

CHAPTER 2.130

ZONING

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GENERAL REFERENCES

Land use procedures – See Ch. 19.
Certificate of occupancy – See Ch. 60.
Uniform construction codes – See Ch. 63.
Fire prevention – See Ch. 73.
Flood damage prevention – See Ch. 76.
Housing standards – Ch. Ch. 81.
Off-street parking – See Ch. 93.
Sewers – See Ch. 106.
Site plan review – See Ch. 109.
Streets and sidewalks – See Ch. 112
Subdivision of land – See Ch. 115.
Storage of vehicles and machines – See Ch. 119.
Vehicles and traffic – See Ch. 121.
Water – See Ch. 126.

2.130.01 Statement of purpose.

The Mayor and Council deem it necessary to the public interest, health, comfort, convenience, protection of property values, public peace, safety and the general welfare of the Borough to regulate and restrict the location, use and the extent of the use of buildings, structures and lands for trade, industry, residence or other purposes and to divide the Borough into such districts or zones as are necessary to carry out these purposes. It is the further purpose of this chapter to ensure that the Zoning Laws of the Borough of Englishtown are consistent and compatible with the Master Plan of the Borough as adoptee by the unified Planning/Zoning Board to ensure compliance with the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq.

(Ord. 90-9, Amended 9/25/1990; Ord. 82-12, Renumbered 9/15/1982)

2.130.02 Definitions.*

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

ACCESSORY USE OF BUILDING – A subordinate use or building, the purpose of which is incidental to that of a main use or building on the same lot. For the purposes of this Chapter any building or structure containing living space shall not be considered as an accessory use.

ADULT BOOK STORE – An establishment of which a portion is devoted to the display, sale, rental, or distribution of pornographic materials as defined by State statute.

ALLEY – Permanent service-way providing a secondary means of access to abutting properties.

ALTERATIONS – As applied to a building or structure, shall mean a change or rearrangement in the structural parts or in the exit facilities; or an enlargement, whether by extending on a side or by increasing height; or the moving from one location or position to another.

ALTERATIONS, STRUCTURAL – Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

APARTMENT HOUSE – A building arranged, intended or designed to be occupied by three (3) or more families living independently of each other.

AREA: BUILDING – The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

BASEMENT – A story partly underground but having not less than half of its clear height below finished grade.

BOARD – The Unified Planning/Zoning Board of the Borough of Englishtown.

BOARDINGHOUSE – Any dwelling in which more than three (3) persons either individually or as families are housed or lodged for hire with or without meals. A rooming house or a furnished-room house shall be deemed as a “boardinghouse”.

BUILDING – Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or chattel.

BUILDING, EXTENDING – The full width of the lot and situated between the rear lines of the lot and the rear line of the building projected to the sidelines of the lot. The depth of the rear yard shall be measured between the rear line of the lot or the entire line of the alley, if there is an alley, and the rear line of the building.

BUILDING, FRONT LINE OF – The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps.

BUILDING, HEIGHT OF – The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING, PRINCIPAL – A building in which is conducted the main or principal use of the lot on which the building is situated.

COURT – An open, unoccupied space bounded on two (2) or more sides by exterior walls of a building or exterior walls and lot lines.

COURT, INNER – A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable.

COURT, OUTER – A court enclosed on not more than three (3) sides by exterior walls of a building or by exterior walls and lot lines of which walls are allowable, with one (1) side or end open to a street, driveway, alley or yard.

COVERAGE, LOT – The area of the lot covered by buildings/structures, and accessory buildings/structures, expressed as a percentage of the total tract area. For the purpose of this ordinance lot coverage shall include all parking areas and automobile access drives, patios and pedestrian walkways, whether constructed of an impervious or pervious material, and all impervious surfaces except unroofed wooden decks.

CURB LEVEL – The officially established grade of the curb in front of the midpoint of the lot.

DWELLING – A building designated or used exclusively as the living quarters for one (1) or more families.

DWELLING UNIT – A dwelling or portion thereof providing complete living facilities for one (1) family.

FAMILY – Shall mean one (1) or more persons occupying the premises and living as a single housekeeping unit and distinguished from a group occupying a boardinghouse, lodging house, club, fraternity or hotel.

FARM – Any parcel or contiguous parcels of which at least one (1) acre is devoted to agricultural, livestock or dairy purposes. The land used for a dwelling unit shall not be counted as agricultural, livestock or dairy acreage. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of fur-bearing animals, riding academies, boarding stables or dog kennels.

FARM STAND, TEMPORARY – A movable structure which shall not be connected to any public utility service and which is intended to be used on a seasonal basis only for the sale of vegetable, fruit, and flowering farm products. A “temporary” farm stand shall be an accessory use to the farm upon which it is located, and must provide sufficient parking that allows for the safe and efficient passage of pedestrian and vehicular traffic, It is exempted from all prescribed setback limits, excepted for sight distance, provided that the stand is removed, relocated or dismantled during all seasons when not in use.

FILLING STATION – Any area of land including structures thereon that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, drying cleaning or otherwise cleaning r servicing such motor vehicles.

GARAGE, PRIVATE – A garage used for storage purposes only and having a capacity of not more than three (3) automobiles or not more than one (1) automobile per individual dwelling unit in a multi-family building to which such garage is accessory, whichever is greater.

GARAGE, PUBLIC – Any garage other than a private garage, available to the public, operated for gain and which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles.

GRADE, ESTABLISHED – The elevation of the center line of the streets as officially established by the Borough authorities.

GRADE, FINISHED – The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs relating thereto.

HOME OCCUPATION – An occupation for gain or support conducted only by members of a family residing on the premises, and conducted entirely within the dwelling, provided that no article is sold or offered for sale, except such as may be produced by members of the immediate family residing on the premises and provided further, that no machinery or equipment used which will cause electrical or other interference with radio and television reception in adjacent residences, or cause offensive noise, order or vibration. Such activities including but not limited to barber shops, beauty parlors, tourist rooms, room and board, and music or dance schools serving more than one (1) patron at a time shall not be deemed home occupations. However, nursery schools serving three (3) or less children shall be considered a home occupation.

HOTEL – A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building or in an accessory building.

HOTEL, RESIDENTIAL – See “Residential hotel”

LINE, BUILDING or SETBACK LINE – The vertical and horizontal line of the main wall nearest to and facing on the street, lot or highway.

LINE, RIGHT-OF-WAY – The dividing line between the laid-out or established road or street right-of-way and the lot. For the purpose of this ordinance the “right-of-way line” shall not be considered the curb line or edge of pavement of existing streets.

LOT – A portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same.

LOT, CORNER – A parcel of land at the junction of and fronting on two (2) or more intersecting streets. Each street frontage of a “corner lot” shall conform to the minimum required frontage in the applicable zone or district. For the purposes of this code, all “corner lots” will be required to meet the front yard setback wherever the lot line is coincident with a street right-of-way line.

LOT DEPTH – Horizontal distance between the front and rear lot lines, measured in the general direction of its lot lines.

LOT FRONTAGE – The horizontal distance between the side lot lines measure along the street right-of-way line. The minimum “lot frontage” shall be the same as lot width except that on curved streets with an outside radius of less than five hundred (500) feet, the “lot frontage” may be reduced to seventy-five (75) percent of the minimum required lot width.

LOT, INTERIOR – A lot other than a corner lot.

LOT, LINES – Any line dividing one lot from another.

LOT, THROUGH – An interior lot having frontage on two (2) parallel or approximately parallel streets. Each street frontage of a “through lot” shall conform to the minimum required frontage in the applicable zone or district. For the purposes of this code, each “through lot” will have one (1) front yard and one (1) rear yard which is coincident with a street right-of-way line.

LOT, WIDTH OF – The horizontal distance between the side lot lines measured along the required front yard setback line in the applicable zone or district.

MOTOR VEHICLE REPAIR SHIP – A building, corporation of a building, arranged, intended or designed to be used for making repairs to motor vehicles.

NONCONFORMING USE – A structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated.

OPEN SPACE – An unoccupied space open to the sky on the same lot with the building.

PARKING SPACE – The area required for parking one (1) automobile which in this chapter is held to be an area nine (9) feet wide and eighteen (18) feet long, not including passageways.

PLANNING BOARD – The Unified Planning/Zoning Board of the Borough of Englishtown.

PLAT – A map, plan or layout of a city, town, section or subdivision indicating the location and boundaries of individual properties B.

PROFESSIONAL OFFICE – The office of a member of a recognized learned profession which conducts business with the public and shall include but not be limited to the offices of architects, dentists, doctors, engineers, lawyers and optometrists.

RESIDENTIAL HOTEL – A dwelling occupied by permanent guests only and not by transients. It may include restaurants, newsstands and other accessory services primarily for serving its occupants and only incidentally the public.

ROOM – A space surrounded by four (4) walls and a space for entry and exit and dedicated for a specific purpose.

SETBACK LINE – The line beyond which a building shall not extend unless otherwise provided for in this chapter.

SHED – A structure intended for storage having the maximum dimensions of ten (10) feet in length by ten (10) feet in width by (10) feet in height.

SIGN, COMMERCIAL ADVERTISING SIGN OR BILLBOARD – An advertising sign, structure or symbol erected and maintained by an individual engaged in the sale or rental for profit of space thereon to a clientele of manufacturing, service or commercial enterprises, upon which space there is displayed, by means of painting, posting or other method, advertising copy describing a wide variety of products or services which are not

made, produced, assembled, stored or sold from the lot or premises upon which the advertisement is displayed.

SITE AREA – The area of a specific zone being developed within the property.

SPACE, LIVING – The area in which persons, live, sleep or congregate, including closet space and halls but excluding cellars, attics, dead-air space, open porches or breezeways, attached garages or accessory buildings and sheds.

STABLE, PRIVATE – An accessory building in which horses are kept for private use and not for hire, remuneration or sale.

STORY – That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

STORY, HALF – A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are no more than two (2) feet above the floor of such story.

STREET – A public or private thoroughfare which affords the principal means of access to abutting property.

STRUCTURE – A combination of materials other than a building to form a construction that is safe and stable and includes, among others stadiums, platforms, radio towers, sheds, storage bins, fences and display signs.

