent of the required lot width.
- C. The required lot depth at any point may be decreased by twenty-five (25%) percent if the average lot depth conforms to the minimum requirements.
- D. The net habitable floor area of any dwelling unit shall be not less than the least restrictive of the most current minimum floor areas as promulgated by: (1) the New Jersey Housing Finance Agency; or (2) the U.S. Department of Housing and Urban Development in its minimum property standards manual.
- E. The number of occupants of any dwelling unit shall not exceed the maximum permitted under the most current occupancy guidelines as established by the U.S. Department of Housing and Urban Development.
- F. In any zone where single-family detached residential uses are permitted, there shall be not more than one (1) principal structure on each lot. In any other zone, the placement of more than one (1) principal structure shall be subject to Combined Land Use Board approval of a site plan showing existing, proposed and all future development(s) on the site.

ARTICLE XVIII
CONDITIONAL USES

27-105 Intent.

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

27-106 Public & Private Schools.

Public schools covering any or all grades pre-kindergarten through grade 12 and full-time private schools covering any or all grades pre-kindergarten through grade 12 which are operated by a charitable, religious, or eleemosynary organizations, which are not conducted as a business and which are intended to satisfy State mandated educational requirements are permitted as a conditional use in the R100, R75, RC, RTC, and RH districts provided said conditional use shall meet all of the following requirements:

- A. Charter - The application shall be accompanied by the existing or proposed charter and by-laws of the organization and such other material as may be required to guarantee to the satisfaction of the Combined Land Use Board, the following:
 - 1) The organization is or will be a bonafide non-profit school organized for educational purposes and such other activities normally carried on by such schools.
 - 2) The organization has been granted exemption from taxation under the laws of the both the State of New Jersey and the United States.

- 3) The organization will not engage in sales of products or materials to the general public or otherwise engage in activities normally carried on a business or commercial activity, except that:
 - a. The premises may be made available on rental basis for meetings of other groups, private social functions and the like.
 - b. The organization may conduct intermittent commercial activities open to the general public designed solely to raise funds to support the purposes of the organization or for related or affiliated organizations with charitable, educational or religious purposes, provided such activities are conducted inside of a building or structure. Such activities shall also be permitted outside of a building or structure under the authority of a special license granted by the Governing Body of the Borough of Jamesburg, which shall contain such conditions as are considered necessary for the public health, safety and welfare. This paragraph shall not prevent the organization from hiring or otherwise engaging profit-making organizations to conduct fund raising activities, even though a portion of the funds raised, is taken by such profit-making organization as a fee.
 - c. The sale of items, products or materials required of the educational programs or welfare of the students, or accessory to and having a relation to the activities conducted on the premises, such as, but not limited to, books, art materials and school supplies, tickets for student activities, or other school related events, or food for school lunches, are permitted on a continuous basis, provided such sales are conducted inside a building or structure.
- B. Minimum Lot Size - The lot or site on which the proposed use is to be located shall have a minimum area of ninety thousand (90,000) square feet, plus an additional forty-five thousand (45,000) square feet for every one (100) hundred pupils or portion thereof of maximum capacity, and the lot or site shall have a minimum street frontage of two hundred twenty-five (225) feet.
- C. Lot Coverage - The coverage of the lot by buildings and structures will not exceed fifteen (15%) and the total coverage of the lot by all buildings, structures, sidewalks, parking areas, driveways or other improvements, shall not exceed forty (40%) percent of the total area of the lot.
- D. Setbacks - Any building or structure shall be set back from the front street line, a distance not less than two (2) feet of setback for each one (1) foot of building or structure height or shall conform to the front yard setback requirements of the zone in which it is located, whichever is greater. Any building or structure shall be set back from the side property lines a distance not less than two (2) feet of setback for each one (1) foot of building or structure height or forty (40) feet, whichever is greater. Any building or structure shall be set back from the rear property line, a distance not less than two (2) feet of setback for each one (1) foot of building or structure height of fifty (50) feet, whichever is greater.

- E. Exclusions - This Subsection is not intended to apply to part-time schools which are conducted as an adjunct or supplement to the religious activities of a church, religious organization or place of worship, such as, but not limited to, Sunday schools, nursery schools, catechism or Hebrew schools, adult education, or the like, or as an adjunct or supplement to the activities or programs of chartered membership organizations, but is intended to apply to educational institutions, whether or not operated in conjunction with religious organizations, churches, or places of worship, or chartered membership organizations which are operated on a full-time basis, which offer general academic instruction or training in a skill trade of vocation, and which are intended to fulfill state mandated educational requirements.

27-107 Churches & Similar Places of Worship.

Churches and similar places of worship together with rectories or parish houses or convents of religious groups on the same tract, are permitted as a conditional use in the R100, R75, RC, RTC, and RH districts provided said conditional use shall meet all of the following requirements:

- A. Charter - The application shall be accompanied by the existing or proposed charter and by-laws of the organization and such other material as may be required to guarantee to the satisfaction of the Combined Land Use Board, the following:
 - 1) The organization is or will be a bonafide non-profit school organized for educational purposes and such other activities normally carried on by such schools.
 - 2) The organization has been granted exemption from taxation under the laws of the both the State of New Jersey and the United States.
 - 3) The organization will not engage in sales of products or materials to the general public or otherwise engage in activities normally carried on a business or commercial activity, except that:
 - a. The premises may be made available on rental basis for meetings of other groups, private social functions and the like.
 - b. The organization may conduct intermittent commercial activities open to the general public designed solely to raise funds to support the purposes of the organization or for related or affiliated organizations with charitable, educational or religious purposes, provided such activities are conducted inside of a building or structure. Such activities shall also be permitted outside of a building or structure under the authority of a special license granted by the Governing Body of the Borough of Jamesburg, which shall contain such conditions as are considered necessary for the public health, safety and welfare. This paragraph shall not prevent the organization from hiring or otherwise engaging profit-making organizations to conduct

fund raising activities, even though a portion of the funds raised, is taken by such profit-making organization as a fee.

- c. Sale of religious articles or items having a relation to the cultural or ethnic background of members of the faith are permitted on a continuous basis, provided that such sales are conducted inside of the building or structure.
- B. Minimum Lot Size - The lot on which the proposed use is to be located shall have a minimum area of 75,000 square feet, and shall have a minimum street frontage of 225 feet.
- C. Lot Coverage - The coverage of the lot by all buildings, structures, sidewalks, parking areas, driveways and other improvements, shall not exceed fifty (50%) percent of the total lot area.
- D. Setbacks - Any building or structure shall be set back from the front street line, a distance not less than two (2) feet of setback for each one (1) foot of building or structure height or shall conform to the front yard setback requirements of the zone in which it is located, whichever is greater. Any building or structure shall be setback from the side property lines a distance not less than the height of structure of twenty-five (25) feet, whichever is greater. Any building or structure shall be setback from the rear property line a distance not less than the height of the structures or fifty (50) feet, whichever is greater.
- E. On-site Parking - The amount of on-site parking provided shall conform to the requirements as established within Section 27-111.F of this Ordinance.
- F. It is not intended that part-time schools which are conducted as an adjunct or supplement to the religious activities of a church, religious organization, or place of worship, such as, but not limited to, Sunday Schools, nursery schools, catechism, Hebrew schools, adult education, and the like, create a mixed use as defined herein for the premises on which they are conducted.

27-108. Community Residence for Persons with Head Injuries and for the Developmentally Disabled and/or Community Shelters for Victims of Domestic Violence.

Community residences for the placement of not more than fifteen (15) mentally or physically handicapped persons, exclusive of resident staff, may be permitted in the R100, R75, RC, RTC, and RH zones provided that:

- A. Sufficient off-street parking space, as determined by the Combined Land Use Board on a case by case basis, is provided in the rear side yards. Such parking is to be suitably shielded from adjacent residential properties by means of appropriate landscaping or fencing.
- B. The maximum number of occupants shall be fixed at the time of application, and shall be commensurate to the amount of land to be used and the square footage of the house. No further expansion of the occupancy limit shall be made unless

supplemental approval is granted by the Combined Land Use Board.

- C. In order that the health and safety of the occupants not be endangered by heavy traffic volumes, such use shall not be located on any street other than those classified as local streets in the Master Plan of the Borough of Jamesburg.
- D. Ingress and egress to the building is such that the safety of the occupants is protected to the satisfaction of the Combined Land Use Board.

27-109 Family Day Care Homes.

Family day care homes, which are defined in Section 27-16 of this Ordinance as a private residence which qualifies as a family day care home pursuant to the "Family Day Care Provider Registration Act," P.L. 1987, c. 27 (C.30:5B-16 et seq.); and as further defined as a private residence in which child care services are provided for a fee to not less than three (3) and no more than five (5) children at any one time for no less than fifteen (15) hours per week. Refer to N.J.S.A. 40:55D-66.5b for further information on family day care homes, may be permitted in the R100, R75, RC, RTC, and RH zones and shall be subject to the following requirements:

- A. No change shall be permitted to the exterior of the home for the purpose of accommodating day care use. However, the exterior of any new residential structure used as a home-based care center shall be architecturally designed as a residential unit compatible with the types of existing units or those yet to be located in the neighborhood.
- B. The applicant shall be required to submit proof that the use is in harmony with the character of the neighborhood and consideration to population density, design, scale and bulk of any structures, and that no adverse impacts will be created.
- C. A minimum of thirty (30) square feet of usable activity indoor floor space for each child is required. Areas for administrative use, bathrooms, hallways, storage and kitchen areas, basements or attics shall not be included in this calculation.
- D. A minimum of seventy-five (75) square feet of outdoor play area per child is required on the residential lot. The area shall be well drained, completely fenced and not include driveways, parking areas or land otherwise unsuitable for outdoor play areas. Outdoor play areas shall also be readily accessible and free from hazardous conditions.
- E. All outdoor play areas shall be screened from adjacent properties by a fence or wall at least six (6) feet in height and screen plantings within a 15' setback area along all property lines. Outdoor areas located near or adjacent to hazardous areas determined by the Combined Land Use Board to be unsafe (including, but not limited to, streets, roads, driveways, parking lots, railroad tracks, swimming pools, streams, steep grades, open pits, high voltage lines or propane gas tanks) shall be fenced or otherwise protected by a natural or man-made barrier or enclosure.
- F. No outdoor play area shall be located in the front yard or side yards.

- G. Family day care centers must restrict their hours of operation to between 6:30 a.m. to 9:00 p.m. No outdoor play areas shall be used before 9:00 a.m. or after 8:00 p.m. There shall be no overnight care.
- H. Any site lighting shall not reflect over the property line of the premises.
- I. No signage shall be permitted for home-based care centers other than one unlighted name plate of not more than 1 square foot attached to the home.
- J. Adequate parking and loading/unloading areas shall be determined by the Combined Land Use Board during site plan review of the center.
- K. There shall be no detrimental impacts to the use, peaceful enjoyment, economic value, or development of the surrounding properties or neighborhoods.
- L. The home in which the use is located shall be the principal residence of the applicant.
- M. No commercial vehicle shall be kept on the premises in connection with a family day care home occupation.
- N. No goods, chattels, materials, supplies or items of any kind shall be delivered either to or from the premises in connection with a family day care center except in passenger automobiles owned by the resident and kept on the premises.
- O. Family day care use of the dwelling unit shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
- P. There shall be no nuisance element detectable beyond the principal structure in connection with the family day care center.
- Q. Family day care shall be approved by the New Jersey Division of Youth and Family Services.

27-110 Home Occupations.

Home occupations may be permitted in the R100, R75, RC, RTC, and RH zones provided that:

- A. The dwelling unit proposed to house such use is a single-family unit.
- B. Such occupation shall be conducted solely by members of the residential family.
- C. No structural alterations to accommodate the use of the dwelling are required.
- D. Such use shall occupy an area equivalent to not over fifty (50%) percent of the floor area of one (1) story.
- E. There shall be no conspicuous display of goods or advertising to be seen from outside

the premises.

- F. Such use will not generate traffic or parking requirements which cannot be accommodated in the neighborhood.
- G. Such use does not involve the use of any machinery or equipment which will cause electrical or other interference with radio and television reception in adjacent residences, or which will cause offensive noise or vibration.
- H. No permitted home occupation may be conducted with members of the public later than 10:00 pm.

27-111 Home Professional Offices.

Home professional offices may be permitted in the R100, R75, RC, RTC, and RH provided that:

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

| [27-10727-112](#) Earth terminal or earth terminal antennae.

Earth terminal or earth terminal antennae are permitted as a conditional use in all zones on municipally-owned property. Earth terminal are prohibited on private property.

| [27-10827-113](#) Public utility installations.

Public utility installations may be permitted in all zones provided that:

- A. Any application for such use shall include a statement setting forth the need and purpose of the installation.

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- B. Proof shall be furnished to the appropriate approval authority that the proposed installation in the location specified is necessary for the convenient and efficient operation of a public utility involved for the satisfaction and convenient provision of service by the utility to the neighborhood or area in which the particular use is to be located.
- C. The design of any building in connection with such facility shall conform to the general character of the area in which it is proposed to be located.
- D. The applicant shall demonstrate that the proposed use will in no way adversely affect the safe and comfortable enjoyment of neighboring properties. Adequate and attractive fences and other screening devices shall be described and shown on the plan for the proposed use. Appropriate landscaping, including trees, shrubs, and lawn areas shall be provided.
- E. The subject facilities shall not open to the general public.
- F. All public utility installations shall be in conformity with the National Electric Safety Code.
- G. No permanent storage of materials or surplus equipment, except for replacements for the functional equipment within the subject building, shall be permitted in the building or on the lot.

27-114 Child Care Centers.

Child care centers shall be permitted as an conditional use in the CBD, PO/R, O, and RB zones. Child care centers shall be permitted within churches or other places of worship, public schools, private schools, shopping centers, community and public buildings, and office buildings subject to site plan review and the following conditions:

- A. The applicant shall provide substantial evidence that there is a definite need for the child care center in the requested location and that the proposed child care center will have no adverse impact on surrounding properties.
- B. The child care center shall have easy and direct access, and the entrance and exits shall be located away from areas of heavy vehicular and pedestrian traffic with limited contact with commercial and/or office uses.
- C. The hours of operation shall be limited to 7:00 a.m. to 7:00 p.m.
- D. The child care center shall not create any objectionable traffic conditions.
- E. Parking areas, pedestrian walkways or other exterior portions of the premises subject to use by child care center occupants at night shall be illuminated to provide safe entrance to and egress from the center.
- F. An outdoor play area shall be on the same lot as the child care center. The area shall

be graded, well drained, completely fenced and not include driveways, parking areas or land and uses otherwise unsuitable. All outdoor play areas shall include sheltered play space.