TOURIST HOME – A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

TRAILER CAMP – An area devoted to or designed for the accommodation of one (1) or more wheeled vehicles or portions thereof in use as or capable of use as residential facilities which are commonly known as “house trailers” or “auto trailers”. Any such house trailer which has been rendered incapable of immediate removal to another site shall be considered a residential structure and shall meet all requirements of this chapter for a residential structure.

TRAILER COACH – Any portable structure or vehicle so constructed and designed as to permit occupancy thereof for dwelling or sleeping purposes.

USED or OCCUPIED – As applied to any land or building, shall include the words intended, arranged or designed to be used or occupied or structurally altered or enlarged or moved with the intention or design of using.

WAY – A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

YARD, FRONT – An open, unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street right-of-way line and the front line of the building projected to the side lines of the lot. The depth of the front

yard shall be measured between the front line of the building and the street right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

YARD Principal Front on Corner Lots: The open space extending front the front of the structure to the front of the property line.

YARD, REAR – An open, unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot, or the entire line of the alley, if there be an alley, and the rear line of the building.

YARD, SECONDARY FRONT ON CORNER LOTS: The yard extending from the side of the structure to the property line adjacent to the public right of way.

YARD, SIDE – An open unoccupied space on the same lot with a main building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

ZONING BOARD – The Unified Planning/Zoning Board of the Borough of Englishtown.

B. Other definitions. Incorporated herein are all definitions contained in N.J.S.A. 40:55D-3, 4, 5, 6, & 7 as if same were set forth at length. Whenever a definition contained in N.J.S.A. 40:55D-3, 4, 5, 6, & 7 conflicts with one set out herein, the definition N.J.S.A. 40:55D-3, 4, 5, 6 & 7 shall control.

***Editor's Note:** The prefatory language of this ordinance read as follows:

“Whereas, the Englishtown Borough Master Plan contains a full and comprehensive statement of the planning policies of the borough; and

“Whereas, it is an avowed policy of the Borough of Englishtown that land development should be designed to protect freshwater wetlands and flood plains; and

“Whereas, an objective of the borough master plan is to promote the conservation of open space through protection of freshwater wetlands, flood plains and valuable natural resources and to prevent degradation of the environment through improper uses and development densities; and

“Whereas, in order to fulfill the planning policies and objectives set forth in the borough master plan it is necessary and desirable to amend and supplement the zoning ordinance of the borough by establishing a new zoning district to be known and identified as a conservation district.”

(Ord. 98-8, Amended 6/24/1998; Ord. 91-5, Amended 9/25/1991; Ord. 90-9, Amended 9/25/1990; Ord. 82-12, Renumbered 9/15/1982)

2.130.03 Districts established.

A. The Borough is hereby divided into eight (8) districts or zones designated as follows:

1. R-LD – Residential – Low density.
2. R-MD - Residential – Medium Density.

3. R-PD - Residential – Planned Development.
4. C-1 – Commercial – Central.
5. C-1A – Commercial – Central Zone.
6. C-2 – Commercial – General.
7. Con – Conversation.
8. I – Industrial.

B. Said districts and zones are defined as set forth on the zoning map which is annexed hereto and incorporated herein by reference.

(Ord. 04-05, Amended 6/23/2004; Ord. 91-5, Amended 9/25/1991; Ord. 90-9, Amended 9/25/1990; Ord. 82-12, Renumbered 9/15/1982)

2.130.04 Zoning Map.

The boundaries of the zoning districts are hereby established as shown on the map entitled “Zoning Map of the Borough of Englishtown” dated August 28, 1990, as amended*, which accompanies and is hereby made a part of this chapter. The Zoning Map is on file in the office of the Borough Clerk.

[***Editor’s Note:** The Zoning Map has been amended by 91-2, 7/24/91 and Ord. 94-01, 2/16/94.]

(Ord. 94-1, Amended 1/12/1994; Ord. 90-9, Amended 9/25/1990; Ord. 82-12, Renumbered 9/15/1982)

2.130.05 Interpretation of boundaries.

District boundary lines for the residential, commercial and industrial zones are intended to follow street centerlines, tax lot property lines and streams as they exist at the time of enactment of this chapter.

The *CON* district boundary lines are based upon the following references:

- Freshwater wetlands map, State of New Jersey, Department of Environmental Protection, Freehold, SW, Map 81-3.; and
- Flood way, flood boundary, floodway map. Borough of Englishtown, Monmouth County, New Jersey, FEMA, community panel number 340294-0001A.

The *CON* district boundary lines are intended to include both freshwater, wetlands and flood way limits as depicted on the above referenced maps. The actual boundary lines include all freshwater wetlands and associated transition areas as confirmed by N.J.D.E.P. Letters of Interpretation; and/or established by a stream encroachment permit and confirmed by the N.J.D.E.P. The absence of freshwater wetlands must also be

confirmed by the N.J.D.E.P. in accordance with regulations adopted pursuant to the provisions of N.J.S.A. 13:Bb-1 et.seq.

(Ord. 91-5, Amended 9/25/1991; Ord. 90-9, Amended 9/25/19090; Ord. 82-12, Renumbered 9/15/1982)

2.130.06 Lots in single ownership in more than one district.

Where a district boundary line divides one (1) or more lots which are in a single ownership at the time of the passage of this chapter, any use authorized in either district on such lot or lots may extend not more than fifty (50) feet beyond the boundary line of the district in which such use is authorized. The use so extended shall be deemed to be conforming.

(Ord. 90-9, Amended 9/25/1990; Ord. 82-12, Renumbered 9/15/1982)

2.130.07 Conformity required.

- A. No building shall hereafter be used or occupied and no building or part thereto shall be erected, moved or altered unless in conformity with these regulations herein specified for the district or zone in which it is located.
- B. Notwithstanding anything contained herein, it shall be permissible for the Borough of Englishtown to build, construct or maintain any structure, building in use in any zone of the Borough as deemed necessary by the Mayor and Borough Council for the health, safety and general welfare of the Borough.
- C. Every main building shall be located on a lot as defined in this code. No more than one single-family building and its accessory buildings may be erected on any one lot.
- D. No building or land shall be used and no structure shall be erected, constructed, reconstructed, altered or repaired for purposes of processing, manufacturing, producing or storing hazardous, toxic or corrosive substances. Hazardous, toxic and corrosive substances shall be defined as those named in regulations promulgated by the United States Environmental Protection Agency, New Jersey Department of Environmental Protection and other federal and state regulatory agencies. This provision shall not apply to the incidental use and limited storage of such substances in connection with uses permitted by this chapter.
- E. No yard or lot existing at the time of passage of this code shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this code shall meet the minimum requirements established by this code.

(Ord. 90-9, Amended 9/25/1990; Ord. 82-12, Renumbered 9/15/1982)

2.130.08 Conditional uses generally.

Whenever in this chapter, conditional uses are permitted, same shall be regulated pursuant to the provisions of N.J.S.A. 40:55D-67.

(Ord. 90-9, Amended 9/25/1990; Ord. 82-12, Renumbered 9/15/1982)

2.130.09 Prohibited uses.

- A. Any use not specifically listed, as a permitted use, an accessory use or a conditional use shall be deemed a prohibited use. This provision shall be liberally construed, as protective of the zoning scheme and any doubt shall be resolved by interpreting the doubtful use as prohibited.
- B. The following uses and activities are specifically prohibited in any zone in the Borough of Englishtown.
- (1) All billboards, signboards, advertising signs and devices not expressly related to the business being conducted on the premises or otherwise specifically permitted by this chapter.
 - (2) Carousel, merry-go-round, roller coaster, Ferris wheels, whirl-a-gig, pony or train rides, midways, side shows, and funhouses, and similar outdoor commercial recreation uses, except when in conjunction with fund-raising activities sponsored by any nonprofit organization for a period not to exceed two weeks with governing body consent.
 - (3) Outdoor sales of new or used motor vehicles or trailer coaches other than private sales, which is limited to one (1) vehicle or coach displayed off-street.
 - (4) Gasoline and/or propane filling stations.
 - (5) Junkyards, automobile wrecking yards or disassembly yards, or the sorting of scrap metal, paper or rags.
 - (6) Privately operated dumps for the disposal of garbage, trash, refuse, junk or other such material.
 - (7) The manufacture of heavy chemicals such as, but not limited to: acids or other corrosives, ammonia, caustic soap and sulfuric acid, the manufacture of basic or semi finished chemicals, such as: cellulose products, resins, dye stuffs, glue, vegetable, animal or mineral fat or oils, explosives, combustible gases, soaps and detergents, fertilizers, asphalt and tar products, the manufacture or production of metals and alloys in ingot form, the manufacture or production of cement, plaster, cork, and their constituents, matches, paints, oils, varnishes, lacquer, rubber or rubber products, the slaughtering or processing of animals or fowl, the processing, sale, storage or reclamation of junk of all kinds, including automobile wrecking and storing.
 - (8) Migrant labor camps.
 - (9) Adult bookstores.
 - (10) Massage parlors.

(11) Amusement arcades

(Ord. 90-9, Amended 9/25/1990; Ord. 82-12, Renumbered 9/15/1982)

2.130.10 R-LD, Residential Low Density Zone.

The following regulations shall apply in the Low Density Residential Zone:

A. Principal uses permitted. In the Low Density Residential Zone, no building or premises shall be used and no building shall be constructed which is arranged, intended or designed to be used except for the following purposes:

- (1) Single detached dwelling for one (1) family per lot, designed for one (1) housekeeping unit only with accessory buildings.
 - (a) *Private garage.* A garage attached to any side of a dwelling and constructed as a part of such dwelling shall be considered as a part of a dwelling and not as an accessory building and shall meet all of the requirements of the front, side and rear yards of the principal structure.
- (2) *Farms.* No storage of manure or other odor or dust producing substances or use shall be permitted within 100 feet of any property line.
- (3) *Professional office.* Provided that the subject parcel is located along and fronting on Wood Avenue, and with the following restrictions:
 - (a) That the office be constructed in a single principal structure containing a colonial exterior architectural design.
 - (b) Parking subject to the provisions of § 2.109.10 A.(1).(c). for the floor area devoted to office use. All off-street parking areas shall be limited to the rear of the office building. Off-street parking and access drives shall not be located closer than five (5) feet to any side or rear property line. The perimeter of all off-street parking areas and access drives shall have continuous cast in place concrete curbing or such alternate curb types as approved by the municipal agency. All parking areas adjacent to conforming residential uses must be appropriately screened with landscaping and fencing as approved by the Board.
 - (c) No more than one (1) professional office shall be located in any one building.
 - (d) In addition to the professional office, the building may contain one (1) or more apartment(s) or dwelling units provided that the apartment(s) shall be restricted to the upper floors of the building, each containing a minimum gross floor area of 800 square feet and have an entrance separate from the office use.