- G. No part of any outdoor play area may be situated in the front yard.
- H. Storage facilities for movable outdoor play equipment shall be provided and such equipment shall be stored in these facilities when not in use. In addition, outdoor play equipment shall be designed to accommodate disabled children.
- I. All outdoor play areas shall be screened from adjacent properties by a fence or wall at least six (6) feet in height and screen plantings within a 15' setback area along all property lines. Outdoor areas located near or adjacent to hazardous areas determined by the Combined Land Use Board to be unsafe (including, but not limited to, streets, roads, driveways, parking lots, railroad tracks, swimming pools, streams, steep grades, open pits, high voltage lines or propane gas tanks) shall be fenced or otherwise protected by a natural or man-made barrier or enclosure.
- J. The child care center may be identified only by signage which is consistent with the overall sign design theme of the particular development project in which the center is located.
- K. Each child care center shall be connected to public sewer and water facilities.
- L. The site shall be free from any hazards to the health, safety or well-being of the children.
- M. The child care center, including any outdoor play space provided, shall be so located and designed that there shall be no objectionable impacts on adjacent or nearby properties due to noise, activity, visual or other objectionable conditions. The Board may require such special treatment in the way of design, screening or buildings, planting and parking areas, signs or other requirements as it shall deem necessary to protect adjacent and nearby properties.
- N. All child care centers must either be licensed by or meet the requirements of the New Jersey Department of Human Services.

ARTICLE XIX
DESIGN STANDARDS FOR SUBDIVISION AND SITE PLANS

27-115 Landscape Transition Areas, Buffers, Natural Features, Landscaping, and Landscape Plans

- A. All lots or parts of lots in non-residential districts which are improved with predominantly non-residential use and whose side or rear lines are adjacent to a residential zone should be screened from such residential zone by landscaped buffer strips or other such screening along side or rear lines as may be approved by the Combined Land Use Board.

The Combined Land Use Board may waive the landscape transition area requirement where existing natural or manmade physical barriers provide an effective visual separation between residential and non-residential uses.

Each permitted use shall provide suitable buffers in order to protect the character, and to minimize any adverse impacts or nuisances on adjoining properties. Buffers shall be located around the perimeter of the site to minimize glare from headlights of vehicles, to minimize noise, to shield light from structures, to shield the movement of people and vehicles from adjacent property and to shield activities from adjacent properties. Buffers are fences, walls, landscaping, berms and mounds used to minimize any adverse impacts or nuisances on the site from adjacent areas. The applicant shall incorporate into its landscaping plan submitted with the site plan or subdivision plan a buffer design plan which shall incorporate the following principles:

1. Buffers shall be located along property lines shielding various uses and activities from each other.
2. Buffer areas shall consist of lawn areas and massed evergreen and deciduous trees and shrubs planted in a manner that will provide a continuous visual screen throughout the entire year.
3. Evergreen and deciduous shrubs shall have a minimum height of four (4) feet when planted and shall be of varieties as suggested herein.
4. The height of shrubs planted in a buffer area shall be measured from the ground level around the base of shrub to the topmost part of the shrub, once the shrub has been properly planted in the ground.
5. Where an area required for a buffer is already wooded, it shall be left in its natural state, and existing growth shall be supplemented with additional plant material where necessary to bring the buffer area up to the minimum requirements of this Section.
6. The entire buffer strip shall be at least ten (10) feet in width and shall be graded and planted with grass seed or sod and such other shrubbery or trees. The entire area shall be attractively maintained and kept clean of all debris and rubbish.

7. Fences or walls as buffers shall complement the structural type, design and color of the principal building.

The plant materials, fences, or walls used for screening purposes shall be sufficient to screen an area at all seasons of the year from the view of persons standing at an elevation approximately equal to that of the area to be screened on adjacent streets or properties.

The required height of the buffer strip shall be measured in relation to the elevation of the edge of the adjacent area to be screened. In such cases where the ground elevation of the location at which the screen is to be planted is less than the elevation of the ledge of the adjacent area, the required height of the screen shall be increased in an amount equal to said difference in elevation. In the even that the ground elevation of the location at which the screen is to be planted is greater than that at the edge of the adjacent area, the required height of the screen may be reduced in an amount equal to said difference in elevation, provided that in no case shall the required height be reduced more than two (2) feet. Where plant material is of inadequate height to properly act as a screen, the earth should be mounded and trees planted on the mound.

Any article or material stored outside an enclosed building as an incidental part of the primary operation on a lot shall be screened as provided hereinafter by fencing, walls or evergreen planting.

Where the Combined Land Use Board deems it necessary to assure an effective visual screen between non-residential uses and streets or residentially zoned properties, the Board may require, in addition to landscaping, the provision of a fence of a type, height, and design suitable for the purpose, provided that the height of such fence or screening shall not exceed four (4) feet.

8. Other provisions of this Ordinance notwithstanding, the entire lot, except for areas covered by buildings or surfaced as parking, recreation or service areas, shall be seeded, sodded, or planted with ground cover and suitably landscaped in accordance with an overall landscape plan. All landscaping shall be consistent with the natural surroundings and shall be properly maintained throughout the life of any use on said lot. Existing trees or landscaping located within twenty (20) feet of any street or lot line or zone boundary shall not be removed except with the written approval of the Combined Land Use Board; nor shall the existing grade within that space be disturbed without such approval.

- B. Every application for approval of a site plan or a subdivision shall contain a landscaping plan prepared by a an appropriately licensed prfoessional. The plan shall identify, locate and provide planting details for all proposed trees, shrubs, bushes, plant material and ground cover, all such existing plant materials proposed to be retained, and all ground cover, natural features such as boulders, rock outcroppings and waterways. For all existing natural growth proposed to be retained the plan shall

state the method(s) proposed to be used for its protection during and after construction (e.g. fencing, tree wells, curbing or similar devices).

The landscaping plan shall conform to the following design requirements, as applicable:

1. The site plan or subdivision plan shall be so designed as to preserve, wherever possible, natural features such as large trees, groves, views, open waters, scenic and historic features or other recognized community assets. Efforts shall be made to utilize as much existing vegetation on the site as possible.
2. All non-paved areas on properties shall be appropriately landscaped with trees and shrubs, grass and other suitable landscaping materials.
3. Landscaping shall be provided in public areas, recreation sites and adjacent to buildings. Where possible, shade trees shall be planted on the south side of buildings to shield them from the summer sun and evergreens on the northwest side of buildings, to serve as windbreaks.
4. The landscaping plan shall provide for a variety and mixture of plant materials taking into consideration their susceptibility to disease, colors (by season), textures, shapes, blossoms, and foliage.
5. The choice of landscaping shall be appropriate to site soil conditions and availability of water for irrigation.
6. To reduce air and sound pollution; regulate solar radiation and wind control; influence the type and speed of pedestrian and automobile traffic flow; screen out glare and reflection; and produce an aesthetically pleasing environment, all streets shall be planted with street trees. Street trees shall be planted at a maximum interval of forty (40) feet with a maximum interval of fifty (50') feet on-center, allowing plus or minus for driveways, walks or other obstructions. Street trees can help unify dissimilar building styles and uses, separate vehicle and pedestrian zones, and provide shade, overhead canopy and scale to the streetscape. Flowering trees shall not be used as street trees.
7. Street trees are required to be greater than thirty (30) feet in height when fully grown.
8. When street trees are to be planted in paved areas, the soil in the tree pit shall be protected from compaction through the use of tree grates or cobbles.
9. Trees adjacent to public walkways or street shall be pruned from the trunk to a minimum height of 7'-0".
10. Street trees shall be planted so as not to interfere with utilities and proper sight distance at intersections.

11. Existing large trees shall be saved by not changing the surface elevation around the trees by more than six (6) inches, construction of tree wells, and by erecting 4 foot high snow fence located at the drip-line of trees prior to any site disturbance.
12. Any tree on the site having a trunk diameter of more than four (4) inches at a height of four and one-half (4 ½) feet from the ground shall not be removed or relocated unless it is in accordance with a plan approved by the Combined Land Use Board.
13. A sufficient number of deciduous trees shall be provided and planted on the site to insure a minimum of twelve (12) trees for each acre of the lot not occupied by buildings. Except as set forth hereinafter, at planting, deciduous trees shall have a minimum caliper of three (3) inches measured, and evergreen shall be at least five (5) feet high. All trees shall be balled and burlapped.
14. All plant material must be able to withstand an urban environment. All screen planting must be a minimum of four (4) feet high and shall be planted, balled and burlapped as established by the American Nursery and Landscape Association and planted at intervals appropriate for the activities involved.
15. All new plant materials shall be guaranteed for two (2) years to be in healthy and vigorous condition and replaced by the developer as deemed necessary by the Combined Land Use Board.
16. Any damaged or dead trees shall be replaced by the developer up to two (2) years after a final certificate of occupancy has been issued.
17. Locate landscaping to provide for climate control. For example, shade trees on the south to shield the hot summer sun and evergreens on the northwest for windbreaks.
18. Use landscaping to accent and complement buildings. For example, groupings of tall trees to break up long, low buildings and lower plantings for taller buildings.
19. Replacement trees shall conform to the type of existing trees in a given area.
20. Provide for a variety and mixture of landscaping. The variety shall consider susceptibility to disease, colors, season, textures, shapes, blossoms and foliage.
21. Consider the impact of any proposed landscaping plan at various time intervals so that, for example, shrubs do not grow and eventually block sight distances.

22. Landscaping shall be located in protected areas, along walkways, center islands and at the end of parking bays. In narrow islands, low spreading plants such as creeping juniper, English ivy, myrtle or pachysandra are appropriate.
 23. All landscaping in parking areas shall be carefully located so as not to obstruct vision. A variety of different types of trees shall be grouped to break up the mass of cars. Tree types shall be selected from those specified in "Trees for New Jersey Streets – Latest Revision," published by N.J. Shade Tree Federation. Trees that cause damage or excessive site maintenance problems due to root systems or leaf shedding shall be avoided. Trees that can withstand parking area conditions are encouraged.
 24. Those portions of all front, side and rear yards not used for off-street parking, or vehicular or pedestrian circulation, shall be planted with trees, shrubs, plants or grass lawns or combinations thereof.
 25. All landscaped areas shall be kept clean; all litter and refuse of any type shall be removed daily.
 26. All open areas, plazas and parking areas shall be attractively and appropriately landscaped.
 27. All plants, trees and shrubs shall be installed in accordance with a landscape plan and schedule provided by the developer, subject to the approval of the Combined Land Use Board.
- C. The certificate of occupancy for the use of the premises shall not be issued until such time as the landscaping requirements, buffer strips and/or other approved dividers, as required by this Ordinance and as approved by the Combined Land Use Board, are either actually installed in full compliance herewith or, in the event that the season is not appropriate, a performance guaranty of one hundred twenty-five percent (125%) of the cost shall be deposited with the Borough Tax Office to be held in a separate escrow account in the name of the depositor. The depositor shall furthermore agree, in making the deposit that if performance is not completed within the times specified by the Construction Official on the receipt delivered to the depositor, the Borough may complete the requirements, charging the cost against the deposit; otherwise, the deposit shall be returned in full after the satisfactory completion of the work.
1. Landscaping shall be provided as part of the overall site plan or subdivision design and integrated into building arrangements, topography, parking and buffering requirements. Landscaping shall include preservation of existing vegetation to the extent possible as well as trees, bushes, shrubs, ground cover, perennials, annuals, plants, sculpture, art and the use of building and paving materials in an imaginative manner.
 2. The following landscape materials may be used in the development of landscape plans:

Botanical Name	Common Name	Size	Remarks
<i>Shade (Street) Trees</i>			
Acer rubrum Oct. Glory	Oct. Glory Red Maple	3" cal. 13-15' tall	B&B
Acer campestre	Hedge Maple	2.5" cal. 12-14' tall	B&B
Acer rubrum 'Red Sunset'	Red Sunset Red Maple	2.5" cal. 12-14' tall	B&B
Fraxinus Americana "Autumn Purple"	Autumn Purple Ash	3" cal. 13-15' tall	B&B
Gleditsia tricanthos 'Shademaster'	Shademaster Honeylocust	3" cal. 13-15' tall	B&B
Oxydendrum arboretum	Sorrel Tree	2 ½ cal. 12'-14' tall	B&B
Phellodendron amurense 'Shademaster'	Shademaster Amur Corktree	2 ½ cal. 12'-14' tall	B&B
Quercus phellos	Willow Oak	3" cal. 13-15' tall	B&B
Quercus Rubra	Red Oak	3" cal. 13-15' tall	B&B
Sophora japonica 'Regent'	Regent Scholartree	3" cal. 13-15' tall	B&B
Sophora japonica 'Princeton Upright'	Princeton Upright Scholartree	3" cal. 13-15' tall	B&B
Tilia cordata 'Greenspire'	Greenspire Littleleaf Linden	3" cal. 13-15' tall	B&B
Tilia tomentosa	Silver Linden	3" cal. 13-15' tall.	B&B
Zelkova serrata 'Green Vase'	Green Vase Japanese Zelkova	3" cal. 13-15' tall.	B&B
<i>Flowering Trees</i>			
Cornus Kousa	Kousa Dogwood	6'-8'	B&B

Botanical Name	Common Name	Size	Remarks
Malus floribunda	Japanese Crabapple	8'-9'	B&B
Prunus yedoensis	Yoshino Cherry	2'-21/2'	B&B
<i>Evergreen Trees (Buffer)</i>			
Ilex opaca	American Holly	8'-10'	B&B
Picea Abies	Norway Spruce	8'-10'	B&B
Picea Plingens 'Glauca'	Blue Spruce	8'-10'	B&B
Pinus strobes	White Pine	8'-10'	B&B
Pseudotsuga menziesii	Douglas Fir	8'-10'	B&B
Thuja occidentalis nigra	Dark Americian Arborvita	8'-10'	B&B
<i>Shrubs</i>			
Azalea species	Flowering Azalea	18-24"	Container
Ilex crenata hetzi	Hetz Holly	18-24"	Container
Pyracantha coccinea "Rutgers"	Rutgers Firethorn	15-18"	Container
Rhododendron species	Flowering Rhododendron	2-2½'	B&B
Taxus cuspidata nana	Dwarf Japanese Yew	18-24"	B&B
Viburnum tomentosum	Doublefile Viburnum	2-3'	B&B
Ilex glabra compacta	Compact Inkberry	18"-24"	B&B
Taxus media hatfield	Hatfield Yew	2½'-3'	B&B

Botanical Name	Common Name	Size	Remarks
Viburnum dentatum	Arrowwood	3'-4'	B&B
<i>Ground Cover</i>			
Cotoneaster dammeri "Skoogholm"	Christmas Carpet Cotoneaster	15-18" 18-24" o.c.	Container
Juniperus chinensis sargentii	Sargent Juniper	15-18" 18-24" o.c.	Container
Pachysandra Terminalis	Palysandra	2 1/2" pots	9" o.c
Vinca minor "Lawn"	Periwinkle	2 1/4" pots	9" o.c.

27-116 Parking and Loading Area Requirements.

- A. In all zones, at the time any building or structure is erected, enlarged, or increased in capacity, there shall be provided off-street parking for automotive, bicycle and other vehicles and off-street loading facilities in accordance with the requirements set forth herein as well as the parking space requirements for the handicapped contained in PL 1975, Chapter 221. All required parking and loading facilities shall be paved with an all weather impervious surface and shall be completed prior to the issuance of a Certificate of Occupancy. The construction, alteration, or enlargement of any public or private parking or loading area or of accesses to such area shall require site plan approval by the Combined Land Use Board.
- B. Buildings and uses which existed on the effective date of this Ordinance are exempt from the provisions of this article, unless said building or use shall be granted a variance for an enlargement or there is an increase in intensity of the existing structure, in which case the provisions of this Article shall apply as follows:
 - 1) If the enlargement is of a value of less than twenty-five percent (25%) of the replacement value: at the discretion of the Zoning Officer.
 - 2) If the enlargement is of a value greater than twenty-five percent (25%) of the replacement value of the building, full compliance with this article is required.
- C. Each permitted use shall provide an area for the orderly deposit and pickup of refuse which is concealed from adjacent residential properties. This area shall be visually screened by a decorative wall or fence and landscaping. The overall design shall be in architectural harmony with the principal building and shall not be located within buffer areas.

- D. All provisions and facilities for storage, other than the pickup of refuse, shall be contained within a principal building.
- E. Open parking areas, entrances and exits shall be adequately illuminated during night hours to aid in providing a safe environment for vehicular and pedestrian movement. Lighting shall be arranged to limit spill light and glare to adjacent private and public properties. Luminaries shall be spaced to minimize shadows and avoid dark pockets.
- F. The following minimum number of parking spaces shall be provided for the uses specified per gross floor area unless otherwise indicated:

Land or Building Use	Minimum Standards
Church or other similar place of public assemblage	1 space for each 3 fixed seats, or where capacity cannot be determined by the number of fixed seats, 1 space for each 30 square feet of floor area available for patron use, whichever yields the maximum number of parking spaces.
Banks and other financial institutions	1 space for each 250 square feet of gross floor area devoted to patron use.
Beauty & barber shops	1 space for each 250 square feet of gross floor area.
Bowling alley	5 spaces per lane, plus 1 space per employee on the largest work shift, plus 50% of the spaces otherwise required for accessory uses (e.g., bars, restaurants, gamerooms).
Single-family detached 2 Bedroom 3 Bedroom 4 Bedroom 5 Bedroom	 1.5 2.0 2.5 3.0
Garden apartment 1 Bedroom 2 Bedroom 3 Bedroom	 1.8 2.0 2.1

Land or Building Use	Minimum Standards
Townhouse 1 Bedroom 2 Bedroom 3 Bedroom	1.8 2.3 2.4
Fast food restaurants	1 space for each 3 seats plus 1 space for each 40 square feet of gross floor area, excluding the seating area.
Funeral homes, mortuaries	10 spaces plus 1 for each 50 square feet of gross floor area.
Furniture, appliance, hardware stores	1 space for each 400 square feet of gross floor area.
Library	1 space for each 200 square feet of gross floor area.
Medical or dental clinic or office	1 space for each 100 square feet of gross floor area or 4 spaces for each doctor or dentist, plus 1 space for each employee, whichever is greater.
Nursing home	1 space for each bed.
Offices: business and professional	1 space for each 500 square feet of gross floor area.
Private kindergarten, child nursery, or institutional home	1 space for each 600 square feet of gross floor area.
Hotels or motels	1 space for each 3 sleeping rooms and suites, plus one (1) additional space for each 5 employees, plus such additional space as required by this section because of any supplementary parking-generating activities, such as bars, ballrooms, nightclub facilities and the like.

Land or Building Use	Minimum Standards
Institutional home	1 space for each 10 beds.
Restaurant, taverns and the like	The greater of 1 space for each 8 seats or 1 space for each 40 square feet of floor area devoted to patron drinking and dining use, plus 1 space for each 3 persons employed on the premises.
Recreation centers, clubs and service organizations	1 space for each 500 square feet of gross floor area plus 1 space for each 2 full time employees.
Retail stores	1 space for each 300 square feet of gross floor area.
Schools - elementary	To be determined by the Combined Land Use Board.
- intermediate	To be determined by the Combined Land Use Board.
- secondary	To be determined by the Combined Land Use Board.
Self-service laundry	1 space for each 200 square feet of building floor area.
Veterinarian clinic	3 spaces per examination room.
Mixed uses	If 2 or more uses are conducted on 1 lot, the minimum required number of parking spaces shall be the aggregate of the required minimum number of parking spaces for each use, computed separately.
Uses not specified	As determined by the Combined Land Use Board on the basis of the number of persons to be

Land or Building Use	Minimum Standards
	employed or reside in or visit said building and the anticipated use by residents, visitors, or patrons of transportation modes other than private automobiles.

- G. Required parking spaces or loading berths may not be located on streets or access aisles or driveways. No areas specifically intended for parking or loading use may be located between the front building line and the street line unless otherwise specified in other sections of this Ordinance.
- H. All required parking spaces shall be on the same lot or tract of land as the building or use to which they are accessory unless the Combined Land Use Board, as part of the site plan review, shall approve collective off-street parking facilities for two or more buildings or uses on contiguous lots. The total number of spaces in such collective off-street parking facilities shall be not less than the sum of the spaces required for the individual uses, computed separately. Such approval shall be granted only subject to the submission of appropriate deed restrictions, acceptable to the Board Attorney, guaranteeing the availability of such facilities throughout the life of the buildings of uses to which they are proposed to be accessory.
- I. Where it can be demonstrated, at the time of Board review, that the parking or loading area requirements of this article are in excess of actual needs, the Board may permit a portion, not to exceed twenty-five (25%) percent, of the proposed parking or loading areas to be appropriately graded and landscaped, but left unpaved. If, following construction, the experience with the actual operation of the proposed use should show the need for additional off-street parking or loading the applicant may request or the Borough Engineer may require such unpaved space to be paved
- J. Every public or private off-street parking or loading area shall be maintained in good condition, free of hazards and deterioration. All paved areas, sidewalks, curbs, drainage facilities, lighting, bumpers, guardrails, markings, signs, bicycle parking devices, landscaping and other improvements shall be maintained in workable, safe and good condition. Further, the Borough Council may authorize repairs for such improvements, if, after proper notice, the owner fails to maintain any improvements that are governed by a development or similar agreement and said body finds that the resulting conditions, constitute a public health and safety hazard.
- K. All off-street parking and loading areas including driveways shall be maintained with graded, dust-free surfaces that are well drained. All such off-street parking and loading space and necessary passageways and driveways giving access thereto, shall be maintained in a state of good repair, and the surface thereof shall be kept clear of ruts, potholes, protrusions, debris and other vehicular or pedestrian hazards. Off-street parking spaces and/or driveways for all residential uses except multi-family developments may incorporate parking strips separated by gravel or grass areas as

approved by the Borough Engineer. Turfblock may be used for off-street parking and loading areas if approved by the Borough Engineer.

- L. Off-street parking and loading facilities for separate uses may be provided jointly if the total number of spaces so provided is not less than the sum of the separate requirements for each use, provided that all regulations governing the location of accessory spaces in relation to the uses are adhered to.
- M. Parking areas, including all access ways and driveways, shall be smoothly paved with materials which do not produce dust or debris; are durable and all-weather; uniform in application and appearance; and does not permit the growth of vegetation. The choice of surfacing material is left to the property owner's discretion and Combined Land Use Board's approval, provided the above performance standards are met. Choices can include but are not limited to: bituminous asphalt, concrete, crushed stone, etc.
- N. Parking areas shall be graded to ensure proper drainage.
- O. Parking is prohibited in all residential zones in front yards within the side building lines. Garages, outbuildings, sheds and other similar structures shall be excluded.

27-117 Parking Area Design Standards.

- A. All required car parking spaces shall be laid out and located in accordance with the following standards set forth below:

Space Angle	Minimum Space Width	Minimum Space Depth	Aisle Width	
			One-Way	Two-Way
90 degrees	9 feet	18 feet	18 feet	24 feet
60 degrees	9 feet	18½ feet	18 feet	18 feet
45 degrees	9 feet	17½ feet	12 feet	12 feet

- B. A space which abuts a fixed object such as a wall or column whether within a structure or not, shall have a minimum width of ten (10) feet and minimum depth of twenty (20) feet.
- C. These parking conditions shall not apply to parallel curb parking spaces, which shall measure no less than eight (8) feet in width and twenty-four (24) feet in length. The foregoing standards may be modified by the Combined Land Use Board upon the advice of the Borough Engineer.

D. Parking Area Layout

- 1) All parking spaces shall be identified by means of 4-inch painted lines. Where possible, parking areas should be separated from roads or aisles by landscaped islands with a minimum width of six (6) feet.
- 2) All parking areas shall be provided with permanent and durable curbing or bumpers.
- 3) Parking stalls, driveways and aisles shall be clearly marked and delineated. The Board may require that certain areas be maintained for fire-fighting or other emergency purposes, and these areas shall be appropriately designated.
- 4) It is the intent of these regulations to prevent the creation of wide expanses of pavement in parking areas, uninterrupted by landscaping or natural vegetation. To that end, all commercial off-street parking areas shall be bordered by landscaped areas containing trees and shrubs to shield automobiles from view. Whenever feasible, the Combined Land Use Board shall require that at least ten percent (10%) of the total parking lot area be used for interior landscaping. Such interior landscaping shall be distributed through the parking lot in planting islands and along pedestrian walkways to provide maximum shade and buffer from noise and glare. At least one deciduous tree for every five (5) parking spaces shall be required within the parking lot. For the purposes of this requirement, any parking area enclosed or covered shall not be calculated as part of the total parking area.
- 5) In all residential off-street parking areas interior landscaping shall be distributed throughout, as determined by the Board, to provide for maximum shade and buffer from noise and glare. Buffering of fencing, walls, evergreens, shrubs, bushes, deciduous trees, plants or combination thereof, shall be located along the edge of parking lots or property lines to minimize headlights of vehicles, noise, light from structures, the movement of people and vehicles, and to shield activities from adjacent properties and roadways.
- 6) Parking areas shall be suitably landscaped to minimize noise, glare and other nuisance characteristics as well as to enhance the environment and ecology of the site and surrounding area. All open parking areas and accessways thereto shall be properly drained and all such areas shall have a paved surface.
- 7) All landscaping in parking areas shall be carefully located so as not to obstruct vision. Parking viewed from the public right-of-way or from any property used for residential purposes shall be suitably shielded by landscaping. Tree types shall be selected from those specified in Trees for New Jersey Streets - 2nd Revision 1974, published by the New Jersey Federation of Shade Tree Commission. Trees that cause damage or excessive site maintenance problems due to root systems or leaf shedding shall be avoided. Trees that can withstand parking area conditions are encouraged. In

narrow islands, low-spreading plants, such as creeping juniper, English ivy, myrtle or pachysandra, are appropriate.

E. Walkways and curbing

- 1) Walkways between a parking area and principal structures along aisles and driveways and wherever pedestrian traffic shall occur shall be provided with a minimum width of four (4) feet of passable area and shall be raised six (6) inches above the parking area except when crossing streets or driveways.
- 2) Where pedestrians must cross service roads, access roads, or driveways to reach parking areas, crosswalks should be clearly designated by pavement markings and signs.
- 3) Guardrails or the equivalent and concrete wheel stops permanently anchored to the ground or concrete or Belgian block curbing shall be provided in appropriate locations. Parked vehicles shall not overhang or extend over walkway areas unless an additional two (2) feet of permeable surface are provided to accommodate such overhang.

F. Bicycle or moped parking facilities

- 1) It is the intent of this Ordinance that bicycle parking facilities that would facilitate the use of the bicycle as a means of transportation by the employees and customers of the proposed use requiring site plan approval be encouraged. To that end, for each ten (10) bicycle parking spaces provided in accordance with the requirements of this article, the Board may permit one car parking space to remain sodded or seeded.
- 2) If provided in lieu of car parking areas, bicycle parking facilities shall be located indoors or in sheltered areas close to major entrances to the buildings or other areas they serve, in view of working personnel on-site or close to high activity areas to minimize chances of theft or vandalism. Such parking facilities shall provide for padlock, chain or cable attachment and should allow for both wheels and the frame of a bicycle to be secured to it with a standard 6-foot cable or chain. Devices such as slotted concrete slab or vertical bar type racks that support the bicycle by a wheel and could cause damage to wheel rims, should be avoided.

G. Loading areas

- 1) The need for off-street loading areas or berths shall be determined at the time of site plan review. Any required loading area shall be paved. Each required loading berth shall be at least twelve (12) feet wide, fifty (50) feet long and fourteen (14) feet high. Any area used regularly for loading shall be so designed as to prevent the use thereof from hindering the free movement of vehicles and pedestrians on any street, alley or sidewalk or from preempting any required parking spaces.

- 2) Each required loading berth shall be provided with unobstructed access to and from a street or alley, having a width of not less than ten (10) feet. Such access may be combined with access to a parking lot. No entrance or exit for any loading area or berth shall be located within (50) feet of any street intersection. All required loading areas or berths shall be on the same lot as the use to which they are accessory and shall be so arranged as to permit the simultaneous use of all berths without blocking or otherwise interfering with the uses of automobile accessways, parking facilities, fire lanes or sidewalks. No off-street loading area shall be located between the front building line and the street line unless otherwise specified in this Ordinance. No off-street parking or loading area shall be located within five (5) feet of the street right-of-way line, and no loading area shall be permitted in a side yard. The surface of each loading area shall be of all-weather dustless materials. All required loading areas shall be on the same lot as the use served, but if such areas abut a residential district or use, they shall be suitably screened and/or fenced from view.

27-118 Vehicular Circulation.

A. Driveways.

- 1) There shall be adequate provision for ingress and egress to all parking spaces. All entrance and exit driveways in commercial zones shall be located to afford maximum safety to traffic, provide for safe and convenient ingress and egress to and from the site, and to minimize conflict with the flow of traffic.
- 2) Any exit driveway or driveway lane shall be so designed in profile and grading and located to provide the following minimum sight distance measured in each direction. The measurements shall be from the driver's seat of a vehicle standing on that portion of the exit driveway that is immediately outside the edge of the road right-of-way.

Permitted Road Speed	Required Sight Distance in Feet
25 MPH	150
30 MPH	200
35 MPH	250
40 MPH	300

- 3) A change in the speed regulations shall not affect a building or use for which a construction or land use permit has been issued. No driveway entrance or exit shall be located within fifty (50) feet of the point of tangency of the existing or proposed curb radius of any corner lot.

- 4) A driveway shall not be located within ten (10) feet of any side yard unless there is a common driveway for two (2) or more lots as approved by the Combined Land Use Board. If there is a pre-existing condition there shall be no requirement from the Owner to rectify.
- 5) No driveway entrance or exit shall be located within twenty-five (25) feet of a crosswalk.
- 6) No entrance or exit driveway shall be located on, or within fifty (50) feet of the point of beginning of, any rotary, ramp or interchange.
- 7) Any development fronting on an arterial street shall be provided with a single access to the arterial street, where practicable. Where access is provided by more than one driveway from the same street, the driveways shall be located at least two hundred (200) feet apart.
- 8) Two-way driveways or one-way driveways permitting left turns onto the street shall intersect the road at an angle of as near ninety (90) degrees as site conditions will permit and in no case of less than sixty (60) degrees.
- 9) One-way driveways permitting a right turn only onto the street may not form an angle as small as forty-five (45) degrees with the street unless acceleration and deceleration lanes are provided.
- 10) The dimensions of driveways shall be designed to adequately accommodate the volume and character of vehicles anticipated daily onto the land development for which a site plan is prepared. The required maximum and minimum dimensions for driveways are indicated below. Driveways serving large volumes of daily traffic or traffic of over fifteen percent (15%) truck traffic shall be required to utilize height to maximum dimensions. In single family residential zones, driveways and parking areas shall not exceed twenty (20) feet in width.
- 11) The Borough Engineer may require access to some parking areas to have acceleration and/or deceleration lanes in accordance with design criteria established by the American Association of State Highway and Transportation Officials Standards Manuals.
- 12) No access drive, driveway or other means of ingress and egress located in any residential zone shall provide access to uses that are prohibited in such zone.
- 13) Where two (2) or more driveways connect a single site to any one road, a minimum clear distance of fifty (50) feet measured along the right-of-way line shall separate the closest edges of any two (2) such driveways.
- 14) Bicycle access drives shall not be less than 4 feet wide if used one-way and 8 feet wide if used for two-way operation. Bicycle access to a lot shall not be combined with pedestrian access, nor shall it be via a separate path parallel and adjacent to motor vehicle access. Bicycle access driveways shall be free

of hazards to the cyclists (e.g. parallel bar drainage grates, insufficient sight clearance at points of intersection, or insufficient lateral or vertical clearance or radii of curvature).