In addition, two (2) off-street parking spaces shall be provided for each apartment or dwelling unit.

(e) Signs for the office are subject to the provisions of this Chapter.

(f) Any office governed by this Section shall be treated as a dwelling unit for all purposes of compliance with the Code of the Borough of Englishtown, except as limited by this Section.

(g) The maximum permitted lot coverage for any use permitted by this Section shall not exceed sixty (60) percent.

(4) Elementary schools, high schools and institutions of higher education.

(5) Public parks and playgrounds and other Borough recreation uses.

(6) Public libraries and museums.

(7) Administrative buildings of the Borough and other Borough purposes and uses.

B. Permitted Accessory Uses.

(1) Detached private garages provided that no such garage contains any vehicle having more than two (2) axles or having a separation between the two axles of greater than 20 feet.

(2) Home occupation.

(3) Buildings used for private horticultural purposes.

(4) Customary farm buildings for the storage of products or equipment located on the same lot as the principal use.

(5) Private non-commercial swimming pool, tennis courts, racquetball courts or other customary residential accessory uses provided that such accessory structure or use be located on the same lot as the principal building.

(6) Signs, subject to the provisions of this Chapter.

(7) Fences, subject to the provisions of this Chapter.

(8) Off-street parking, subject to the provisions of § 2.109.10.A.(1).©. (off-street parking requirements for particular uses).

C. Conditional uses.

- (1) Church or any place of worship including incidental buildings connected with church activities.

D. Building height limit.

- (1) *Principal building.* No principal building shall be erected to a height in excess of thirty-five (35) feet or two and one half (2 – 1/2) stories, whichever is less.
- (2) *Accessory building.* No accessory building or structure shall be erected to a height in excess of twenty-four (24) feet.

E. Required lot area. Lot area shall not be less than twenty thousand (20,000) square feet and lot width not less than one hundred (100) feet.

F. Yards required. Each lot shall have front, side, and rear yards not less than the depth or widths following:

- (1) *Front yard setback.* No principal or accessory building or structure shall hereafter be constructed, erected or altered so as to project beyond the mean building or setback line observed by dwellings within two hundred (200) feet fronting on the same side of the street and in the same block. In undeveloped blocks of two hundred (200) feet or more, the setback line shall be fifty (50) feet from the street right-of-way line.
- (2) *Side yard setback.*

(a)Principal building. No building shall be erected nearer than fifteen (15) feet to the sideline of any interior lot line. The total of both side yards shall not be less than thirty-five (35) feet. On corner lots no building shall be erected to project beyond the mean building or setback line observed by dwellings within two hundred (200) feet fronting on the same side of the street in the same block. If no established building line exists, than not nearer than fifty (50) feet to the sideline which is coincident with the street right-of-way line.

(b)Accessory buildings.

- (1) No accessory building or structure with a height less than sixteen (16) feet shall be erected nearer than fifteen (15) feet to a side line of any interior lot or to a side line which is coincident with a street right-of-way line.
- (2) No accessory building or structure with a height ranging from sixteen (15) feet to twenty four (24) feet shall be erected nearer than twenty five (25) feet to a side line of any interior lot or to a side line which is coincident with a street right-of-way.

- (3) No shed shall be erected nearer than three (3) feet to a sideline of any interior lot or to a sideline, which is coincident with a street right-of-way line.

(4) *Rear yard setback.*

(a) Principal buildings.

No building shall be erected nearer than fifty (50) feet to the rear line of the lot or the rear line, which is coincident with a street right-of-way line.

(b) Accessory buildings.

- (1) No accessory building or structure with a height less than sixteen (16) feet shall be erected nearer than ten (10) feet to a real line of interior lots or to a real line which is coincident with a street right-of-way line.
- (2) No accessory building or structure with a height ranging from sixteen (16) to twenty four (24) feet shall be erected nearer than twenty (20) feet to a rear line of any interior lot or to the rear line which is coincident with a street right-of-way line.
- (3) No shed shall be erected nearer than three (3) feet to a rear line of any interior lot or to the rear line, which is coincident with a street right-of-way line.

G. Maximum lot coverage permitted: thirty-five (35) percent.

(Ord. 2.130.10, Amended 6/23/2004; Ord. 98-7, Amended 6/10/1998; Ord 91-5, Amended 9/25/1991; Ord. 90-9, Amended 9/25/1990; Ord. 82-12, Renumbered 9/15/1982)

2.130.11 R-MD, Residential Medium Density.

The following regulations shall apply in the Medium Density Residential Zone:

A. Principal uses permitted.

- (1) Any principal use permitted in the R-LD, Residential Low Density Zone.
- (2) *Professional office.* Provided that the subject parcel is located along and fronting on North & South Main Street, Park Avenue or Tennent Avenue, and with the following restrictions:
 - (a) The office be constructed in a single principal structure containing a colonial exterior architectural design.
 - (b) Parking subject to the provisions of Section 2.109-10.A.1.c. for the floor area devoted to office use. All off-street parking areas shall be limited to the rear of the office building. Off-street parking and access drives shall not be located closer than five (5) feet to any side or rear property line. The perimeter of all off-street parking areas and access drives shall have continuous cast in place concrete curbing

or such alternate curb types as approved by the municipal agency. All parking areas and access aisles adjacent to conforming residential uses must be appropriately screened with landscaping and fencing as approved by the Board.

- (c) No more than one (1) professional office shall be located in any building.
- (d) In addition to the professional office, the building may contain one (1) or more apartment(s) or dwelling unit(s) provided that the apartment(s) shall be restricted to the upper floors of the building, each containing a minimum gross floor area of 800 square feet and have an entrance separate from the office use.
- (e) Signs for the office are subject to the provisions of this Chapter.
- (f) Any office governed by this Section shall be treated as a dwelling unit for all purposes of compliance with the Code of the Borough of Englishtown, except as limited by this Section.
- (g) The maximum permitted lot coverage for any office use permitted by this Section shall not exceed sixty (60) percent.

B. Permitted Accessory Uses. Any accessory use permitted in the R-LD, Residential low Density Zone.

C. Conditional Uses.

- (1) Church or any place of worship including incidental buildings connected with church activities.
- (2) Religious or non-profit nursery schools, day care centers, nursing or convalescent homes.

D. Building height limit.

- (1) *Principal building.* No principal building shall be erected to a height in excess of thirty-five (35) feet or two and one-half (2-1/2) stories, whichever is less.
- (2) *Accessory building.* No accessory building or structure shall be erected to a height in excess of twenty-four (24) feet.

E. Required lot area. Lot area shall not be less than seven thousand five hundred (7,500) square feet and lot width shall not be less than seventy-five (75) feet.

F. Yards required. Each lot shall have front, side and rear yards not less than the depth or widths following:

- (1) *Front yard setback.* Same as the R-LD, Residential Low Density Zone. Except in undeveloped blocks of two hundred (200) feet or more than setback line shall be twenty-five (25) feet from the street right-of-way line.

(2) *Side yard setback.*

(a) Principal building. No building shall be erected nearer than ten (10) feet to the side line of any interior lot and on corner lots no building shall be erected to project beyond the mean building or setback line observed by dwellings within two hundred (200) feet fronting on the same side of the street which is coincident with the side lot line in the same block. If no established building line exists, than not nearer than fifteen (15) feet to the side lot line which is coincident with the street right-of-way line.

(b) Accessory buildings.

(1) No accessory building or structure with a height less than sixteen (16) feet shall be erected nearer than ten (10) feet to the side line of any interior lot or to the side line which is coincident with a street right-of-way line.

(2) No accessory building or structure with a height ranging from sixteen (16) to twenty four (24) feet shall be erected nearer than twenty (20) feet to a side line of any interior lot or to a side line which is coincident with a street right-of-way line.

(3) No shed shall be erected nearer than three (3) feet to a sideline of any interior lot or to a sideline which is coincident with a street right-of-way line.

G. Maximum lot coverage permitted: forty-five (45) percent.

2.130.12 R-PD, Residential, Planned Development Zone.

The following regulations shall apply in the Residential, Planned Development Zone:

A. Permitted uses.

(1) Any use permitted in the R-LD, Residential Low Density Zone. Any such use shall comply with all building, yard and area requirements of the R-LD Zone.

(2) Townhouse/condominium structures intended for residential occupancy by more than one (1) family and divided into dwelling units, provided that any tract of land so developed shall be a minimum of twenty (20) acres in size.

B. Building height. No building shall be erected to a height more than two and one-half (2 – ½) stories or thirty-five (35) feet in height, whichever is less.

C. Maximum density. The maximum density shall be seven (7) units per acre and no more than fourteen (14) bedrooms per acre are permitted.

D. Dwelling unit size. No dwelling unit shall be built small than the following:

(1) One bedroom dwelling unit: eight hundred (800) square feet of usable floor space.

- (2) Two bedroom dwelling unit: one thousand (1,000) square feet of usable floor space.
- (3) Each additional bedroom shall add one hundred-twenty (120) square feet of usable living space to that otherwise required. For the purposes of this code a den which is provided in addition to a living room shall be counted as a bedroom.

E. Maximum impervious surface coverage. The maximum impervious coverage for any one (1) tract made up of multiple structures or dwelling units shall be thirty percent (30%).

F. Dedicated open space. All land not directly associated with a dwelling unit by a fee simple title or by some recorded, contracted arrangement between the owner and purchase/tenant shall be dedicated open space as that term is defined in N.J.S.A. 40:55D-1 et seq., provided, however that in no case shall the amount of dedicated open space be less than thirty percent (30%) of the site area of the tract developed.

G. Buffer. All parcels of land developed for multi-family residential use shall provide a buffer, of at least fifty (50) feet in width, along the perimeter of the tract.