B. Parking lot and driveway surfaces

- 1) Parking lot and access drives shall be paved as specified below or with an equivalent as approved by the Borough Engineer. All parking areas and access road shall be suitably drained.
- 2) Access roads, loading areas and other areas subject to high density or heavy truck traffic shall be paved with not less than four (4) inches of bituminous stabilized base course and two (2) inches of fine aggregate bituminous concrete prepared and constructed in accordance with current specifications of the New Jersey Department of Transportation.
- 3) Parking stall areas and areas which are unlikely to experience heavy traffic shall be paved with not less than three (3) inches of bituminous stabilized base course and one and one-half (1½) inches of fine aggregate bituminous concrete prepared and constructed in accordance with current specifications of the New Jersey Department of Transportation, or six (6) inches of quarry blend stone and two (2) inches of FABC.
- 4) Soft or unstable subgrades shall be removed for a depth of not less than six (6) inches and a subbase of dense graded aggregate shall be installed.
- 5) Turfblock may be used for off-street parking and loading areas if approved by the Borough Engineer.

27-119 Streets.

Proposed streets and extensions of existing streets shall conform to the Master Plan or official maps, and shall be designed and located to facilitate orderly circulation patterns, assure emergency access and provide for future connections to adjoining properties in accordance with the following standards:

- A. The arrangements of streets shall be such as to provide for their extension. Local streets shall not be made continuous or be so aligned that one subdivision adds to the traffic generated by a street in another subdivision. Through traffic shall be discouraged.
- B. In every major subdivision. The Board, in making its decisions, shall refer to the Master Plan and shall consider conditions within the subdivision and surrounding area.
- C. Each residential street shall be classified in accordance with the standards set forth in the New Jersey Residential Site Improvement Standards (R.S.I.S.) N.J.A.C. 5:21-4 et seq.

- D. Subdivisions abutting arterial streets shall provide a marginal service road or reverse frontage with a buffer strip for planning or some other means of separation of through and local traffic as the Board may determine appropriate.
- E. Where a subdivision borders on or contains a railroad right-of-way, the Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts or for commercial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separation.
- F. Internal roads and alleys in residential developments shall be classified and designed in accordance with standards set forth in the New Jersey Residential Site Improvements Standards (R.S.I.S.) N.J.A.C. 5:21-4 et seq.
- G. The right-of-way width for internal roads and alleys in commercial development shall be determined on an individual basis and shall, in all cases, be of sufficient width and design to safely accommodate the maximum traffic, parking and loading needs and maximum access for fire-fighting and emergency access equipment.
- H. No subdivision showing reserve strips controlling access to streets shall be approved, except where the control and disposal of land comprising such strips has been placed in the Borough Council under conditions approved by the Combined Land Use Board.
- I. Subdivisions that adjoin or include existing streets that do not conform to widths as shown on the Master Plan or Official Map or the cartway widths required herein shall dedicate additional width along either one (1) or both sides of said road. If the subdivision is along one (1) side only, one-half (1/2) of the required extra width shall be dedicated.
- J. Bikeways shall be included on all roadways as indicated on the Master Plan. The construction of bikeways shall conform to the New Jersey of Transportation's *Planning and Design Guidelines for Bicycle-Compatible Roadways and Bikeways* (November 1995) and the AASHTO *Guide for the Development of Bicycle Facilities* (1999).
- K. The Board may deem any extension of a temporary cul-de-sac street to be a local street for the purposes of classification.
- L. When a subdivision abuts on existing streets, the street shall be widened, if necessary, and improved to conform to the standards set forth in this Ordinance.

27-120 Street Design Standards.

- A. Each residential street shall be designed in accordance with the standards set forth in the New Jersey Residential Site Improvement Standards (R.S.I.S.) N.J.A.C. 5:21-4 et seq. Unless specified otherwise herein, streets providing service to non residential developments shall also comply with N.J.A.C. 5:21-4 et. seq.

- B. Grades of arterial and collector streets shall not exceed four percent (4%). Grades on other streets shall not exceed ten percent (10%). No street shall have a minimum grade of less than one-half of one percent ($\frac{1}{2}$ of 1%).
- C. All changes in grade shall be connected by vertical curves of sufficient length to provide a smooth transition and proper site distance and drainage as determined by the Borough Engineer.
- D. The maximum length of a cul-de-sac shall be six hundred (600) feet to the turning circle. This distance may be increased to eight hundred (800) feet if it serves no more than twenty (20) dwelling units or uses generating equivalent traffic and if an emergency vehicular access and pedestrian walkway of at least ten (10) feet in width is provided from the head of the cul-de-sac to an adjacent street. The length of the cul-de-sac shall be measured along its center line from the center line of the intersecting street to the center of the circle at the end of the cul-de-sac.
- E. Each cul-de-sac shall provide a turnaround at the end with a minimum radius of forty (40) feet to the outside edge of the cartway or curb line and forty-eight (48) feet to the outside edge of the right-of way.
- F. In any development the street system shall be integrated with the existing network of streets so that there are at least two points of access. When such a development is to be developed in sections, each section shall provide two points of access, one of which may be temporary.
- G. No street shall have a name which will duplicate, or so nearly duplicate as to be confused with, the names of existing streets in the Borough or its vicinity. The continuation of an existing street shall have the same name. The Combined Land Use Board shall reserve the right to approve or name streets within a proposed subdivision. All house identification numbers shall be seen clearly from the street.
- H. Minimum Roadway Construction
 - 1) For nonresidential roads the pavement thickness design shall at a minimum conform to the following table:

Classification	Bituminous Surface Course, Mix 1-5	Bituminous Stabilized Base Course, Mix 1-2	Dense Graded Aggregate
Arterial	2"	5"	6"
Collector Street	2"	5"	6"
Local Street	1.5"	4.5"	6"

- 2) At the option of the applicant, the pavement thickness may be determined by the certified results of soil testing and analysis conducted by the applicant to determine the bearing strength of the subgrade soil together with the projected use of the street or highway with an adequate margin to cover all contingencies and extraordinary condition. Where such tests are conducted, the pavement design shall be reviewed and approved by the Borough Engineer. The calculations should assume a 20 year life for the pavement and account for construction traffic during the period where no surface course has been provided.
- 3) All of the above construction shall be in accordance with the current New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction and supplements thereto on file in the Borough Engineer's office.
- 4) Street jogs with center-line offsets of less than one hundred twenty-five (125) feet shall be prohibited.
- 5) A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.
- 6) When connecting street lines deflect from each other at any one (1) point by more than ten (10) degrees and not more than forty-five (45) degrees, they shall be connected by a curve with a radius of not less than one hundred (100) feet for minor streets and three hundred (300) feet for arterial and collector streets.

27-121 Street and Alleyway Vacation.

- A. Combined Land Use Board referral for street or alleyway vacation review is required before any street or alleyway may be vacated and/or restricted in any manner, including but not limited to the erection of a structure on the site or the fenced enclosure of the site.
- B. The applicant shall submit the completed application to the Board Secretary. If the application is incomplete, the applicant shall be notified by the Board Secretary within forty-five (45) days.
- C. The checklist for street vacation applications is available from the Borough of Jamesburg Clerk.
- D. In addition, the Board Secretary will send the vacation application to the Middlesex County Planning Board prior to the applicant's appearance before the Board.
- E. When reviewing a street vacation application, the Board will consider the comments offered by the above parties. In addition, the Board will consider any community comment which might be made at the Board hearing.

- F. Prior to appearance before the Board, the applicant must notify all property owners within a two-hundred-foot radius of the proposed vacation.
- G. Ten (10) days prior to the Board hearing, the applicant shall place an advertisement in the local newspaper.
- H. The Board shall review the vacation application and make a recommendation of denial or approval to Borough Council. Borough Council shall make all final determinations.

27-122 Street Intersections.

- A. The intersections of two (2) streets shall be as nearly at right angles as is possible, and in no case shall be less than sixty (60) degrees. The block corners at intersections shall be rounded at the curb line with a curve having a radius of not less than twenty (20) feet.
- B. At all street corners, the areas bounded by the right-of-way lines and a straight line connecting sight points on street center lines which are the following distances from the intersection of the center lines shall be dedicated as sight triangles:
 - 1) Where a local street intersects a local street: ninety (90) feet.
 - 2) Where a local street intersects a major collector street: ninety (90) feet on the minor and two hundred (200) feet on the major collector.
 - 3) Where a local street or a minor or major collector street intersects an arterial street: ninety (90) feet back on the minor or major collectors streets and three hundred (300) feet back on the arterial streets.
- C. No fences or any other obstruction, nor any planting exceeding twenty-four (24) inches in height as measured above the elevation of the center line of the road may be placed in any such sight triangle.
- D. The Combined Land Use Board may require street widening or other street improvements, including acceleration and deceleration lanes and concrete curbs, to assure safe ingress and egress and to achieve the following wherever possible:

Legal Speed Limit (mph)	Acceleration Lanes		Deceleration Lanes	
	Full Length + (feet)	Length of Taper (feet)	Full Length + (feet)	Length of Taper (feet)
25	100	50	150	50
35	200	75	200	75

40	300	75	200	75
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27-123 Street Signs.

Street signs shall be of the type, design and standard acceptable to the Combined Land Use Board. The location of the street signs shall be determined by the Board, but there shall be at least two (2) street signs furnished at each intersection. All signs shall be installed free of visual obstruction.

27-124 Sidewalks

- A. Except as specified hereinafter, sidewalks shall be required on both sides of all streets or as stipulated in the adopted Master Plan and as further required by the Board. Additionally, sidewalks shall be required in nonresidential developments at the discretion of the Board depending upon the probable volume of pedestrian traffic, the development's location in relation to other populated areas and the general type of improvement intended.
- B. Where required, sidewalks shall be at least four (4) feet wide and located as approved by the Board. Sidewalks shall be at least three thousand (3,000) pounds per square inch air-entrained, six (6) inches thick at driveways. Sidewalks shall be provided with expansion joints of one-half (½) inch thick preformed bituminous joint fill spaced at intervals of not more than twenty-four (24) feet. Sidewalks such as brick pavers may be considered by the Board upon submission of complete design details.
- C. Curb ramps for the physically handicapped shall be provided at all street intersections and shall be constructed in compliance with standards of the New Jersey Department of Transportation.
- D. Sidewalks shall have control joints at intervals equivalent to the sidewalk width but not less than four (4) feet. A sidewalk shall be finished with a broom finish having the striations ninety (90) degrees to the direction of traffic.

27-125 Curbing.

- A. Except as specified hereinafter, concrete curbs shall be installed along every street within a subdivision and at intersections with existing Borough, County or State roads and shall be laid in a manner approved by the Borough Engineer. The curbing shall meet the following specifications:
- B. The concrete to be used for curb shall be Class B thirty-five hundred (3,500) pounds per square inch air-entrained concrete as specified in the New Jersey State Department of Transportation Specifications for Curbs and Gutters.
- C. Expansion joints of one-half inch thick preformed bituminous joint filler shall be provided at intervals of not more than thirty (30) feet and shall be sealed as specified by the Borough Engineer.

- D. Curbs shall have control joints at intervals not more than ten (10) feet.
- E. Openings for driveway access shall be of such width as shall be determined by the Board. The curb at such driveway openings shall be depressed to the extent that one and one-half (1½) inches shall extend above the finished pavement.
- F. Concrete curbs shall be eight (8) inches wide at their base and not less than six (6) inches wide at their top. Their height shall be ten (10) inches or eighteen (18) inches and they shall be so constructed as to show a vertical face above the roadway pavement of six (6) inches maximum.
- G. Curbs shall be finished with a smooth float finish and the rear top corner of all curbs shall have a radius of one-fourth (¼) inch, and the front top corner shall be rounded and have a radius of one (1) inch.
- H. Replacement curbs or replacement of combination curb and gutter shall be constructed to the same cross section as the original.

27-126 Street Trees.

- A. Trees shall be planted along the public right-of-way varying by tree type, as follows:

Large trees	every 50-60 feet
Medium sized trees	every 40-50 feet

Each large tree shall have a minimum caliper of three (3) inches measured six (6) inches above the ground. Each medium sized tree shall have a minimum caliper of two and one-half (2½) inches measured six (6) inches above the ground.

- B. All trees shall be nursery-grown stock and shall have a root ball wrapped in burlap, with a replacement guarantee by the developer of two (2) years.
- C. Street trees shall be substantially uniform in size and shape and shall have straight, single trunks.
- D. A hole in which a tree is to be planted shall be in each case one-third (1/3) larger in width and in depth than the existing root ball or the particular tree to be planted. The hole in which the tree is to be planted shall contain proper amounts of topsoil and peat moss, but no chemical fertilizer shall be added until the tree has been planted for one year.
- E. Subsequent or replacement trees shall conform to the type of existing tree in a given area.
- F. Besides the shade tree requirements outlined above, additional trees shall be planted throughout the development in accordance with an approved landscape plan. The variety of plantings may vary to include flowering types and evergreens.

- G. On heavily wooded sites the shade tree requirements may be waived at the discretion of the Combined Land Use Board.

27-127 Soil Protection.

- A. A Soil Conservation Service soil disturbance review shall be required when an amount of soil exceeding five thousand (5,000) square feet or more of disturbance is to be removed or placed upon any site, regardless of the time span to accomplish such removal. Any proposed removal under five thousand (5,000) square feet shall be reviewed and approved by the Borough Engineer. However, nothing in this review shall be construed to prevent any owner, otherwise eligible in accordance with law, from excavating or cutting, stripping or otherwise disturbing lands or soil for the following purposes:
 - 1. Construction, uses and modifications of a one-family dwelling and its normal accessory and appurtenant uses.
 - 2. Gardening for noncommercial purposes.
 - 3. Commercial or horticultural use when in accordance with accepted farm agricultural practices, approved by the County Soil Conservation District.
 - 4. Excavation or cutting, stripping or other land or soil disturbance other than removal from the site necessary for the construction or reconstruction of curbs, sidewalks, private residential driveways, drainage systems, sewage disposal systems and other utility service connections, provided that all other Borough, county, state and district approvals have been received.
 - 5. Installation, removal, replacement or maintenance of landscaping, including trees, shrubs, flowers and cover where the existing land contours are not changed by more than one (1) foot.
- B. In reviewing site plan applications for soil disturbance, the Board shall consider the following criteria:
 - 1. Any proposed soil disturbance shall be the minimum necessary consistent with the proper development of the site and shall be done in a manner which will minimize erosion and sedimentation damage and other adverse consequences.
 - 2. Physical characteristics of the remaining soil shall be adapted for uses to which the land may lawfully be put.
 - 3. Wherever feasible, natural vegetation shall be retained and protected.
 - 4. The extent of the disturbed area and the duration of its exposure shall be kept within practical geographic and time limits.