The buffer area shall be considered as required yard area and shall not be encroached upon by buildings, structures, paved areas or detention/retention basins. All buffers required by this code shall be included in a conservation easement which restricts the removal of trees or ground cover except for the following purposes: removal of dead or diseased trees. In addition, all conservation easements shall reserve a right-of-entry by the Borough for the purpose of maintaining the health, safety and welfare of the general public.

(Ord. 91-05, Amended 9/25/1991; Ord. 90-9, Amended 9/25/1990; Ord. 82-12, Renumbered 9/15/1982)

2.130.12.1 R-APD Residential, Affordable Planned Development Overlay Zone.

The following regulations shall apply in the Residential, Affordable Planned Development Overlay Zone.

A. Permitted Uses.

- (1) Planned residential development including townhouses and flats in structures intended for residential occupancy by more than one (1) family and divided into dwelling units developed in accordance with the standards set forth in this Section.
- (2) Any other uses permitted by Ordinance for the C-2 or CON Zone.
- (3) One accessory maintenance building per development.
- (4) A playground.
- (5) Storage sheds or closets as provided in Section D(3) below.

B. Area, Yard and Building Requirement.

- (1) Minimum contiguous lot area – ten (10) acres.
- (2) Maximum gross density – five (5) dwelling units per acre.
- (3) Minimum lot frontage – two hundred (200) feet.
- (4) Minimum lot depth – seven hundred (700) feet.
- (5) Minimum building setback from tract boundary – twenty (20) feet; this distance may be reduced to eighteen (18) feet where screening is provided to the satisfaction of the approving Board.
- (6) Minimum setback from tract boundary to a first floor residential check:
 - (a) Front lot line – forty (40) feet; this distance may be reduced to thirty-five (35) feet where screening is provided to the satisfaction of the approving board.
 - (b) Side lot line – twenty (20) feet; this distance may be reduced to eighteen (18) feet where screening is provided to the satisfaction of the approving Board.
 - (c) Rear lot line – thirty five (35) feet.
- (7) Minimum setback from tract boundary to common parking area-five (5) feet.
- (8) Minimum required open space – fifty (50) percent.
- (9) Maximum building coverage – fifteen (15) percent.
- (10) Maximum impervious surface coverage – thirty-five (35) percent.
- (11) Maximum principal building height:
 - (a) Stories – two and one-half (2 ½).
 - (b) Feet – thirty-five (35).
- (12) Maximum accessory building height:
 - (a) Stories – one (1).
 - (b) Feet – fifteen (15).
- (13) Maximum number of dwelling units permitted in a development – (40) units.

C. Low and Moderate Income Housing Requirements.

- (1) Seventeen and one-half (17.5) percent of the total number of dwelling units in the planned development shall be affordable to low and moderate income households. In calculating the required number of units, fractions less than one-half (.5) shall be rounded down to the

nearest whole number and fractions greater than or equal to one-half (.5) shall be rounded up to the nearest whole number. At least half of the affordable units shall be designated for low income as opposed to moderate-income households. Designated affordable units shall be limited to occupancy only by low and moderate-income households and shall be subject to the pricing, occupancy, and affordability controls established by the rules and regulations of the New Jersey Council on Affordable Housing and the Affordable Housing Ordinance of the Borough of Englishtown.

- (2) Low and moderate income dwelling units shall be constructed in the same structures as market priced units and shall be distributed among the market units.
- (3) Construction of the low and moderate income housing units shall be phased as follows:

Minimum % of Low/Moderate Income Units Required to be Completed	Maximum % of Market Units Permitted to be Completed
0	25
10	25+ Units
50	50
75	75
100	<u>90</u>
	100

- (4) The development shall provide an affordable housing plan for the low and moderate-income units which plan shall be subject to the approval of the Borough Council. The plan shall be drawn in compliance with the rules and regulations of the New Jersey Council on Affordable Housing Ordinance of the Borough of Englishtown.

D. Site Design Standards.

Development design should adhere to the following site design standards within the development to control the minimum building spacing and sizes of dwelling units and the maximum number of dwelling units within a building. Decks or porches shall not encroach into the minimum spaces set forth below.

- (1) The spacing of residential buildings in the R-AP zone shall adhere to the following minimums:

Front to front	75 feet
Rear to rear	50 feet
End to end	20 feet
Other	40 feet

Any building face
to an internal street
curb or right-of-way 20 feet

Any building face to a
Common parking area 12 feet

Any front entry garage
Door to an internal
Street sidewalk 20 feet

- (2) There shall be no more than fourteen (14) dwelling units in a building. No principal building when viewed from any elevation shall be greater than one hundred eighty (180) feet in length.
- (3) A minimum of 120 cubic feet of enclosed, ground floor accessible, private, lockable storage space shall be provided for each unit; such storage space may be included within a garage or may be located in a storage shed or closet within, or affixed to and extending not more than four (4) feet from, any rear building wall that does not face a front lot line.
- (4) A landscaping plan shall be submitted which shall be satisfactory to the approving Board and designed to provide a visual buffer of the development from adjacent properties and from the public road. In areas too narrow for a vegetated buffer, fencing as approved by the Board may be substituted for landscaping.
- (5) Architectural elevation drawings and/or renderings of the proposed development shall be submitted specifying the materials and colors to be used. It is recommended that the development use traditional residential architectural forms found in the Borough of Englishtown, including gabled or hipped roofs, and that the structures utilize siding having the appearance of traditional materials, such as clapboard, shingle, brick or stone. Vinyl or other synthetic siding that achieves this objective is acceptable. Neutral colors should be selected for siding and roofing materials.

E. Circulation and Parking Design Requirements.

- (1) Streets within the development shall be constructed in accordance with the Residential Site Improvement Standards.
- (2) Parking shall be provided in accordance with the Residential Site Improvements Standards.
- (3) Where a garage and driveway combination is proposed to satisfy the off-street parking requirement for a dwelling, the conversion of the garage to other uses shall be prohibited, and such prohibition shall run

with the land as a restrictive covenant to be approved by the Borough and recorded with the deed.

F. Requirement for Sewer and Water.

Each dwelling unit shall be properly connected with an approved and functioning public sanitary sewer system and community water system.

G. Requirements for Fences, Sheds, Decks, and Swimming Pools.

- (1) Private swimming pools shall be prohibited.
- (2) Fences shall not be permitted in front of a dwelling unit.
- (3) Fences shall be permitted as privacy screens in the rear yards of dwelling units or for decks provided that a standard detail for such fencing has been approved as part of the site plan.
- (4) Decks are permitted on individual dwelling units provided that a standard detail of the deck design has been submitted and approved as part of the site plan.

H. Requirement for Open Space.

For the purposes of this Section, the term “open space” shall be as defined in the Municipal Land Use Law (N.J.S.A. 40:55D-5) and shall mean that fifty (50) percent of the gross tract area required at Section 2.130.13.1B(8) which may include wetlands and other environmentally sensitive areas. The required open space and any additional wetlands and wetlands transition areas that will remain on the site after its development shall be deed-restricted as common open space and shall be owned and maintained by an appropriate entity as provided by Statute. The provisions of N.J.S.A. 40:55D-43 shall apply to all designated common open space within the development.

I. Conflicts/Other Standards.

In case of a conflict between the standards in this section and there of any other section of this ordinance or of any other ordinance in the Borough of Englishtown, the standards in this section shall prevail. Any conflicting ordinance standards shall not apply to development in the R-APD Overlay Zone or shall be waived wherever such standards would interfere with the provision of 33 market-priced dwelling units and/or the 7 affordable dwelling units (40 total units) specified herein.

(Ord. 03.06, Amended 3/12/2003; Ord. 02-08, Amended 8/14/2002)

2.130.12.2 R-HD/AH Residential, High Density/Affordable Housing Overlay Zone

The following regulations shall apply in the Residential, High Density/Affordable Housing Overlay Zone.

A. Permitted Uses.

- (1) Townhouse and apartment house structures intended for residential occupancy by more than one (1) family and divided into separate dwelling units, provided that any tract of land so developed shall have a minimum gross area of ten (10) acres.
- (2) Accessory uses as permitted in the R-LD zone, storage sheds, solid waste storage facilities, recreation and pool service and other maintenance structures, and similar ancillary uses and structures.

B. Area, Yard and Building Requirements.

(1) *Minimum Standards:*

- a. Gross Tract Area: 10 acres.
- b. Tract Frontage: 150 feet.
- c. Building Setbacks and Separations:
 1. From tract boundary or adjacent street right-of-way: 50 feet.
 2. From curb of interior street where no parking intervenes: 20 feet.
 3. From curb of any parking space: 12 feet to ground floor wall; 10 feet to any other portion of building.
 4. Window wall to window wall: 40 feet.
 5. Window wall to windowless wall: 20 feet.
 6. Windowless wall to windowless wall: 20 feet.
 7. Balconies and terraces may protrude into the required distances between building walls set forth in subparagraphs 4, 5 and 5 above, provided that a minimum 20 foot wide clear corridor is maintained in the area between the buildings and further provided that no such protrusion shall extend more than 6 feet from its building wall.
- d. Recreation Facilities Setbacks:
 1. From any existing off-tract residential structure: 50 feet.
 2. From any tract boundary: 15 feet.
- e. Parking Area Setbacks: 5 feet from any tract boundary.
- f. Open Space: Thirty percent (30%) of the gross tract area, which may include wetlands and other environmentally sensitive areas.

(3) *Maximum Standards:*

- a. Impervious Surface Coverage: No more than forty percent (40%) of the gross tract area shall be covered by impervious surfaces.
- b. Density/Number of Dwelling Units: The residential density in the R-HD/AH Zone shall not exceed 9 dwelling units per gross area. The total number of dwelling units constructed in the R-HD/AH Zone shall not exceed 134.
- c. Building height: 2 ½ stories, not to exceed 35 feet.