5. Either temporary seeding, mulching or other suitable stabilization measures shall be used to protect exposed critical areas during soil disturbance.
6. Drainage provisions shall accommodate any increased water runoff resulting from modified soil and surface conditions during and after the soil disturbance.
7. Water runoff shall be minimized and retained on site wherever possible to facilitate groundwater recharge and to mitigate possible downstream damage.
8. Sediment shall be retained on site to the maximum extent feasible.
9. Necessary diversions and sedimentation basins and similar required preventive measures shall be installed prior to any on-site soil disturbance.
10. Compliance with minimum standards and specifications contained in Standards for Soil Erosion and Sediment Control in New Jersey and approval of the Soil Conservation Service prior to actual soil disturbance shall be required.
11. Dust and mud on the premises in question, as well as on abutting lands shall be prevented or controlled.
12. Soil fertility and the resulting ability of the affected area to support plant and tree growth shall be preserved by the preservation of adequate topsoil.
13. Necessary lateral support and grades of abutting lands, structures and other improvements shall be maintained.
14. Pits and declivities which are hazardous or which provide insect breeding locations shall be avoided.
15. The manner of disturbance and/or transportation or removed soil will not adversely affect the public health, safety and general environmental welfare of the Borough.

27-128 Monuments.

Monuments shall be installed in compliance with the requirements of N.J.S.A. 46:23-9.11(8). All lot corners shall be marked with a metal alloy pin of permanent character.

27-129 Street Lighting.

Street lighting of a type supplied by the utility and of a type and number approved by the Borough Engineer shall be provided for all street intersections and along all streets and anywhere else deemed necessary by the Combined Land Use Board. Wherever this Ordinance requires the underground installation of electric utilities for residential areas, the applicant shall provide for the installation of underground service for street lighting.

27-130 Public Utilities.

The design and location of all utilities shall be in accordance with all applicable standards of the Borough and the public utility having jurisdiction. The location of all utilities shall be coordinated by the Borough Engineer.

All public services shall be connected to an approved public utilities system, where one exists. For all major subdivisions, the subdivider shall arrange with the servicing utility for the underground installation of the utilities distribution supply lines and service connections in accordance with the provisions of the applicable Standard Terms and Conditions incorporated as a part of its tariff as the same are then on file with the State of New Jersey Board of Public Utility Commissioners, and the subdivider shall provide the municipality with three (3) copies of a final plat showing the installed location of these utilities. For minor subdivisions, service connections shall be made underground where the supply lines that serve the lands being subdivided are underground. For major and minor subdivisions, the subdivider shall submit to the Board, prior to the granting of final approval, a written instrument from each serving utility which shall evidence full compliance or intended full compliance with the provisions of this subsection; provided, however, that lots which abut existing streets where overhead electric or telephone distribution supply lines and service connections have heretofore been installed may be supplied with electric and telephone service from those overhead lines, but the service connections from the utilities' overhead lines shall be installed underground. In the case of existing overhead utilities, should a road widening or an extension of service or other such condition occur as a result of the subdivision and necessitate the replacement or relocation of such utilities, such replacement or relocation shall be underground.

In large-scale development, utilities shall be placed underground. Easements along rear property lines or elsewhere for utility installations may be required. Such easements shall be at least ten (10) feet wide and located in consultation with the companies or Borough departments concerned and, to the fullest extent possible, be centered on or be located adjacent to rear or side lot lines.

27-131 Drainage Easements.

Where a subdivision is traversed by a watercourse, drainageway, channel or street, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose.

27-132 Preservation of Natural Features.

Natural features, such as trees, brooks, hilltops and views, shall be preserved, whenever possible, in designing any subdivision containing such features.

27-133 Blocks.

- A. Block length and width or acreage within bounding roads shall be such as to accommodate the size of lot required in the area by this article and to provide for convenient access, circulation control and safety of street traffic.

- B. In blocks over one thousand (1,000) feet long, pedestrian crosswalks may be required in locations deemed necessary by the Board. Such walkways shall be ten (10) feet wide and shall be straight from street to street.
- C. For commercial uses, block size shall be sufficient to meet all area and yard requirements for such use.

27-134 Lot Configuration.

- A. Lot dimensions and area shall not be less than the requirements of the Land Development Ordinance.
- B. Insofar as is practical, side lot lines shall be either at right angles to straight streets or radial to curved streets.
- C. Flag lots shall be prohibited in all zoning districts.
- D. Where extra width has been dedicated for widening of existing streets, lots shall begin at such new street line and all setbacks shall be measured from such line.
- E. Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as poor drainage conditions or flood conditions, the Board may, after adequate investigation, withhold approval of such lots. If approval is withheld, the Board shall give its reasons and notify the applicant and enter same in the minutes.

27-135 Water Supply.

- A. Where public water is accessible for single-family residential units, the applicant may construct water mains in such a manner as to make adequate water service available to each lot or dwelling unit within the subdivision or development.
- B. All water distribution systems shall be designed in accordance with the requirements and standards of the New Jersey Residential Site Improvement Standards as set forth under N.J.A.C. 5:21-5. The system shall also be designed with adequate pressure and volume of water necessary to provide for the maximum daily demand plus fire suppression.
- C. Documentation that service can be provided shall be obtained from the appropriate water company and submitted to the local approving agency.

27-136 Sanitary Sewers.

- A. Where required and where a public treatment and collection system is accessible, the applicant shall construct facilities in such a manner as to make adequate sewage treatment available to each lot and structure within the development using said treatment and collection system.

- B. Sanitary sewer systems shall be designed and installed in accordance with NJDEP regulation, the Middlesex County Utilities Authority standards and regulations and the New Jersey Residential Site Improvement Standards as set forth under 5:21-6, and by reference, the regulations contained therein.
- C. Documentation that service can be provided shall be obtained from the Middlesex County Utilities Authority and submitted to the local approving agency.

27-137 Energy Standards.

- A. All proposed residential structures that have a south facing exterior wall shall have seventy-five percent (75%) of the surface of that wall unshaded with access to direct sunlight for at least four (4) hours between 9:00 a.m. and 3:00 p.m., Eastern Standard Time, on December 21st.
- B. All subdivisions and site plans for all types of development shall be designed so that adjoining properties are assured direct sunlight access for at least four (4) hours between 9:00 a.m. and 3:00 p.m., Eastern Standard Time, on December 21st.
- C. If assuring solar access to adjoining properties requires a solar easement, such instrument shall comply with N.J.S.A. 46:3-24 et seq. and shall include at least the following:
 - 1) The vertical and horizontal angles shall be expressed in degrees, at which the solar easement extends over the real property subject to the solar easement.
 - 2) Any terms or conditions or both under which the solar easement shall be granted or terminated.
 - 3) Provisions for compensation of the owner of the property benefiting from the solar easement in the event that there is interference with the enjoyment of that solar easement, or compensation of the owner of the property subject to the solar easement for maintaining that solar easement.
- D. Wherever possible, at least seventy-five (75%) of all proposed detached residential structures shall have their long axis facing within thirty degrees of true south.
- E. The design and layout of buildings and parking areas shall provide an aesthetically pleasing and efficient arrangement. Buildings shall be situated so as to allow adequate light and air on the site.

27-138 Open Space and Recreation Facilities.

- A. In development plans where common open space is provided, it shall be clearly delineated, dimensioned and tabulated to nearest tenth of an acre on the final development plan.

- B. Except in age restricted developments, active recreation facilities shall include, at a minimum, play lots located so as to serve conveniently all units in the development and meeting the following minimum standards:
 - 1) Play lots, with a minimum area of two thousand (2,000) square feet for toddlers and five thousand (5,000) square feet for older children, containing such facilities as swings, a slide, play sculptures, and benches for parents.
 - 2) Play lots shall be located with due consideration of their effective service radius of 1/8 of a mile and their capability to serve not more than approximately one hundred (100) children, each.
- C. All recreational facilities shall be operated for the residents thereof and shall not be made available commercially to anyone who pays a fee.
- D. The design and use of common open space areas shall protect the natural resources and qualities of the site, including the natural terrain, woodlands, significant views, historic sites and/or districts, and any unique and unusual feature.
- E. Common open space other than that preserved for its natural values shall be suitably landscaped. All structures within open space areas shall be sited so as to retain their visual appeal. The Board shall require such grading, drainage, planting, walkways, fencing, lighting, and such other improvements in the common open space as may be necessary to enhance the intended open space uses.
- F. As nearly as possible the designated open space shall be distributed throughout the development to afford equal access thereto to all residents. The common open space shall consist of major contiguous parcels in a natural state or developed for specific recreational purposes according to the guidelines during site plan review, and shall have adequate access to public and private roads.

27-139 Signs.

- A. All signs, whether permitted or nonconforming, shall comply with all applicable county, state and federal sign regulations as well as the following:
 - 1) Each subdivision and site plan application shall include a sign plan showing the specific design, location, size, height, construction, illumination, and landscaping of proposed signs in accordance with the regulations contained herein.
 - 2) No signs shall be hung, erected or placed upon any building or property unless a sign plan has been approved by the Board, or a written application has been made to the Zoning Officer by the owner of the building or property and a permit has been issued upon payment of the established fee.
 - 3) There shall be a consistent sign design theme throughout a particular development project. The design theme shall include style of lettering, construction, material, type of pole or standards, size, proportion, lighting,

and day/night impacts. Color of letters and background should be carefully considered in relation to the color of the material of the building(s) or where the signs are proposed to be located. Signs should be a subordinate rather than predominant feature of any plan.

- 4) Signs may be located on a lot so that they shall not be in or within the public right-of-way, nor interfere with sight distances at street intersections or ingress or egress points to a lot, development or subdivision. Signs designed to be seen from vehicles should be perpendicular to the line of travel, while signs designed to be read on foot can be placed parallel with walks. Adjacent signs on adjoining buildings or store fronts shall be placed within the same horizontal band and be of harmonious materials and colors.
- 5) Wall signs shall not cover wholly or partially any wall opening including doors, fire escapes, and windows, nor project beyond the ends of the wall to which they are attached. All such signs must be safely and adequately attached to said building wall by means satisfactory to the Zoning Officer.
- 6) No sign using red, green, blue, or amber illumination in a beam, beacon, or flashing form resembling an emergency light shall be erected in any location.
- 7) No sign which does not conform with these regulations shall be rebuilt, enlarged, changed or moved.
- 8) All signs shall be kept in good repair which shall include replacement or repair of broken or malfunctioning structural elements, casings, faces, or lighting elements and the maintenance of legibility. Upon determining that a sign has become structurally unsafe or endangers the safety of the building or the public, the Zoning Officer shall order such sign be made safe or removed. Such order shall be complied with within ten (10) days of the receipt thereof by the owner of the building or premises on which such unsafe sign is affixed or erected.
- 9) Each sign in the business or office district must have a valid, current sign permit. Signs not having a valid, current permit must be removed upon notification by the Zoning Officer. If the sign is not removed within thirty (30) days of such notification, the Zoning Officer shall have the sign removed and the costs of such removal shall be assessed against the owner of the sign together with fines not to exceed amount set by the Council via Ordinance. Should the Council take no action the fine will remain as set the previous year.
- 10) In the event that the use of an existing nonconforming sign changes, or an existing nonconforming sign is destroyed totally, an application for a sign permit must be submitted in accordance with the provisions of this Section for the changed use or replacement sign.
- 11) Periodic inspections of signs shall be conducted by the Zoning Officer, and those signs that violate existing ordinance criteria will be given 30 days to

have them removed or the owner of the building shall be fined at a rate set by Ordinance. Should the Council take no action the fine will remain as set the previous year.

- 12) There shall be a minimum distance of fifteen (15) feet between any side property line and the nearest portion of any freestanding sign erected under the provisions of this Article, and there shall be a minimum distance of sixty (60) feet between the nearest portions of a freestanding sign and another freestanding sign. A property with a frontage of less than fifty (50) feet shall be permitted a freestanding sign.
 - 13) No sign shall be placed in such a position that it will cause danger to traffic on a street or which is entering a street by obscuring the view of traffic on either street. In no case shall any sign, other than an official sign or a functional sign, be erected within the official right-of-way of any street, unless specifically authorized by Ordinance or regulations of the Borough of Jamesburg. All signs other than those permitted within the street right-of-way shall be erected either with the bottom of the sign at least eight (8) feet above the level at which the driveway meets the street or set back from the property line for a distance of not less than five (5) feet or at least twenty (20) feet from the side of any street or driveway intersection.
 - 14) All signs shall be permanently fixed to the ground or attached to a building or structure in a manner conforming to the construction standards effective in the Borough and other applicable state and Borough statutes and Ordinances.
 - 15) No sign shall be erected containing information on it which states or implies that a property may be used for any purpose not permitted under the provisions of this article in the zoning district in which the property to which the sign relates is located.
 - 16) In order that no sign may be injurious to public interest or endanger the interests of public safety or morals, all unlicensed signs shall be removed upon receipt of a written notice of violation served by the Zoning Officer or his representative to the landowner or lessor or lessee of the sign. Such violation shall be discontinued immediately upon receipt of notice.
- B. All principal buildings in all districts shall be clearly identified as to house number and street number, and shall be clearly visible and legible from the main and abutting street at the front curbline.
- C. The following signs are prohibited in all zones:
- 1) Abandoned signs.
 - 2) A flashing, blinking, twinkling, animated, moving, rotating or projected sign of any type, or a sign which presents an illusion of movement. Static time and temperature displays and barber poles are permitted.

- 3) Any sign so erected, constructed or maintained as to obstruct any fire escape, window, door or opening used as a means of egress or ingress; or interfere with any opening required for legal ventilation.
- 4) Signs placed on or affixed to vehicles and/or trailers.
- 5) Any sign advertising property, goods, or services that are no longer available.
- 6) Signs on accessory buildings or structures.
- 7) Signs painted on an exterior wall, fascia, parapet, chimney, or on a fence.
- 8) Signs attached to or painted on posts, utility poles, benches, rocks, curbs, walks, lamps, hydrants, street lights, bus shelters, bridges, trees and/or other living vegetation. This does not apply to “no trespassing,” “no fishing” and/or “no hunting” signs and warning signs such as “beware of dog” or of an existing danger.
- 9) Any sign whose form, character, or shape may confuse or dangerously distract the attention of the operator of a motor vehicle.
- 10) Signs which in any way simulate official, functional, directional or warning signs erected or maintained by the State of New Jersey, County or municipality thereof, any railroad, public utility or similar agency concerned with the protection of public health or safety.
- 11) Off-site signs.
- 12) Any advertisement which uses a series of two (2) or more signs or units, placed in a line parallel to the highway or in similar fashion, all carrying a single advertising message, part of which is contained on each sign.
- 13) Banners, spinners, flags, pennants or any moving object used for advertising purposes, whether containing a message or not. This provision shall not be construed to include single flags or pennants attached directly to permanent poles.
- 14) Any sign exceeding twenty (20) feet in height or located more than twenty (20) feet above grade level.
- 15) Any sign, other than property identification, attached to or painted on trees, fences, utility poles, rocks, curbs, walks, lamps, hydrants, benches or bridges.
- 16) Signs bearing texts of a laudatory nature or including services or product names normally furnished by any such establishment or proprietor. It is the purpose of this Ordinance to limit the use of all signs to identification or directional purposes only. Identification signs allow the principal name of the establishment or proprietor and a brief description of the principal goods or services offered.

- 17) Any sign which, applying contemporary community standards, has a dominant theme or purpose and appeal to prurient interest.
- 18) Portable and wheeled signs.
- 19) Any sign containing information which states or implies that a property may be used for any purpose not permitted under the provisions of the Land Development Ordinance in the zoning district in which the property to which the sign relates is located.
- 20) Roof signs and signs extending above the wall to which they are attached.
- 21) Temporary signs indicating a political preference or a political event, provided that such signs do not exceed thirty-two (32) square feet in area on any one (1) side. The signs shall be removed within fourteen (14) days after the completion of the political function.
- 22) Permanent marquees extending over the sidewalk.
- 23) Signs posted on Borough property except where specifically authorized by the Borough.
- 24) Signs installed or painted on sidewalks or curbs.
- 25) Signs using mechanical or electrical devices or wind to revolve, flash, or display movement or the illusion of movement or to spell alternating messages.
- 26) Signs on abutments, retaining walls, embankments.
- 27) Signs painted directly on buildings or which obstruct any windows.
- 28) Billboard signs.
- 29) Automobile, trailer (attached or unattached) or vehicle of any nature bearing signs or advertisements, parked or left stationary for more than twenty-four (24) hours upon any vacant land or public street.
- 30) Signs using any lighting or control mechanism which may cause radio or television interference.
- 31) All outside lighted signs operating after 11:00 p.m.
- 32) Illuminated signs where the source of light is directly visible from adjoining properties or streets.
- 33) Changeable copy signs, unless the sign relates to a movie theater or school.

- 34) All temporary signs, except as set forth herein.
- D. Signs proposed shall be constructed soundly built and lettered by a professional sign company, not cause an obstruction or hazard, not impede viewing of other existing signs or displays, and shall not interfere with vehicular or pedestrian traffic.
 - E. The size of any sign shall be computed by multiplying its greatest height by its greatest length, exclusive of supporting structures.
 - F. Two-sided signs shall be measured by using the surface area of one (1) side of the sign only.
 - G. Temporary signs announcing or advertising any educational, charitable or religious event will be permitted, but in no event shall such temporary signs remain in place for a period exceeding twenty-one (21) consecutive days in any calendar year, and in no event shall such signs exceed twenty-four (24) square feet in size.
 - H. Signs of mechanics and artisans are permitted, but such signs shall be erected only on the premises where such persons are working, and only during the period of time that such persons are performing work on the premises; the area on one (1) side of any such sign shall not exceed six (6) square feet.
 - I. The area, brilliance, character, color, degree, density, intensity, location and type of illumination of any sign shall be the minimum necessary to provide for the readability of the proposed sign by the public without shedding further illumination on nearby buildings. For internally lit signs, the average illumination shall not exceed one-half (½) foot candle. For externally lit signs, the average illumination on the surface of such signs shall not exceed one (1) foot candle. All sources of illumination shall be shielded or directed in such a manner that the direct rays therefrom are not cast upon any property other than the lot on which such illumination is situated. Illumination shall be steady in nature, not flashing, moving, or changing in brilliance, color or intensity.
 - J. OSHA approved safety colors shall be prohibited colors for use as colors of signs or sign illumination.
 - K. No signs except directional or traffic signals shall be permitted on public streets or rights-of-way.
 - L. The following types of signs and no others shall be permitted in the R100, R75, RC, RTC, RH, PO/R, ARR, and PROS zoning districts:
 - 1) Official highway route number signs, street name signs, direction signs and other official traffic signs.
 - 2) Any sign erected by the Borough, county, state or federal government.
 - 3) Signs used for the protection of the public during construction or repairs.

- 4) Nameplates containing the name or address of the occupant or of the permitted occupation, with a maximum size of two (2) square feet. There shall be a maximum of one (1) to a lot.
- 5) Identification for multiple dwellings and residential uses containing the name of the permitted use, the name and address of the building or the name and address of the management. Such signs shall have a maximum size of twelve (12) square feet on any lot containing fewer than one hundred (100) dwelling units. The size may be increased by twelve (12) square feet for each additional one hundred (100) dwelling units or fraction thereof. There shall be a maximum of one (1) to a lot.
- 6) "For sale" or "for rent" signs with a maximum size of twelve (12) square feet. There shall be a maximum of one (1) to a lot. The sign shall be removed within seven (7) days after the consummation of a lease or sales transaction.
- 7) Accessory business signs for permitted nonconforming uses, consisting of a sign which directs attention to a profession, business, commodity, service or entertainment conducted, sold or offered upon the same lot. Such signs shall have a maximum size of twelve (12) square feet. There shall be a maximum of one (1) to a lot.
- 8) Signs offering the sale of lots in a subdivision containing four (4) or more lots or sale or rental of multiple-dwelling units containing not less than ten (10) units. There shall be a maximum of two (2) signs to a development. All such signs may have a maximum area of twenty-four (24) square feet.
- 9) Signs designating entrance to or exit from a parking area with a maximum size of three (3) square feet. There shall be a maximum of one (1) for each entrance and exit.
- 10) Identification signs for churches, schools, playgrounds, parks and public utility installations, each of which shall be permitted one (1) sign not to exceed twenty-four (24) square feet in area. In addition, a changeable copy sign not exceeding twelve (12) square feet in area and six (6) feet in height shall also be permitted.

M. In the NC, CBD, O, and RB districts, the following signs shall be permitted , subject to the following regulations:

- 1) Signs permitted in R100, R75, RC, RTC, RH, PO/R, PROS areas.
- 2) Each commercial establishment may have one (1) sign located on or attached to the principal facade of said establishment on each street frontage. Such sign shall not project more than two (2) feet beyond the building line and shall not exceed ten percent (10%) of the principal facade area on which or in front of which it is displayed or thirty (30) square feet, whichever is smaller.

- 3) Each commercial establishment may have one (1) sign located on or attached to the principal façade of said establishment on each street frontage. Such sign shall not project more than two (2) feet beyond the building line and shall not exceed ten percent (10%) of the principal façade area on which or in front of which it is displayed or thirty (30) square feet, whichever is smaller.
- 4) Signs required by law to be exhibited by the occupants of the premises.
- 5) No sign shall be placed, inscribed or supported upon the roof or upon the structure in such a fashion as will cause the sign to extend above the roof of any building.
- 6) Each commercial establishment with an approved site plan with at least fifty (50) feet of street frontage may have one (1) freestanding sign on each street frontage, provided that such signs are not larger than one hundred (100) square feet and shall be erected within the property lines of the premises to which they relate. In the case of a group of business uses sharing a common parking area, one (1) freestanding sign shall be permitted for the purpose of identifying the site as a shopping center or other commercial or professional use. Such sign may not be larger than one hundred (100) square feet and must be erected within the property lines of the use to which it relates.

N. Window lettering and signs shall be permitted in the NC, CBD, O, and RB zones. For the purpose of enforcing this Ordinance, window lettering and signs shall be subject only to the following restrictions:

- 1) All window lettering and signs shall be inside the window, and considered interior signs as defined in this Ordinance.
- 2) Permanent window lettering or signs shall be permitted only if the rectangle or circle confining such lettering or sign, or the background upon which it appears, does not exceed ten (10%) percent of the window area. Any painted area of any window shall be construed as window lettering or signs, whether or not such area actually contains lettering or advertising.
- 3) The window lettering or sign shall pertain only to the establishment occupying that portion of the premises where the window is located.
- 4) Temporary window lettering or signs, advertising special sales or events shall be removed within seven (7) days following the advertised event or within thirty (30) days after erection, whichever is earlier. Such temporary window lettering or signs, in conjunction with any permanent window lettering or sign, shall not cover, in the aggregate, more than twenty-five (25%) percent of the window area. The owner shall notify the Borough Clerk's office of the date of installation of any temporary window lettering or signs; such notification shall also include the text.

O. The following window lettering and signs are specifically prohibited:

- 1) Those having an exterior source of illumination.
 - 2) Moving signs.
 - 3) All window lettering and signs shall be kept in good repair.
 - 4) The Construction Code Official shall have the authority to order the removal of any window lettering or sign which does not conform to these specifications. Any owner or tenant not complying within seventy-two (72) hours of such an order shall be in violation of the provisions of this Ordinance and subject to penalties set forth therein.
- P. All signs shall be properly maintained. Exposed surfaces shall be clean and painted, if paint is required. Defective parts shall be replaced. The Zoning Officer shall have the right to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated.
- Q. Illumination.
- 1) In addition to complying with the provisions of this Ordinance, all signs in which electrical wiring and connections are to be used shall be subject to the applicable provisions of the Land Development Ordinance.
 - 2) The use of unshielded lighting, including incandescent light bulbs hung or strung on poles, wires, or any other type of support, to illuminate buildings, structures, outdoor sales areas, or outdoor storage areas is prohibited except:
 - a. During the month of December for areas in which Christmas trees are offered for sale;
 - b. On a temporary basis for areas in which carnivals, fairs, or other similar activities are held; and
 - c. On a temporary basis as otherwise determined appropriate by the Borough Council.
 - 3) A building or other structure may be illuminated, but all lighting used for this purpose must be designed, located, shielded, and directed in such a manner that the light source is fixed and not directly visible from any adjacent publicly dedicated roadway and surrounding property.
 - 4) In no instance shall the lighting intensity of any sign, whether resulting from internal illumination or external illumination, exceed twenty (20) foot candles when measured with a standard light meter perpendicular to the face of the sign from a distance measured one (1) foot from the face of the sign.
 - 5) All signs shall be so designed, located, shielded and directed so as to prevent the casting of glare or direct light from artificial illumination upon adjacent public or private roadways and surrounding property.

- 6) Signs shall be free of bright spots and there shall be no exposed raceways or electrical conduits.

R. Nonconforming signs.

- 1) It is the intent of this Article that, as expeditiously as legally possible, all existing signs not conforming to the provisions of this Article shall be eliminated or brought into conformity with this Article.
- 2) In the event that an existing nonconforming sign is altered or proposed to be altered, the sign must either be brought into conformity with this Article or removed immediately. An alteration will include:
 - a. Change of size or configuration of sign.
 - b. Substantial reconstruction after destruction by fire, storm or other calamity. "Substantial reconstruction" shall mean that at least fifty percent (50%) of the sign and/or supporting structure will require replacement.
 - c. All owners of nonconforming signs will be notified that their signs are nonconforming and of the terms of this Article.
 - d. Signs which have not received proper sign permits, as approved by the Board, will not be considered nonconforming signs and shall be promptly removed.

27-140 Exterior Lighting.

With every application for approval of a site plan the applicant shall include a proposed exterior lighting plan showing the type, location, intensity (in foot candles), at ground level, effective radius, and the manufacturer's specifications for all light sources. The following design standards shall be followed:

- A. Adequate light shall be provided to ensure the safe movement of persons and vehicles, and for security purposes.
- B. Streets, parking areas, intersections, points where various types of circulation systems merge, intersect, or split, stairways, sloping or rising paths, and building entrances and exits require illumination. Lighting shall be provided where buildings are set back or offset if access is provided at such points.
- C. Freestanding lights shall be so located and protected to avoid being easily damaged by vehicles. The height of such lights shall be the same as the principal building but shall not exceed twelve (12) feet. Pathways, sidewalks and trails shall be lighted with low or mushroom type standards. All lighting shall be serviced underground.

- D. The style of the light and light standard shall be consistent with the architectural style of the principal building.
- E. Free-standing lights in parking areas shall provide for non-glare recessed lens lights focused downward. Light fixtures shall be a shoe box design with a square non-tapered pole.
- F. All lights shall be arranged and shielded so as to restrict the maximum apex angle of the cone of illumination to one hundred and twenty (120) degrees, or to such lesser angle as may be required to shield the lights from the view to any nearby residential properties or the traveling public. Spotlight-type fixtures attached to buildings and visible to the public shall be prohibited. Where lights along property lines will be visible to adjacent residents, the lights shall be appropriately shielded and/or the mounting heights shall be reduced.
- G. The intensity of light shall comply with the following standards:
 - 1) Parking lots - an average of five-tenths (0.5) footcandles throughout.
 - 2) Intersections - not less than three-tenths (0.3) footcandles throughout
 - 3) At property line - not more than one-tenth (0.1) footcandle.
 - 4) In residential areas - an average of one-tenth (0.1) footcandle
- H. Pathways and sidewalks shall be lighted with low or mushroom type standards, not to exceed two (2) feet in height.
- I. Stairways, sloping or rising paths, building entrances and exits shall be illuminated.

27-141 Airborne Emissions.

- A. No use, activity, operation or device generating airborne emissions shall be established, modified, constructed or used without having first obtained valid permits and certificates from the Bureau of Air Pollution Control, New Jersey Department of Environmental Protection (NJDEP), pursuant to NJAC 7:27-8. Specifically, no use, activity, operation or device shall be established, modified or constructed without a valid "Permit to Construct." No use, activity, operation or device shall be operated, occupied or used without a valid "Certificate to Operate Control Apparatus or Equipment."
- B. In addition to the requirements of NJDEP, the following shall also apply:
 - 1) Particulate matter shall not be discharged into the outdoor air in a concentration exceeding three hundredth (0.03) of a grain per cubic foot of gas at actual gas conditions unless a minimum of ninety-five (95%) percent of such particles leaving the process in the stack gas are removed from the gas prior to discharge. However, regardless of degree of gas cleaning, the following provisions shall apply:

- a. The concentrations of solid particles shall not exceed five hundredths (0.05) of a grain per cubic foot at six hundred degrees Fahrenheit (600 F) and one (1) atmosphere pressure.
 - b. No more than three (3%) percent by weight of the particles discharged shall equal or exceed forty-four (44) microns in diameter.
 - c. No more than twenty (20) pounds of particulate matter per hour shall be discharged into the outdoor air from any single source.
- 2) Visible emission, such as smoke, the shade or appearance of which is darker than No. 1 on the Ringelman Smoke Chart, shall not be discharged into the open air from any fuel-burning equipment, provided, however, that smoke emitted during the clearing of a fire box or the building of a new fire, the shade or appearance of which is not darker than No. 2 on the Ringelman Smoke chart, shall be permitted for a period or periods aggregating no more than three (3) minutes in any fifteen (15) consecutive minutes.

27-142 Noise.