C. Low and Moderate Income Housing Requirements.

1. No less than fifteen percent (15%) of the total number of dwelling units constructed in the R-HD/AH Zone shall be set aside for occupancy by low and moderate income households in accordance with the rules and regulations of the New Jersey Council on Affordable Housing and the Affordable Housing Ordinance of the Borough of Englishtown. At least half of the affordable units shall be designated for low income as opposed to moderate-income households. In calculating the required number of affordable housing units, any fraction shall be rounded up to the next highest integer.
2. Low and moderate income dwelling units shall be constructed in the same structures as market-priced units and shall be distributed among the market units.
3. Construction of the low and moderate income housing units shall be phased as follows:

Minimum % of Low/Moderate Income Units Required to be <u>Completed</u>	Maximum % of Market Units <u>Permitted to be Completed</u>
0	25
10	25+1 Unit
50	50
75	75
100	<u>90</u>
	100

4. The development shall provide an affordable housing plan for the low and moderate income units which plan shall be subject to the approval of the Borough Council. The plan shall be drawn in compliance with the rules and regulations of the New Jersey Council on Affordable Housing and the Affordable Housing Ordinance of the Borough of Englishtown.

D. Site Design Standards.

- (1) The Residential Site Improvement Standards (RSIS) shall govern the provision of parking and other on-site improvements.
- (2) Circulation patterns throughout the site shall comply with the RSIS and shall be arranged to satisfy fire safety concerns.
- (3) The open space is recommended to be designed so as to achieve reasonable continuity of the open space.
- (4) Dwelling units may be placed side by side or above one another.

- (5) A minimum of 120 cubic feet of enclosed, ground floor accessible, private, lockable storage space shall be provided for each dwelling unit. Such storage space may be located in a storage shed or closet within, or affixed to and extending from, any side (end) or rear building wall that does not face a front lot line. A storage shed or closet affixed to a building wall shall not be deemed to encroach on the required minimum distance between buildings provided that a minimum 20 foot wide clear corridor is maintained in the area between the buildings, that the heights of any storage extension does not exceed the height of the first floor of the building and that no storage extension protrudes from its building wall a distance of more than 6 feet.
- (6) Architectural elevation drawings and/or renderings of the proposed development shall be submitted specifying the materials and colors to be used. It is recommended that the development use traditional residential architectural forms found in the Borough of Englishtown, including gabled or hipped roofs, and that the structures utilize siding having the appearance of traditional materials, such as clapboard, shingle, brick or stone. Vinyl or other synthetic siding that achieves this objective is acceptable. Neutral colors should be selected for siding and roofing materials.
- (7) A landscaping plan shall be submitted which shall be satisfactory to the approving Board and designed to provide a visual buffer of the development from adjacent properties and from the public road. Additional landscaping may be required by the approving Board in open space areas where permitted by law.

E. Miscellaneous.

- (1) Construction trailers shall be permitted on the site throughout its development; an office trailer shall be permitted on the site through the initial development phase, defined as the completion of all site work and the construction of the first residential building on the site.
- (2) Retaining walls under three (3) feet in height are permitted and are not required to be shown on the site plan approved by the Board, although such walls are required to be shown on the final as-built plans and shall be approved by the Borough Engineer. Retaining walls three (3) feet in height or more are required to be shown on the site plan and approved by the Board.
- (3) Each dwelling unit shall be properly connected with an approved and functioning public sanitary sewer system and community water system.

F. Conflicts/Other Standards.

In case of a conflict between the standards in this section and those of any other section of this ordinance or of any other ordinance in the Borough of Englishtown, the standards in this section shall prevail. Any conflicting

ordinance standards shall not apply to development in the R-HD/AH Overlay Zone or shall be waived wherever such standards would interfere with the provision of 113 market-priced dwelling units and/or the 21 affordable dwelling units (134 total units) specified herein.

(Ord. 03-07, Amended 3/12/2003; Ord. 02-09, Added 9/17/2002)

2.130.13 C-1, Commercial, Central Zone.

A. Permitted uses.

- (1) Any use permitted in the R-LD, Residential Low Density Zone. Any such use shall comply with all requirements of said R-LD Zone.
- (2) Retail establishments where goods are sold or personal services are rendered to the general public and which by reason of the size of the establishment, the nature of the goods sold or services rendered, and the scale, nature and character of the activity and facility clearly relates to serving the convenience of the localized (immediate) neighborhoods to which they relate. (Examples: bank and fiduciary institutions, bake shop, retail shop, bookstore, pharmacy, gift shop, clothing and accessories shop, yard goods shop, delicatessen, barber or beauty shop, lawyer's office, income tax service office, snack shop, bicycle shops).
- (3) Elementary schools, high schools and institutions of higher education.
- (4) Public parks and playgrounds and other Borough recreation uses.
- (5) Public libraries and museums.
- (6) Administrative buildings of the Borough and other Borough purposes and uses.
- (7) Businesses and professional offices.
- (8) Apartments. Any building which complies with the provisions of this section may also contain one or more apartments devoted to a residential use provided, however, that each such apartment shall comply with the terms and provisions of Chapter 81 "Housing Standards" of the code of the Borough of Englishtown and all applicable standards of the State of New Jersey and Monmouth County. Provided, further, that any apartment located within such building shall be restricted to the upper floors of the building. The total area of any such apartment(s) shall be less than or equal to fifty percent (50%) of the building's gross floor plan. One (1) off-street parking space shall be provided for each apartment unit. Said parking space may be located on or off-site, provided, however, that if the parking space is located off-site proof of the rental or lease of said parking space must be provided to the Borough Zoning Officer or Building Inspector at the time an application for a certificate of occupancy is submitted to the Borough. [Added 5-24-95 by Ord. 95-07]

B. Permitted accessory uses.

- (1) Signs, subject to the provisions of this Chapter.
- (2) Fences, subject to the provisions of this Chapter.

(3) Off-street parking, subject to the provisions of Section 109-10.A.1.c. (off-street parking requirements for particular uses). Off-street parking is not required in the C-1 districts for permitted uses, provided that they are within a two hundred (200) foot radius of a public off-street parking facility or a private off-street parking facility open for use by the general public.

C. Building height limit. No building shall be erected to a height in excess of thirty-five (35) feet or two and one half (2 ½) stories, whichever is less.

D. Required lot area. Lot area shall not be less than five thousand (5,000) square feet, and lot width not less than fifty (50) feet.

E. Yards required. Each lot shall have front, side and rear yards not less than the depth or width following:

(1) *Front yard setback.* No building or structure shall hereafter be constructed or altered nearer than twenty-five (25) feet to the street right-of-way line.

(2) *Side yard setback.* No building shall be erected nearer than ten (10) feet to the sideline of any interior lot line and on corner lots not nearer than fifteen feet to the sideline which is coincident with a street right-of-way line.

(3) *Rear yard setback.* No building shall be erected nearer than twenty-five (25) feet to the rear line of the lot or the rear line which is coincident with a street right-of-way line.

F. Maximum lot coverage permitted. Seventy-five (75) percent.

(Ord. 2004-05, Amended 6/23/2004; Ord. 95-7, Amended 5/24/1995; Ord. 90-9, Amended 9/25/1990; Ord. 82-12, Renumbered 9/15/1982)

2.130.13.1 C-1A, Commercial Central Zone.

A. Permitted uses.

(1) Any use permitted in the C-1, Commercial, Central Zone; provided, however, that there shall be no residential apartments permitted in this zone. Any commercial use in this zone shall comply with all of the requirements of the said C-1 zone.

B. Permitted accessory uses.

(1) Signs, subject to the provisions of this Chapter.

(2) Fences subject to the provisions of this Chapter.

(3) Off-street parking subject to the provisions 2.109.10A(1)(c) (off-street parking requirements for particular uses); provided, however, that except in the case of one-family and two-family dwellings, no parking area provided shall be established for less than four (4) spaces.

C. Building height limit. No building shall be erected to a height in excess of thirty-five feet or two and one-half (2 ½) stories, whichever is less.

D. Required lot area. Lot area shall not be less than five thousand (5,000) square feet, and lot width not less than fifty (50) feet.

E. Yards required. Each lot shall have front, side and rear yards not less than the depths or widths following:

- (1) *Front yard setback.* No building or structure shall hereafter be constructed or altered nearer than twenty-five (25) feet to the street right-of-way.
- (2) *Side yard setback.* No building shall be erected nearer than ten (10) feet to the side line of any interior lot line and on corner lots not nearer than fifteen (15) feet to the side line which is coincident with a street right-of-way line.
- (3) *Rear yard setback.* No building shall be erected nearer than twenty-five (25) feet to the rear line of the lot or the rear line which is coincident with a street right-of-way line.

F. Maximum lot coverage permitted. Seventy-five percent (75%)

2.130.14 C-2, Commercial, General Zone.

A. Permitted uses.

- (1) Any use permitted in the R-LD, Residential Low Density Zone. Any such use shall comply with all requirements of said R-LD zone.
- (2) Neighborhood shopping centers which include at least four (4) or more uses permitted by the C-1, Commercial, Central Zone regulations within a planned integrated development embracing buildings, off-street parking areas, pedestrian ways and plazas and landscaping.
- (3) Free standing independent uses (i.e. not a part of a neighborhood shopping center as described above) of the types permitted by the C-1, Commercial, Central Zone regulations.
- (4) *Apartments.* The terms and provisions of § 2.130.13 C-1, A. (8) are applicable to apartment units established in the C-2 zoning district. [Amended 5-24-95 by Ord. 95-07]

B. Permitted accessory uses.

- (1) Signs, subject to the provisions of this Chapter.
- (2) Fences subject to the provisions of this Chapter.
- (3) Off-street parking subject to the provisions of §2.109.10A (1).(c). (off-street parking requirements for particular uses).

C. Conditional uses.

- (1) Autobody or mechanical repair shops provided that the subject parcel is located a minimum of two hundred (200) feet from a residential zone or use.

D. Building height limit. No building shall be erected to a height in excess of thirty-five (35) feet or two and one-half (2 ½) stories, whichever is less.

E. Required lot area. Lot area shall not be less than forty thousand (40,000) square feet and lot width shall not be less than two hundred (200) feet.

F. Yards required. Each lot shall have front, side and rear yards not less than the depths and width following.

- (1) *Front yard setback.* No building shall hereafter be erected or altered nearer than forty (40) feet to the street right-of-way line.
- (2) *Side yard setback.* No building shall be erected nearer than twenty (20) feet to the side line of any interior lot line and on corner lots not nearer than thirty (30) feet to the side line which is coincident with a street right-of-way.
- (3) *Rear yard setback.* No building shall be erected nearer than forty (40) feet to the rear line of the lot or the rear line which is coincident with a street right-of-way.