- A. Standard: Noise shall be measured with a sound level meter complying with the standards of The American National Standards Institute, "American Standards Specifications for General Purpose Sound Level Meters." (ANSIS1.4-1961 or its latest revisions). The instrument shall be set to the A-weighted response scale and the meter to the slow response. Measurements shall be conducted in accordance with "American Standard Method for the Physical Measurements of Sound" (ANSIS1.2-1961).
- B. Noise level restrictions: Except as specified hereinafter, noise shall not exceed the maximum sound levels specified in the following table:

Performance Category	Maximum Level Permitted	Where Measured
Residence Districts (R100, R75, RC, RTC, RH, PO/R zones)	7 AM to 9 PM: 65dBA	On the lot line
	9 PM to 7 AM: 55dBA	On the lot line
All other districts	65dBA	On the lot line or district boundary

- C. Exclusions and permitted variations.
 - 1) The levels specified in the table may be exceeded once by ten (10) dBA in a single period of 15 minutes, during any one day.

- 2) Peak values of short duration, also known as impact noises, may exceed the value specified in the table by twenty (20) dB or have a maximum noise level of seventy-five (75) dBA, whichever is more restrictive.
- 3) Noises such as alarms, sirens, emergency warning devices, are excluded from the above limitations.

27-143 Glare and Heat.

- A. Allowable illumination: Any operation or activity producing intense glare except for emergency procedures shall be conducted so that direct and indirect illumination from the source shall not exceed three-tenths (0.3) of a foot candle in any residence zone (R100, R75, RC, RTC, RH, PO/R zones). Flickering and intense sources of light shall be controlled so as not to cause a nuisance across adjacent lot lines.
- B. Heat: Sources of heat, including but not limited to steam, gases, vapors, products of combustion or chemical reactions, shall not discharge onto or directly contact structures, plant life or animal life on neighboring lots or impair the function or operation of a neighboring use. No use, occupation, activity, operation or device shall cause an increase in ambient temperature, as measured on any property line.

27-144 Storage and Disposal of Waste.

- A. All outdoor storage facilities for fuel and refuse shall be enclosed by an approved safety fence and suitable landscaping to screen such areas from public view and shall conform to all yard requirements imposed by the Land Development Ordinance of the Borough of Jamesburg upon the principal buildings in the zone.
- B. No materials, wastes or other substance shall be stored or maintained upon a lot so as to prevent natural run-off from such areas from impairing the existing water quality of any stream, water course or aquifer.
- C. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.
- D. Disposal of hazardous waste materials shall not be permitted in the Borough.
- E. Outside storage of raw materials and products is prohibited.
- F. Any application for residential development containing fifty (50) or more dwelling units, any multi-family development containing more than twenty-five (25) dwelling units, or any commercial development that contains more than one thousand (1,000) square feet to include plans for the collection and disposition of recyclable materials.

27-145 Utilities.

Storm drainage, sanitary waste disposal, water supply and solid waste collection and disposal shall be reviewed and considered. Particular emphasis shall be given to the adequacy of existing systems and the need for improvements, on-site, off-site and off-tract, to adequately carry runoff and sewage and to maintain an adequate supply of water at sufficient pressure. The design and location of all utilities shall be based on Borough standards and those of the public utility having primary jurisdiction. All plans shall be approved by the Borough Engineer and shall be in accordance with those detail and design standards on file with the Borough Clerk.

27-146 Street Furniture.

- A. The site plan shall provide for those elements of street furniture appropriate to the particular use. These are the functional elements of the environment and include benches, planting boxes, mail and meter boxes, lighting standards, directional signs, bollards (posts), fire hydrants, power lines, fences and walls, water fountains and pools, drinking fountains, trash receptacles, bike racks, sculpture, paving, and steps. The street furniture plan shall include location, size, lighting and design relationship.
- B. Certain street furniture is functional in nature and shall be located at points of demand.
- C. Trash receptacles shall be located near recreational activities, at street corners, at entrances and exits to buildings and where people naturally congregate, such as under street lights. Open-weave receptacles shall not be permitted.

27-147 Storm Water Management.

In order to duplicate as nearly as possible natural drainage conditions, regulations and control of storm water runoff and erosion for any land area to be developed shall be through on-site water detention and/or ground absorption systems which include, but are not limited to, the following:

- A. Detention areas which may be depressions in parking areas with catch basins, excavated basins created through use of curbs, stabilized earth berms or dikes, or any other form of grading which serve to temporarily impound and store water.
- B. Rooftop storage through temporary impoundment and storage of storm water on flat or slightly pitched building rooftops by use of drain outlets which restrict the storm water runoff from the roof surface.
- C. Dry wells or leaching (infiltration) basins which control storm water runoff through absorption and temporary storage.
- D. Porous pavement, concrete lattice blocks or gravel, which preserve the natural ground absorption capacity of a site and provides a subsurface reservoir for temporary storage of storm water.

- E. Any system of porous media, such as grass swales or gravel trenches drained by porous wall or perforated pipe that temporarily stores and dissipates storm water through ground absorption.
- F. Any combination of the above-mentioned techniques and others which serve to limit stormwater runoff from a given site to what presently occurs there.

27-148 Central Business District Design Standards

The Central Business District (CBD) zone, which is divided in half by railroad tracks and Railroad Avenue, is the historical commercial center of the Borough of Jamesburg. Design standards are necessary to preserve and enhance the built environment in the CBD zone. The following guidelines and standards shall be used to prepare and review the physical, visual, and spatial character and overall appearance of site plan applications for development in relation to the CBD.

A. Design Guidelines

1. Consideration of context. The design of a building or structure shall be undertaken with clear and reasonable regard for adjacent and nearby buildings, setbacks, streetscapes, open spaces, and site improvements.
2. Continuation of design elements. Existing architectural and urban design elements shall be used as guidelines in the overall design of a building or structure. They physical, visual, and spatial characteristics of immediate and nearby buildings or structures shall be reinforced through the use of architectural and urban design elements to achieve a coherent; organized, development pattern within a block's area.
3. Restoration of facades. Building facades should be restored and improved to the original design, which recreates the physical charm of older buildings.
4. Ground floor uses. Ground floor uses of buildings are encouraged to be uses which generate the greatest amount of pedestrian activity, such as retail, restaurants, or service uses. Blank facades and solid walls should be avoided.
5. Architectural drawings and/or rendering of all development applications within the CBD shall be submitted to the Combined Land Use Board for review with the provisions of Article XIX. Architectural drawings and/or renderings shall also include all proposed signage, lighting, landscaping, and containers for storage of refuse and recyclable materials.

B. Design Standards

1. Building Mass. The massing and height of the building shall be similar to the ones that make up the rest of the street.
2. Building Proportion. The relationship of the building's height to width in the front façade should be proportioned to the same as nearby buildings.

3. Architectural Elements. The elements in the façade, such as windows, doors, sidelights, and projections from it, should be proportional in height and width both from within themselves and in relationship to the supporting wall as others in the streetscape.
4. Building Materials. The use of building materials, their texture, and color should be visually compatible with adjacent and nearby buildings.
5. Signage. Signs should be uniform in height, color, typeface, and material.
6. Landscape Elements. Landscape elements, such as individual trees and tree masses, and other materials should be compatible with existing views from the street. Shade and flowering trees next to the curb line and at other locations should be encouraged.
7. The Combined Land Use Board shall review each application for compliance with Article X.

ARTICLE XX
COMBINED LAND USE BOARD

27-144~~27-149~~ Establishment of the Combined Land Use Board.

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The Combined Land Use Board shall serve as a planning board and a zoning board of adjustment pursuant to the provisions of N.J.S.A. 40:55D-25c. and shall be established in accordance with the provisions set forth in N.J.S.A. 40:55D-1 et seq.

The nine-member Board shall exercise all the powers of the Zoning Board of Adjustment, but the Class I and Class III members shall not participate in the consideration of applications for development which involve relief pursuant to subsection d. of N.J.S.A. 40:55D-70.

27-145~~27-150~~ Officers.

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- A. Chairperson - The Chairperson, subject to this chapter, shall decide all points of order and matters of procedure governing the meeting unless otherwise directed by a majority of the Board in session at the time. The Chairperson shall have, subject to this chapter and governing statutes, all the powers and perform all the duties normally appertaining to his/her office. The Chairperson or his/her designee shall swear all witnesses giving testimony before the Board.
- B. Vice Chairperson - The Vice Chairperson shall preside at all Board meetings and hearings in the absence of the Chairperson.
- C. Secretary - Subject to this chapter, and under the direction of the Chairperson, the Secretary shall conduct all official correspondence, compile the required records, maintain and keep in order the necessary files and indices and generally perform the secretarial work of the Board.

The Secretary shall attend all meetings of the Board and shall have the care and custody of all records, documents, maps, plans and papers of the Board. When the votes are taken, the Secretary shall take roll in alphabetical order by last name, except that the Chairperson shall be called last.

The Secretary shall make a record of, and keep on file, the minutes of the proceedings at each meeting or hearing held by the Board and shall enter therein with the other proceedings such resolutions and orders as are adopted and a copy of the minutes of that meeting. The Secretary shall issue notices of meetings and shall perform such other duties as usually appertain to his/her office.

The Secretary shall file a brief notice of the Board's decision as per N.J.S.A. 40:55D-10i and provide a full copy of the resolution to the applicant.

27-151 Appeals, applications and fees.

- A. Appeals to the Combined Land Use Board, which require the Board to invoke its powers as a zoning board of adjustment, may be taken by any interested party affected by any decision of an administrative officer of the Borough based on or

made in the enforcement of this chapter. Such appeal shall be taken within 20 days by filing a notice of appeal with the officer from whom the appeal is taken specifying the grounds of such appeal. The officer from whom the appeal is taken shall immediately transmit to the Combined Land Use Board all the papers constituting the record upon which the action appealed was taken.

- B. Modification on appeal - In exercising its powers as a zoning board of adjustment, the Combined Land Use Board may reverse or affirm, wholly or in part, or may modify the action, order, requirement, decision, interpretation or determination appealed from and, to that end, have all the powers of the administrative officer from whom the appeal is taken.
- C. Stay of proceedings by appeal - An appeal to the Combined Land Use Board, which requires the Board to invoke its powers as a zoning board of adjustment, shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made unless the officer from whose action the appeal is taken certifies to the Combined Land Use Board, after the notice of appeal shall have been filed with the officer, that by reason of facts stated in the certificate a stay would, in the officer's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by an order of the Superior Court upon notice to the officer from whom the appeal is taken and on due cause shown.

27-152 Time for decision.

The Combined Land Use Board acting in the capacity as a zoning board of adjustment shall render its decision not later than 120 days after the date an appeal is taken from the decision of an administrative officer or after the submission of a complete application for development to the Board pursuant to the provisions of N.J.S.A. 40:55D-72b, or within such further time as may be consented to by the applicant. In the event the developer submits separate consecutive applications, pursuant to this chapter, the aforesaid time period shall apply to the application for approval of the variance. The period for granting or denying any subsequent approval shall be as otherwise provided in this chapter.

Except as otherwise provided by the general ordinances of the Borough of Jamesburg, each application made for a variance or appeal shall be accompanied by a fee as provided in the fee schedule set by Ordinance on an annual basis, payable to the Borough of Jamesburg and forwarded to the Secretary of the Combined Land Use Board. Should the Council take no action in regards to the fee schedule, the fee schedule will remain as set the previous year.

27-153 Expiration of variance.

Any variance from the terms of this chapter hereafter granted by the Combined Land Use Board, functioning in the capacity as a zoning board of adjustment, permitting the erection or alteration of any structure or structures or permitting a specified use of any premises shall expire by the limitation within one year from the date of entry of the judgment or determination of the Board or, in the case where a variance was granted in conjunction with the approval of a development application for a minor subdivision or site plan, preliminary major subdivision or site plan or a final subdivision or site plan, the expiration period for the variance shall run concurrently with the expiration period for the respective development

application, unless the applicable construction permits have been obtained or the permitted uses have actually been commenced by that date; except, however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Board to a court of competent jurisdiction until the termination in any manner of such appeal or proceeding.

| [27-14927-154](#) General power and duties.

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The Combined Land Use Board is authorized to adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of the land use chapters. It shall also have the following duties:

- A. To make and adopt and, from time to time, amend a Master Plan for the physical development of the Borough, including a specific policy statement respecting its relationship to any areas outside its boundaries which, in the Board's judgment, bears essentially upon the planning of the Borough, re-worded to provide for a policy statement rather than regulation, in accordance with the provisions of N.J.S.A. 40:55D-1 et seq.
- B. To administer the provisions of the Land Development Ordinance of the Borough in accordance with the provisions of such ordinances and the Municipal Land Use Law (MLUL).
- C. To hear and act upon conditional use applications.
- D. To make the Official Map of the municipality for adoption by the governing body pursuant to 40:55D-25 and 40:55D-32 et seq.
- E. To interpret and hear applications under the Zoning Ordinance, including conditional use applications and relief under subsection 70d. of the Municipal Land Use Law.
- F. To review the capital improvement program pursuant to N.J.S.A. 40:55D-29.
- G. To hear and consider variance applications and certain building permit hearings in conjunction with subdivision, site plan, and conditional use approval.
- H. To participate in the preparation and review of programs or plans required by state or federal law or regulation.
- I. To assemble data on a continuing basis as part of a continuous planning process.
- J. To perform such advisory duties as are assigned to it by ordinance or resolution of the governing body for the aid and assistance of the governing body or other agencies or officers, including with regard to redevelopment planning and projects.
- K. To hear and decide appeals where it is alleged by the appellant that there is an error in any decision, order, requirement or refusal made by an administrative officer based upon or made in the enforcement of the Zoning Ordinance.

- L. To hear and decide requests for interpretation of the Zoning Map or Zoning Ordinance.
- M. To hear and decide requests for variances from lot area, lot dimensional, setback and yard requirements, pursuant to N.J.S.A. 40:55D-70c.
- N. To hear and decide requests for variances to permit a use or structure, an expansion of a nonconforming use, deviations from conditional use requirements, an increase in the permitted floor area and the height of a principal structure which exceeds the permitted height in the zone by 10% or 10 feet.

27-155 Meetings.

- A. Regular Meetings - The regular meetings of the Board shall be held at the Municipal Building of the Borough of Jamesburg, New Jersey, at a time and day designated by the Board at the annual reorganization meeting. The Secretary shall annually furnish a copy of the regular meeting dates for the year to the official newspaper designated by the municipal governing body in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.
- B. Special Meetings - Meetings may be called by the Chairperson or, in his absence, by the Vice Chairperson, at any time or upon the written request of two members, provided notice thereof be mailed or given to each member of the Board and to the public at least 48 hours prior to the date of the meeting, as required by the Open Public Meetings Law, N.J.S.A. 10:4-6 et seq.
- C. Meetings open to the public - All meetings shall be open to the public except such executive sessions as authorized by N.J.S.A. 40:55D-9b and N.J.S.A. 10:4-6 et seq.
- D. All actions shall be taken by majority vote of a quorum except as otherwise required by an provision of N.J.S.A. 40:55D-1 et seq.
- E. All regular meetings and all special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirement of the Open Public Meetings Law, N.J.S.A. 10:4-6 et seq. An executive session for the purpose of discussing and studying any matters to come before the Combined Land Use Board shall not be deemed a regular or special meeting in accordance with the provisions of N.J.S.A. 40:55D-9.
- F. Minutes - Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the Board and of the persons appearing by attorney, the action taken by the Board, the findings, if any, made by it and reasons therefore. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the Borough Clerk. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceeding concerning the subject matter of such minutes. Such interested party shall be charged a fee for the reproduction of the minutes for his use as provided for in the rules of the Board.