G. Maximum lot coverage permitted. Sixty (60) percent.

(Ord. 95-7, Amended 5/24/1995; Ord. 90-9, Amended 9/25/1990; Ord. 82-12, Renumbered 9/15/1982)

2.130.14 I-Industrial Zone.

The following regulations shall apply in the Industrial District or Zone.

A. Permitted uses.

- (1) Research laboratories with associated administrative offices devoted to the research and design of electronics, computers, telecommunications, robotics or aerospace products.
- (2) Computer centers with associated administrative offices.
- (3) Publishing houses and commercial printing plants.
- (4) Warehouse or storage of goods and products provided no goods are sold from the premises.
- (5) Wood fabrication and assembly of wood products, such as but not limited to boats, boxes, cabinets, woodworking and furniture.
- (6) "Low Hazard Factory and Industrial Uses" as classified by BOCA.
- (7) *Farms.* No storage of manure or other odor or dust producing substances or use shall be permitted within 100 feet of any property lines.

B. Permitted accessory uses.

- (1) Storage and maintenance of motor vehicles and maintenance equipment owned and operated by the use.
- (2) Gatehouses and security structures.
- (3) Structures for the storage of materials and supplies.
- (4) Training facilities for employees and incidentally for visitors and guests thereof and of the management.
- (5) Cafeterias, clinics and service uses of a convenience nature for the exclusive use of employees, guests and visitors.
- (6) Signs, subject to the provisions of this Chapter.
- (7) Fences, subject to the provisions of this Chapter.
- (8) Off-street parking, subject to the provisions of § 2.109.10A (1).(c). (off-street parking requirements for particular uses).

C. Building height.

- (1) *Principal building.* No building shall be erected to a height in excess of thirty-five (35) feet or two and one-half (2 ½) stories, whichever is less.
- (2) *Accessory building.* No accessory building or structure shall be erected to a height in excess of sixteen (16) feet.

D. Required lot area. Lot area shall not be less than sixty thousand (60,000) square feet and lot frontage not less than two hundred (200) feet.

E. Yards required. Each lot shall have front, side and rear yards not less than the depths or widths following:

(1) *Front yard setback.* No principal or accessory building or structure shall hereafter be constructed or altered nearer than fifty (50) feet to the street right-of-way line.

(2) *Side yard setback.*

(a) Principal building. No building shall be erected nearer than thirty (30) feet to the side line of any interior lot and on corner lots not nearer than forty (40) feet to the side line which is coincident with a street right-of-way line.

(b) Accessory structures. No accessory building or structure shall be erected nearer than twenty (20) feet to the side line of any interior lot and on corner lots not nearer than thirty (30) feet to the side line which is coincident with the street right-of-way line.

(3) *Rear yard setback.*

(a) Principal building. No principal building shall be erected nearer than fifty (50) feet to the rear line of the interior lots, or the rear line which is coincident with a street right-of-way line.

(b) Accessory buildings. No accessory building shall be erected nearer than twenty-five (25) feet to the rear line or within thirty-five (35) feet of a rear line which is coincident with a street right-of-way line.

F. Maximum lot coverage permitted. Sixty (60) percent.

G. Buffer. All parcels of land developed for any use permitted in this zone shall provide buffer, of at least fifty (50) feet in width, along the perimeter of the tract.

The buffer shall consist of an area containing ground cover, and appropriate plantings of conifer and deciduous trees and shrubs as required by the municipal agency. The buffer shall be considered as required yard area and shall not be encroached upon by buildings, structures, paved areas, or detention/retention basins. All buffers required by this Code shall be included in a conservation easement which restricts the removal of trees or ground cover except for the following purposes: removal of dead or diseased trees or selective thinning and trimming of trees. In addition all conservation easements shall reserve a right-of-entry by the Borough for the purpose of maintaining the health, safety and welfare of the general public.

(Ord. 90-9, Amended 9/25/1990; Ord. 82-12, Renumbered 9/15/1982)

2.130.15.1 Con-Conservation Zone.

The following regulations shall apply in the CON – conservation zone.

A. Permitted uses

(1) open space

General requirements: all lands within the Conservation zone shall be designated as conservation easements for permanent open space.

B. Building height – not applicable

C. Area requirements – not applicable

(Ord. 91-5, Added 9/25/1991)

2.130.16 Nonconforming uses.

- A. Any nonconforming use or structure existing at the time of the passage of this chapter may be continued upon the lot or in the structure so occupied subject to the provisions of this section.
- B. Whenever a nonconforming use is abandoned such use shall not be resumed and all further use of the structure or premises, or both, from which such nonconforming use has been discontinued, shall be in accordance with the provisions of this chapter relating to the zone in which the structure or premises is located.
- C. If a nonconforming building or use is subsequently changed to a conforming building or use, it shall not be changed back again to a nonconforming use. Any nonconforming building or use may be restored or repaired in the event of partial destruction thereof, provided that such restoration or repair be completed within a reasonable period of time from the time of such partial destruction.

(Ord. 90-9, Amended 9/25/1990; Ord. 82-12, Renumbered 9/15/1982)

2.130.17 Fence, wall and hedge regulations.

- A. Fence, walls or hedges in residential zones may be erected, altered or re constructed to a height not exceeding six (6') feet above ground level when located to the rear of the front building line and not exceeding three (3') feet in height when located in front of the front building line or in a principal front yard. Any walls, fences or hedges erected, altered or reconstructed in a secondary front yard shall be no closer than fifteen (15') feet front the curb line, and in no case closer than three (3') feet front the property line.
- B. Fences in industrial zones may be erected to a height not to exceed six feet above ground level in any yard, except that open wire fences may be erected to a height not to exceed eight feet above ground level for security purposes when located to the rear of the front building line.
- C. All fences must be erected entirely within the property line. No fence shall be erected within any public right-of-way or interfere with sight distance.
- D. On farms only, open wire fences may be erected to a height not to exceed six feet in height within any part of the farm premises. Any other type of fence may be erected to a height not to exceed four feet when located within 25 feet of any street right-of-way line, and six feet when located more than 25 feet from a street right-of-way line.

- E. Barbed wire fences shall not be permitted except on farms and in the industrial zone. When used in the industrial zones, barbed wire may only be used when needed for security purposes and must be mounted on top of a fence having a minimum height of six feet above ground level.
- F. Electrically charged fences may be used only on farms. All electrically charged fences shall be posted with signs designed to warn persons of their presence and nature.
- G. All fences shall be maintained in a safe, sound and upright condition.
- H. No fence shall be erected which is embedded with or made of pieces of glass, sharpened metal, or sharp or otherwise hazardous material, nor shall any fence be erected which is intended to injure persons or animals. (This prohibition shall not apply to barbed wire fences.)

(Ord. 98-8, Amended 6/24/1998; Ord. 90-9, Amended 9/25/1990; Ord. 82-12, Renumbered 9/15/1982)

2.130.18 Sign regulations.

A. Definitions

(1) Sign

The outdoor and/or indoor display of any writing, printing, picture painting, emblem, drawing or similar device intended to invite or draw the attention of the public to any activity, goods, merchandise, property, business, services, entertainment, amusement or industrial activity or establishment.

(2) Advertising Structure

Any rigid or semi-rigid material with or without sign displayed thereon situated upon or attached to real property or mobile objects and vehicles outdoors for the purpose of furnishing a background, base or support on which a sign may be posted or displayed.

(3) Outdoor Advertising Sign Company

A company in the business of leasing outdoor advertising space and under the licensing power of the Outdoor Advertising Tax Bureau of the Department of the Treasury of the State of New Jersey.

(4) Functional Sign Types

a. Directory of Occupants Sign

A sign or plate attached to and/or painted upon the façade of a building listing the tenants or occupants thereof and their respective professions or business activities.

b. Directional Sign

A sign or device intended to direct or point toward a place or which gives verbal directions of any sort.

c. Identification Sign

Any sign, symbol, trademark, structure or similar device used to identify the occupant of any structure, the product made, or the activity being pursued by any individual, business, service or commercial activity.

d. Official Sign

Any sign, symbol, or device erected and maintained by the federal Government, the State of New Jersey, County of Monmouth or the Borough of Englishtown for the purpose of informing or guiding the public or the protection and promotion of health, safety, convenience and general welfare or any sign of a civic, fraternal or religious organization specifically authorized by the Borough Council of the Borough of Englishtown.

(5) Physical Sign Types

a. Ground Sign

A self-supporting sign connected and/or secured to the ground and independent of any other structure, including pylon, pedestal or individual post –type supports.

b. Projecting Sign

A sign attached to a vertical structure and/or wall which protrudes from the face of the wall.

c. Wall Sign

A flat, painted sign, individual letters, framed or unframed, which is affixed to any wall or vertical structure.

B. Compliance Required.

No sign shall be erected anywhere within the Borough except in accordance with the requirements and regulations of this ordinance. [Added 5/24/95 by Ord. 95-8]

C. Existing Signs.

Any sign in existence at the time of the adoption of this chapter is entitled to remain, so long as it is not moved, altered or replaced. In which event it shall conform to all the requirements of this ordinance. [Added 5/14/95 by Ord. 95-8]

D. General Regulations.

Signs in all zone districts shall comply with the following requirements:

- (1) All signs shall relate to a use or activity located on the same lot. Signs related to activities off the premises are prohibited.
- (2) All signs shall be located so as not to interfere with traffic safety or visibility.
- (3) The repainting, relettering or repair of an existing sign shall not constitute a new use or a change of use, so long as the area of the sign is not altered.
[Added 5/24/95 by Ord. 95-8]

E. Signs Allowed in Any Area of the Borough Without a Permit

Only those signs which are exactly described in this section shall be allowed without a permit. Any sign, whether temporary or permanent, not listed or described herein, shall require a permit. This permit shall be obtained from the Zoning Officer/Code enforcement Officer of the Borough of Englishtown. The following signs shall be permitted within the purview of this Section.

- (1) Directional signs erected for the convenience of the general public such as those identifying parking areas and loading zones. These signs shall not exceed two (2) square feet of surface area per side and shall not exceed two (2) sides. (Business names or personal names are allowed but shall not include advertising messages.)
- (2) Traffic signs, both temporary and permanent, erected by governmental authorities.
- (3) Public transportation stops, such as bus stops, installed by the Borough of Englishtown or a public transportation agency.
- (4) Historical tablets, cornerstones, memorial plaques, and emblems which are installed or authorized by government agencies.
- (5) Warning, no hunting and no trespassing signs, not exceeding one (1) square foot in surface area.
- (6) Flags or emblems of religious, educational, governmental institutions and organizations flown from supports on the buildings or ground being occupied by the organization.
- (7) Name and street number plates which identify a house, apartment or mailbox, not exceeding seventy-two (72) square inches of surface area per side and shall not exceed two (2) sides.
- (8) Lawn signs identifying residents which do not exceed one (1) square foot in surface area per side and shall not exceed two (2) sides.
- (9) Signs posted by governmental agencies.
- (10) Signs which are an integral part of vending machines, such as vending machines and gasoline pumps or other product dispensing machines which do not exceed two (2) square feet of advertising surface area.
- (11) Real estate signs, advertising the sale, rental or lease of the property upon which the sign is located. These signs may not exceed six (6) square feet of surface area and shall not exceed two sides. The sign shall not be illuminated and shall not be located closer to the property line than one-half the distance between the building line and the lot line, as defined by the Zoning Ordinance of the Borough of Englishtown. Post signs, whether free, swinging or fixed shall not be permitted.

(12) Holiday artwork, window decorations and seasonal greetings.

(13) Restaurant menus and daily special blackboards.

F. Signs Prohibited In all Areas of the Borough [Amended 5/10/95 by Ord. 95-08]

The following signs or types of signs shall be prohibited in all areas of the Borough:

- (1) No illuminated sign shall be of such color or located in such a fashion as to diminish or detract in any way from the effectiveness of any traffic signal or similar safety or warning device;
- (2) Moving or revolving signs and signs using waving, blinking, flashing, vibrating, flickering, tracer or sequential lights;
- (3) Signs using reflective materials which sparkles or glitters;
- (4) Signs which violate the provisions of N.J.S.A.2C;34-3 et seq.;
- (5) Signs using words such as “stop”, “look” or “danger” which, in the judgment of the Police Chief, constitute a traffic hazard or otherwise interferes with the free flow of traffic ;
- (6) Signs causing interference with radio, television, or communication equipment transmissions or reception;
- (7) Signs which obstruct doors, fire escapes, windows, walkways and/or stairways;
- (8) Signs or banners spanning public streets unless specifically authorized on a temporary basis, by a duly adopted resolution of the Governing Body of the Borough for the purpose of advertising or promoting a public event or Borough sponsored function;
- (9) Signs placed on trees, fences, or utility poles;
- (10) Sequential advertising signs carrying a single advertising message, a part of which is contained in each sign;
- (11) Roof signs;
- (12) Billboards;
- (13) Wall signs attached to a building, which extend or project more than twelve (12) inches from the face of the building or which exceed two (2) feet in height or the width of the building to which the sign is affixed. Lettering within the sign area of a wall sign shall not exceed sixty (60) percent of the total area of the sign.
- (14) Signs advertising a product or service not sold on the premises;

- (15) Any sign not expressly permitted by this ordinance;
- (16) Signs affixed or attached to the façade of a building, which are perpendicular to the front façade of the building.

G. Sign types that are not listed in Subsection E.

“Signs Allowed in Any Area of the Borough Without a Permit” or Subsection F. “Signs Prohibited in All Areas of the Borough” shall be reviewed by the zoning officer or sign review committee. [Added 5/25/95 by Ord. 95-08]

H. General Regulations

(1) Permits

A sign permit shall be secured from the Code enforcement Officer of the Borough prior to the erection, alteration, reconstruction or repair of any sign not expressly exempted from this requirement by the provisions of this ordinance.

(2) Annual Renewal of Sign Permits

Each sign permit issued pursuant to the terms of this ordinance shall be renewed annually by the holder of the permit, his employees or agents.

(3) Annual Permit Fees

For signs having a display area of up to fifty (50) square feet...\$10.00

For signs which exceed a display area of fifty (50) square feet the fee shall be \$10.00 plus ten cents for each square foot in excess of fifty (50) square feet.

For pre-existing, non-conforming signs such as billboards, roof signs and ground signs which advertise a business not related to a business conducted on the premises the fee shall be twenty-five (25) cents per square foot, with a minimum charge of \$25.00.

(4) Unsafe, Dangerous and Improperly Maintained Signs

Whenever a sign becomes structurally unsafe or endangers the safety of the building or the public or falls into disrepair, the Code Enforcement Officer shall order the sign to be repaired, made safe or removed. Such order shall be complied with within thirty (30) days of the receipt thereof by the person, firm or corporation owning or using the sign or the owner of the building or premises upon which such sign is affixed or erected. All signs and advertising displays shall be properly maintained. For purposes of this ordinance proper maintenance includes but is not limited to replacement or burned out or non-functional light bulbs and other means of illumination faded or chipped paint, missing or broken letters, signs or portions of signs which have become detached from the building or structure to which they are mounted or affixed.

(5) Revocation of Permits

A permit to erect or maintain a sign may be revoked for any one or more of the following causes.

- a. Whenever the application used in obtaining a permit is false or misleading.
- b. Whenever any of the provisions of this Ordinance are violated.
- c. Whenever a licensed structure is not being maintained in a safe, sound or good condition.
- d. No permit may be revoked for any of the above referenced reasons until written notice has been served upon the permittee, by personal service or first class mail. A permittee shall have five days within which to request a hearing by the Zoning Officer/Code enforcement Officer. Said hearing request must be submitted in writing and addressed to the Borough Zoning Officer/Code enforcement Officer.

If a sign permit is revoked, pursuant to the provisions of this Section, the permittee shall remove the sign or advertising structure within thirty (30) days of written notification of the final decision of the Zoning Officer/Code Enforcement Officer. In the absence of the permit holder, his employees or agents, the responsibility lies with the owner of the building or premises upon which such sign is affixed or erected.

(6) Construction of Wall Signs

All signs shall conform to the Uniform Commercial Code.

(7) Signs Consisting of Individual Letters

The area of the sign consisting of individual letters or figures shall be calculated based upon the total area of the smallest rectangle or rectangles which can enclose each work or figure individually.

(8) Illumination

All signs shall conform to the Uniform Commercial Code.

(9) Real Estate Directional Signs

Housing developments may place one (1) temporary sign at each entrance to the project and at the rental or sales office during the course of development. A maximum of four (4) such signs shall be permitted in the Borough for any one development. Said signs shall be free-standing ground signs and shall not exceed four (4) feet in height or have a surface area in excess of ten (10) square feet. Said signs must be removed immediately upon completion of the development. For purposes of this ordinance completion of the development occurs upon the issuance of the last Certificate of Occupancy for any dwelling unit constructed in the development.

(10) Temporary Signs for Commercial Establishments

Temporary signs may only be displayed in store windows in the business of the Borough without a permit provided the following guidelines are observed:

- a. Window mounted temporary signs may not obscure more than 20% of the glazed area of any window.
- b. Exterior signs stating, “lost our lease”, “going out of business”, or other similar business termination notices may not be posted.
- c. Temporary signs advertising a seasonal or holiday sale must be promptly removed immediately after the advertised event has occurred.

(11) Registration of Existing Signs

Within ninety (90) days of the effective date of this section, all signs containing more than four (4) square feet in area shall be registered with the Zoning Officer/Code Enforcement Officer by the submission of a sketch of the sign showing its dimensions, the distance between the sign and all property lines, and the height of the sign.

I. Signs Permitted in Commercial Zones [Added 2/25/98 by Ord. 98-01]

(1) Any signs permitted in residential zones.

(2) *Wall Sign.*

One sign for each building or for each use in a building provided the total area of all such signs does not exceed 20 percent of the building façade to which it is applied.

Where a building is located with frontage on more than one street, a sign or signs as provided herein above may be provided on each street. Such signs shall not extend more than one foot from the face of the building and shall not extend beyond the ends or top of the wall to which they are attached.

(3) *Free standing Business Sign.*

One sign for each principal building provided the total area of all signs shall not exceed one square foot for every one lineal foot of road frontage. Such signs shall not extend above the permitted building height limit. Where more than one road frontage exists, additional signs may be placed on such frontage but they shall be computed separately based on the above formula. In no instance shall the total road frontage on more than one road be used to compute the sign area permitted on any single road. Similarly, no sign, regardless of the amount of road frontage, shall exceed seventy-five square feet in area, or be placed in such a way that any part of the sign is closer than twenty-five (25) feet from any street line, or fifty (50) feet from the point of intersection of any two street lines.

(4) *Sandwich Board Signs.*

One sign per business provided that the sidewalk is four (4) feet or more in width from the building face to the curb. Sign must occupy area directly in front of the business. Four (4) feet of clear walking area on sidewalk must be maintained and board shall be placed a maximum of six (6) inches from the face of the building. Sign size maximum shall be three (3) feet wide by four (4) feet high and must be hinged at the top with a chain across the bottom on each side. Minimum chain length shall be three (3) feet to insure adequate

base for the sign. Sign must be secured by retractable bolts sufficient to support size of sign. Bolt system shall be of a design specified and approved by the Borough. Sign must be taken in each evening at close of business.

J. Signs Permitted in Residential Zones

- (1) Informational signs or bulletin boards, which identify public institutions or facilities such as, but not limited to churches, hospitals, nursing homes, private schools and service organizations. Said signs may be illuminated but may not be larger than ten (10) square feet of surface area per side and shall not exceed two (2) sides. Said signs shall be set back from any lot line a minimum of fifteen (15) feet.
- (2) Freestanding or wall mounted professional notice signs which advertise the fact that the residential unit in front of which said signs are erected also contains the professional office of the resident. Such signs may be illuminated but not exceed one (1) square foot of surface area per side and shall not exceed two (2) sides. Said signs shall not exceed four (4) feet in height and shall be set back a minimum of fifteen (15) feet from the sidewalk or road surface in those instances where no sidewalk exists.
- (3) Temporary signs advertising fund raising events for charitable or religious institutions which do not exceed thirty two (32) square feet surface area and which are located on the premises owned by the organization sponsoring the event. Said signs may not be illuminated. They shall not be erected earlier than thirty (30) days prior to the event and must be removed within three (3) days after the event advertised has occurred. These temporary signs shall not be located closer to any lot line than one-half the distance between the lot line and the building line. Said signs shall not exceed eight (8) feet in height from ground level to the top of the sign.
- (4) In the case of a residential or commercial development under construction, one (1) non-illuminated temporary free-standing real estate sign of not more than thirty-two (32) square feet of sign surface may be permitted on the premises where the construction is taking place. Upon completion as defined in Section 6 (General Regulations) of this Section, of the total number of houses or units to be constructed in a development, all signs shall be removed.
- (5) The rental or sales office of such residential development under construction may have one (1) illuminated sign identifying it as a rental or sales office only. Such sign shall not exceed twelve (12) square feet per side and shall not exceed two (2) sides.