G. Fees

1. Fees for applications or for the rendering of any service by the Combined Land Use Board or any member of its administrative staffs, which is not otherwise provided by ordinance, may be provided for and adopted as part of the rules of the Board and copies of such rules or of the separate fee schedule shall be available to the public.
2. All fees for applications to the Combined Land Use Board shall be as follows, and fees in connection with various applications for development and other matters which are the subject of Chapters XXVII shall be paid according to the fee schedule on file at the municipal building.

3. Escrow Deposit Fees.

- a. In addition to the filing fee established herein, all applications for development shall be accompanied by a deposit of adequate funds to cover the cost of professional services in connection with the review of the application, including but not limited to shorthand reporting and transcripts, review, inspection and reports to the Borough Engineer, professional planner, Borough Attorney, Board Attorney and any other professionals whose services are deemed necessary with respect to processing the application by the approving attorney.

Professional Services of Planner. Escrow shall be deposited with the Borough to cover the cost of professional planner review services to be rendered to the municipality or approving authority for review of applications for development, review and preparation of documents for consideration before the land use body under the provisions of P.L. 1975, c.291 (N.J.S.A. 40:55D-1 et seq.) prior to an application being ruled complete, the following sum(s) shall be submitted to be held in escrow:

- b. All monies required under this section shall be deposited by the secretary of the approving authority in the Borough's escrow account, and the Borough Finance Manager shall set up a ledger page in the name of the applicant. All disbursements to professional consultants or experts required to process the application shall be charged against the applicant's escrow account.
- c. The amount of the initial deposit to the escrow account to be remitted at the time of the filing of the application, shall be provided in paragraph 2 above.
- d. Any of the aforesaid deposit remaining in the escrow account upon completion of the application procedure shall be returned to the applicant.
- e. In the event that the funds in the escrow account should become

depleted prior to the completion of the application procedure and additional funds are needed to cover the cost of processing the application, the applicant shall deposit sufficient additional funds. In order to expedite the processing of applications by the approving authority, the secretary to the approving authority shall notify the applicant immediately upon the depletion of funds in the escrow account or as soon as an insufficiency of funds becomes evident or is expected.

- f. The approving authority shall not process or take action on the application unless all fees and deposits required in the manner described above shall have been paid by the applicant.
- g. All bills submitted to the approving authority by the stenographer, planning consultant, Borough Attorney, Board Attorney or other professionals containing charges to be applied against an applicant's escrow account established pursuant to this section shall specify the services performed in relation to individually identified applications for which the charges have been incurred.
- h. Unit charges, i.e., per diem or hourly fees, inspection or expert testimony charges, levied by the stenographer, planning consultant, Borough Attorney, Board Attorney (or other professionals for services rendered in connection with an application) may not exceed those unit charges contracted for and/or approved by the Borough agency for services by the professionals.
- i. A monthly accounting of all funds to be withdrawn by the Borough from the escrow account shall be submitted by the secretary to the approving authority to the applicant at least ten (10) days prior to the withdrawal of the funds. Within the ten (10) days, the applicant shall have the opportunity to request, in writing, a hearing by the approving authority with respect to the reasonableness of the intended charges against the escrow account. In the event that the applicant requests such a hearing, no withdrawal shall be made from the escrow account until the approving authority shall have ruled on the appeal. If the approving authority finds in favor of the applicant, the withdrawals shall be adjusted accordingly. If no objection is filed within ten (10) days, the funds shall be withdrawn from the escrow account and transferred to the Borough general funds.

H. Hearings

- 1. Rules. The Combined Land Use Board may make rules governing the conduct of hearings before such bodies which rules shall not be inconsistent with the provisions of N.J.S.A. 40:55D-1 et seq., or of this chapter.
- 2. Oaths. The officer presiding at the hearing of such persons as he may designate, shall have power to administer oaths and issue subpoenas to

compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provision of the County and Municipal Investigations Law, N.J.S.A. 2A-67A-1 et seq. shall apply.

3. Testimony. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer and the right of cross-examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.
4. Evidence. Technical rules of evidence shall not be applicable to the hearing, but the Board may exclude irrelevant, immaterial or unduly repetitious evidence.
5. Records. Each Board shall provide for the verbatim recording of the proceedings by either stenographer, mechanical or electronic means. The Board shall furnish a transcript or duplicate recording in lieu thereof on request to any interested party at his expense.

27-156 Record of proceedings.

The Board shall provide for the verbatim recording of the proceedings by either stenographer, mechanical or electronic means, or both. The Board shall furnish a transcript, or duplicate recording in lieu thereof, on request of any interested party at such party's expense. All stenographers' notes, electronic recordings or other verbatim records of meetings shall be retained by the Board for at least five years from the date of the hearing or until the termination of any proceedings relating to such matter in the Superior Court of the Supreme Court of the State of New Jersey, whichever is longer.

27-157 Alternate Members.

In addition to the aforementioned classes of the regular membership of the Combined Land Use Board, the governing body is hereby authorized to appoint not more than three alternate members who shall meet the qualifications of Class IV members. Alternate members shall be designated at the time of appointment by the Mayor as "Alternate No. 1," "Alternate No. 2" and "Alternate No. 3." The terms of the alternate members shall be such that the term of not more than two alternate members shall expire in any one year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two years. Any vacancy occurring otherwise than by expiration of term shall be filled by the appointing authority for the unexpired term only.

During the absence or disqualification of any regular member, the Chairperson shall appoint one of the alternate members to serve in the place of said regular member; provided, however, that where the alternate member is designated to serve in place of the regular member who is disqualified from participating in the hearing of a particular case, the alternate member shall be designated to serve only with respect to such case.

An alternate member who has been designated to sit in place of a regular member and who has participated in any hearing or matter coming before the Board shall continue to act in the place of such regular member until the final disposition of said matter by the Board.

When a regular member has been present and has participated in the first hearing on any matter, no alternate member shall be designated to serve during the absence of such regular member during any adjourned or continued hearing or hearing on the same matter unless said alternate member was present at such first hearing or any prior adjourned or continued hearing on such matter, or if such alternate listened to the recording of the prior proceedings in their entirety and certifies to same.

An alternate member who has been designated to serve in the place of an absent or disqualified regular member shall, during the period of his/her service, enjoy all the rights and privileges and shall be subject to all of the duties and abilities pertaining to regular members, if, but only if, the alternate certifies that they have read a transcript or listened to a recording of prior meetings; provided however, that no alternate member shall be eligible to serve as Chairperson or Vice Chairperson of the Board.

Alternate members may participate in discussions of the proceedings, but may not vote except in the absence or disqualification of a regular member, nor shall any vote be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate Number 1 shall vote, then Alternate Number 2, then Alternate Number 3, as needed.

27-158 General Provisions Applicable to the Combined Land Use Board.

- A. **Conflicts of Interest.** No member of the Combined Land Use Board shall act on any matter in which he has either directly or indirectly any personal or financial interest. Whenever any such member shall disqualify himself from acting on a particular matter, he shall not continue to sit with the Board on the hearing of such matter nor participate in any discussion or decision relating thereto.
- B. **Notice Requirements for Hearing.** Whenever a hearing is required on an application for development pursuant to N.J.S.A. 40:55D-1 et seq., the applicant shall give notice thereof as follows:
 - 1. Public notice shall be given by publication in the official newspaper of the Borough at least ten (10) days prior to the date of the hearing.
 - 2. Notice shall be given to the owners of all real property as shown on the current tax duplicate or duplicates located within two hundred (200) feet in all directions of the property which is the subject of such hearing and whether located within or without the municipality in which the applicant's land is located. Such notice shall be given by:
 - a. Serving a copy thereof on the owner as shown on the current tax duplicate or his agent in charge of the property, or
 - b. Mailing a copy thereof by certified mail to the property owner at his

address as shown on the current tax duplicate. A return receipt shall not be required.

Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, a vice-president, secretary or other person authorized by the appointment or by law to accept service on behalf of the corporation.

3. Notice of all hearings on applications for development involving property located within two hundred (200) feet of adjoining municipality shall be given by personal service or certified mail to the clerk of the municipality, which notice shall be in addition to the notice required to be given, pursuant to paragraph 2. of this subsection, to the owners of lands in such adjoining municipality which are located within two hundred (200) feet of the subject premises.
4. Notice shall be given by personal service or certified mail to the County Planning Board of a hearing on an application for development of property adjacent to an existing County road or proposed road shown on the official County map or on the County master plan, adjoining other County land or situated within two hundred (200) feet of a municipal boundary.
5. Notice shall be given by personal service or certified mail to the Commissioner of Transportation of a hearing on an application for development of property adjacent to a State highway.
6. Notice shall be given by personal service or certified mail to the Director of the Division State and Regional Planning in the Department of Community Affairs of a hearing on an application for development of property which exceeds one hundred fifty (150) acres or five hundred (500) dwelling units. Such notice shall include a copy of any maps or documents required to be on file with the Borough Clerk pursuant to N.J.S.A. 40:55D-10b.
7. All notices hereinabove specified in this section shall be given at least ten (10) days prior to the date fixed for hearing and the applicant shall file an affidavit of proof of service with the Board holding the hearing on the application for development.
8. Any notice made by certified mail as hereinabove required shall be deemed complete upon mailing in accordance with the provisions of N.J.S.A. 40:55D-14.
9. All notices required to be given pursuant to the terms of this chapter shall state the date, time and place of the hearing, the nature of the matters to be considered and identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the Tax Assessor's office and the location and times at which any maps and documents for which approval is sought are available as required by law.

- C. List of Property Owners Furnished. Pursuant to the provisions of N.J.S.A. 40:55D-12c, the Tax Assessor shall within seven (7) days after receipt of a request therefore, and upon receipt of payment of a fee of ten (\$10.00) dollars make and certify a list from the current tax duplicate of names and addresses of owners to whom the applicant is required to give notice pursuant to subsection b above.
- D. Decisions.
 - 1. Each decision on any application for development shall be set forth in writing as a resolution of the Board which shall include findings of fact and legal conclusions based thereon.
 - 2. A copy of the decision shall be mailed by the Board within ten (10) days of the date of decision to the applicant, or if represented, then to his attorney, without separate charge. A copy of the decision shall also be mailed to all persons who have requested it and who have paid the fee prescribed by the Board for such service. A copy of the decision shall also be filed in the office of the Borough Clerk, who shall make a copy of such filed decision available to any interested party upon payment of a fee calculated in the same manner as those established copies of other public documents in the Borough.
- E. Publication of Decision. A brief notice of every final decision shall be published in the official newspaper of the Borough. Such publication shall be arranged by the secretary of the Combined Land Use Board and will be charged to the applicant's escrow account. Such notice shall be sent to the official newspaper for publication within ten (10) days of the date of any such decision.
- F. Payment of Taxes. Pursuant to the provisions of N.J.S.A. 40:55D-39 and N.J.S.A. 40:55D-65, every application for development submitted to the Combined Land Use Board shall be accompanied by proof that no taxes or assessments for local improvements are due or delinquent on the property which is the subject of such application. If it is shown that taxes or assessments are delinquent on such property, any approvals or other relief granted by the Combined Land Use Board shall be conditioned upon either the prompt payment of such taxes or assessments, or the making of adequate provision for the payment thereof in such manner that the Borough shall be adequately protected.

27-159 Appeals.

- A. Zoning Appeals to the Combined Land Use Board. An appeal to the Combined Land Use Board may be taken by any interested party affected by any decision of the administrative officer of the Borough based on or made in the enforcement of the zoning regulations or official map. Such appeal shall be taken within twenty (20) days by filing a notice in accordance with the provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.
- B. Appeals from Combined Land Use Board: An appeal from any Combined Land Use Board decision must be taken to Middlesex County and shall be made within ten (10)

days of the date of publication of such final decision of the Combined Land Use Board.

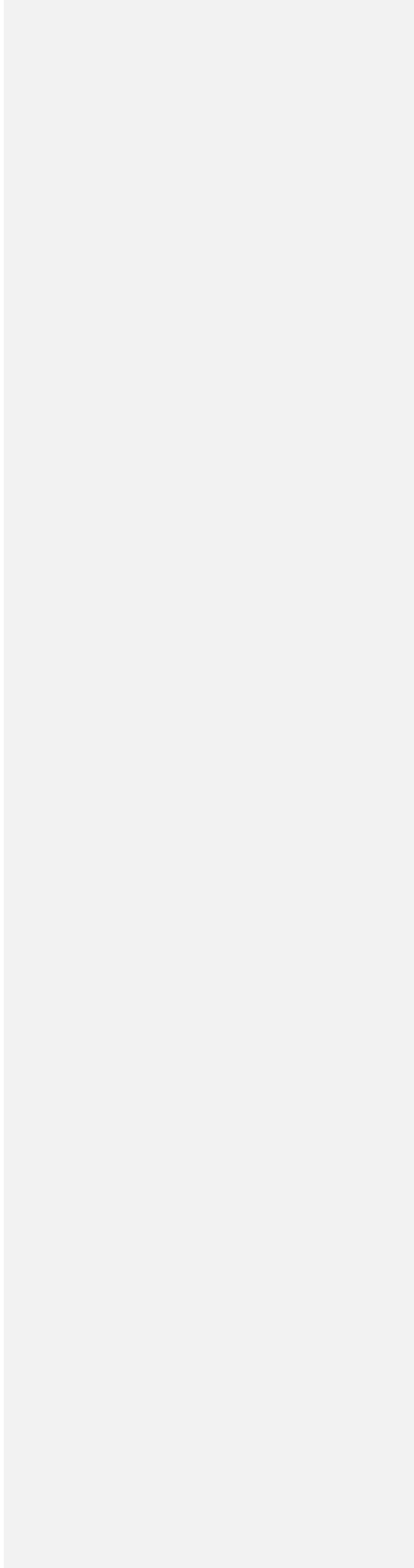
27-160 Violations and Penalties.

For each and every violation of the provisions of this chapter, the owner, contractor or other person or persons interested as lessee, tenant or otherwise in any building or premises where such violation has been committed or shall exist and who refuses to abate the violation within five (5) days after written notice has been served upon him, either by registered mail or by personal service, shall, for each and every violation, be liable to the penalty stated in Chapter I, Section 1-5. Each and every day that such violation continues after such notice shall be considered a separate and specific violation of this chapter.

27-161 Effective Date; Effect on Prior Permits

This chapter shall take effect upon its final passage and publication as provided by law, but any building or structure the erection of which has been authorized by a permit issued by the Construction Official prior to the passage of this chapter may be completed in accordance with the permit and the requirements of law and ordinances in force at the time when such permit was granted and may be used for the purpose designated in the plan and in the permit.

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DEVELOPMENT APPLICATION REVIEW PROCEDURE



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Revised General Ordinances
of the
Borough of Jamesburg
in the
COUNTY OF MIDDLESEX
STATE OF NEW JERSEY

February
2007

2007 Borough Council

John Longo, Jr., Council President
Otto Kostbar
Barbara Carpenter
Carlos Morales
Joseph Jennings
Brian Grimes

Borough Officials

Anthony LaMantia, Mayor
Gretchen McCarthy, Borough Clerk
Denise Jawidzik, Administrator
Frederick C. Raffetto, Esq., Borough Attorney