K. Signage Color and Lettering

Colors and lettering styles must conform with the Master Plan of the Borough and must be submitted to the Sign Review Committee.

L. Design Review Committee [Added 5/24/95 by Ord. 95-08]

The Chairman of the Planning Board may appoint three (3) Class IV members of the Planning Board to serve as a Design Review Committee on a yearly basis for the express purpose of determining whether or not signs proposed to be erected within the Borough of englishtown comply with the terms and provisions of this ordinance. Applicants for sign permits shall submit a written application form to the Design Review Committee established hereby which committee shall promptly review proposed signs and determine whether or not a sign permit may be granted. The Sign Review Committee shall recommend approval or disapproval to the Borough Building Inspector/Zoning Officer who shall then issued the permit or issues a denial of a permit. In the event that a sign permit is denied by the Zoning Inspector/Zoning Officer of the Borough, the applicant may submit a request for a design waiver to the Planning Board. Said appeal must be filed within twenty (20) days of the date of denial. The Planning Board may grant waivers from the strict application of the terms and provisions of this ordinance. Such waivers may be granted only, however, when the applicant demonstrates to the Board and the Board finds as a mater of fact that the strict application of the provisions of this ordinance would work an undue hardship upon or result in peculiar and exceptional practical difficulties to the applicant. A waiver may not be granted unless the Board finds that the waiver can be granted without substantial detriment to the public good and that the waiver, if granted, will not substantially impair the intent and purposes of this ordinance.

M. Penalty

Any person found guilty of violating any provision of this Section shall be fined the sum of \$50.00 for a first offense. Upon conviction of a second offense pursuant to the terms of this Section, the fine shall be \$150.00. Third and subsequent offenses shall result in fines of \$150.00 per conviction. Any sign which is found to be in violation of the terms of this Section shall be ordered removed and shall not be permitted to be displayed.

N. Non-Conforming Signs

Signs pre-existing the passage and adoption of this ordinance which do not conform to the terms and conditions set forth in this Section shall be defined as pre-existing non-conforming signs provided, however, that all owners of such signs shall obtain permits for their continued use in Accordance with Section 4 of this Section within ninety (90) days of the passage and adoption of this Section.

O. Interpretation

The terms and provisions of this Section shall be liberally interpreted and construed so as to effectuate the purposes of this Section as set forth herein.

P. Design Waivers

The Planning Board may grant waivers from the strict application of the terms and provisions of this Section upon proper application to the Board. Such waivers shall be granted only, however, when the applicant for a waiver can demonstrate to the

Board and the Board finds as a matter of fact that the strict application of the provisions of this Section would work an undue hardship upon the applicant and would result in peculiar and exceptional practical difficulties to the applicant. Additionally, a waiver may not be granted unless the Planning Board finds that the waiver can be granted without substantial detriment to the public good and that the waiver, if granted, will not substantially impair the intent and purpose of this Section.

(Ord. 98-01, Amended 2/25/1998; Ord. 95-8, Amended 5/24/1995; Ord. 90-9, Amended 9/25/1990; Ord. 82-12, Renumbered 9/15/1982)

2.130.18A Appendix I-Signage Combinations
 SEE ATTACHED APPENDIX AT BACK OF BOOK

(Ord. 95-08, Added 5/24/1995)

2.130.18B Appendix II – Sign Font Type.

Baskerville	Hawthorne	IONIC	AMERICANA
TIMES	Bookman	JAWAB	BOOKMAN
Rockwell	Caslon Antique	XYST	Chippendale
BERLING	News Gothic	WINDSOR	Century
CLARENDON	Beton	LOGGIA	Cheltenham
PYCYOSTYLE	Chesterfield	ALAMEDA	Times
FRIEZE	Times	GUILLOCHE	Franklin Gothic
Aachen	Franklin Gothic	Italia	Grotesque
Italia	Modern No.2	Folio	Plantin
Caslon	Plantin	Helvetica	Helvetica

(Ord. 90-09, Added 9/25/1990)

2.130.19 Public Utilities.

Nothing herein shall apply to any public utility, as defined in the act entitled “An Act Concerning Public Utilities,”* to create a Board of Public Utility Commissioners and to prescribe its duties and powers and the amendments thereto and supplements thereto, nor to any employee when engaged in the performance of his functions necessary in rendering service to customers.

***Editor’s Note:** See Title 48 of the New Jersey Statutes Annotated.

(Ord. 90-9, Amended 9/25/1990; Ord. 82-12, Renumbered 9/15/1982)

2.130.20 Community Residences for Developmentally Disabled, herein after referred to as “community residences”, and Community Shelters for victims of Domestic Violence, hereinafter referred to as “community shelters.”

A) In accordance with N.J.S.A. 40:55D-66.1, community residence and/or shelters for the following: developmentally disabled, victims of domestic violence, the terminally ill, persons with head injuries, adult family care homes for elderly persons, and physically disabled adults, and all other categories, which may in the future, be set forth in N.J.S.A. 40:55D-66.2. are permitted uses in all residential districts of the

Borough. The requirements for said uses shall be the same as for single-family dwellings located within such districts.

- B) “Community residence for the developmentally disabled” means any community residential facility licensed pursuant to P.L. 1977, C.448 (N.J.S.A. 30:11B-1 et seq.) providing food, shelter and personal guidance, under such supervision as required, to not more than 16 developmentally disabled or mentally ill persons, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not limited to: group homes, halfway houses, intermediate care facilities, supervised apartment living arrangements, and hostels.

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.

“Developmentally disabled person” means a person who is developmentally disabled as defined in section 2 of P.L. 1977, C448 (N.J.S.A. 30:11B-2, and “mentally ill person” means a person who is afflicted with a mental illness as defined in R.S. 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” means any shelter approved for a purchase of service contract and certified pursuant to standards and procedures established by regulation of the Department of Human Services pursuant to P.L.1979, C337 (N.J.S.A. 30:14-1 et seq.) providing food, shelter, medical care, legal assistance, personal guidance, and other services to not more than 15 persons who have been victims of domestic violence, including any children of such victims, who temporarily require shelter and assistance in order to protect their physical or psychological welfare.

Community residence for persons with head injuries “means a community residential facility licensed pursuant to P.L. 1977, C448 (N.J.S.A.30:11B-1 et seq.) providing food, shelter and personal guidance, under such supervision as required, to not more than 15 persons with head injuries, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not limited to: group homes, halfway houses, supervised apartment living arrangements, and hostels.

“Community residence for the terminally ill” means any community residential facility operated as a hospice program providing food, shelter, personal guidance and health care services, under such supervision as required, to not more than 15 terminally ill persons.

- C) Licensed Facilities: Any community residence for the developmentally disabled, victims or domestic violence, mentally ill, and persons with head injuries requiring a license, service contract, or affiliation agreement from the New Jersey Department of Human Services shall present a certified copy of such license, service contract or affiliation agreement to the Borough Zoning Officer upon request. This same document shall be maintained on the premises at all times. The suspension or

revocation of such license, service contract, or affiliation agreement may be grounds for a re-determination by the Borough Zoning Officer.

D) **Unlicensed Facilities:** Community residences for the terminally ill, and adult family care homes for the elderly and physically disabled adults not requiring a license, service contract or affiliation agreement with the State of New Jersey Department of Human Services, may be subject to local limits on the total number of persons residing in a dwelling to prevent overcrowding.

(Ord. 2004-03, Amended 4/14/2004; Ord. 90-9, Amended 9/25/1990; Ord. 82-12, Renumbered 9/15/1982)

2.130.21 Administration and enforcement.

The provisions of this chapter shall be enforced by a person appointed by the Mayor and Council for a term not exceeding one (1) year and who shall be designated as the Zoning Officer. The salary of the Zoning Officer shall be fixed by ordinance of the Mayor and Council. No building or structure shall be erected or altered until a zoning permit has been secured from the Zoning Officer. The fee for a zoning permit shall be fixed by resolution of the Mayor and Council. It shall be the duty of the Zoning Officer to keep a record of all application and of all permits issued with notations of any special conditions involved, which data shall form a part of the Borough public records. The Zoning Officer shall issue no permit unless it conforms to the requirements of this chapter.

(Ord. 90-9, Amended 9/25/1990; Ord. 82-12, Renumbered 9/14/1982)

2.130.22 Fees.

Any fees necessary for the administration of this chapter or for any review thereunder or for any services in connection therewith shall be as set by the Mayor and Council.

(Ord. 90-9, Amended 9/25/1990; Ord. 82-12, Renumbered 9/15/1982)

2.130.23 Amendments

The Mayor and Council may from time to time, amend, supplement or change the regulations and zones herein established.

(Ord. 90-9, Amended 9/25/1990; Ord. 82-12, Added 9/15/1982)

2.130.24 Land use procedures incorporated by reference.

Incorporated by reference herein are all of the provisions of an Ordinance of the Borough of Englishtown Prescribing the Procedures for Establishing a Unified Planning/Zoning Board Pursuant to Chapter 291 of PL. 1975 of New Jersey and known as "Municipal Land Use Procedures of the Borough of Englishtown," it being the intent herein to have both such ordinances and read together so as to form procedures for the Zoning and Planning Boards as well as substantive rules for zones and zoning.

(Ord. 90-9, Amended 9/15/1990; Ord. 82-12, Renumbered 9/15/982)

2.130.25 Violations and penalties.

Any prson who violates any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine not exceeding one thousand dollars (\$1,000) or imprisonment in the county jail for a period not exceeding ninety (90) days, or both.

(Ord. 90-9, Amended 9/25/1990; Ord. 82-12, Renumbered 9/15/1982)