

## CHAPTER XVII

### ZONING\*

#### 17-1 Short Title.

This chapter shall be known and may be cited as The Zoning Ordinance of the Borough of Little Silver, New Jersey.

#### 17-2 Definitions.

The following words and phrases shall, for the purpose of this chapter, have the meaning herein indicated:

17-2.1 *Boat House, Private.* A boat house in which no business, commercial service or industry is carried on and not used for a dwelling purpose.

17-2.2 *Building, Height of.* The vertical distance from the mean natural level of the ground immediately adjacent to the base of the building to the mean level of the slope of the main roof.

17-2.3 *Building, Accessory.* A building which is subordinate and accessory to a principal building on the same lot, such as a private stable, garage, playhouse, barn, greenhouse, bath house, boat house or poultry house.

17-2.4 *Court.* An open, unoccupied space either on the ground or above, excepting the roof, and not a front yard, side yard or rear yard and bounded on at least two sides by a building of the same lot.

a. *Court, Outer.* A court opening for its full width on a street, a front yard, a rear yard or a side yard.

b. *Court, Inner.* A court entirely enclosed by walls or opening on a side lot line.

c. *Court, Width of an Outer.* The horizontal dimension parallel with the court's principal open end.

\*The zoning power is contained in R.S. 40:55-30, *et seq.*

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d. *Court, Width of an Inner.* The lesser horizontal dimension.

e. *Court, Height of.* The area measured from the lowest level it is required to serve, up to the top of the highest wall which bounds it within the same lot.

17-2.5 *Family.* Any number of individuals related by blood, marriage or adoption, living together as a single housekeeping unit and using certain rooms and housekeeping facilities in common.

17-2.6 *Filling Station.* Any establishment supplying and selling gasoline or other fuel or oil direct to motor vehicles from a pump located outside a building and on private property.

17-2.7 *Garage, Private.* A garage in which no business, commercial service or industry is carried on.

17-2.8 *Garage, Public.* Any other garage than a private garage.

17-2.9 *Lot.* A parcel of land occupied or intended to be occupied by a principal building and its accessories, including the required open spaces; the premises shall include vacant land as well as land with any building or structure on it.

a. *Lot, Corner.* A lot at the junction of and fronting on two or more intersecting streets.

b. *Lot Line.* Any boundary line of a lot.

c. *Lot, Depth of.* The mean distance from the front street line to the rear lot line, measured in the mean general direction of the side lines of the lot.

d. *Lot, Width of.* The mean width measured at right angles to its mean depth.

17-2.10 *Motive Power, Electric.* Power which is developed from electricity.

17-2.11 *Nonconforming Use.* A use that does not comply with the regulations of this chapter for the zone in which it is located.

17-2.12 *Parking Area.* A lot or premises or part thereof used for the open storage of motor vehicles.

17-2.13 *Parking Area, Private.* A parking area that is accessory to a residential or nonresidential building. A private parking area shall not include a service station nor a filling station.

17-2.14 *Parking Area, Public.* Any parking area other than a private parking area, but excluding a lot used for the display of motor vehicles for sale.

17-2.15 *Parking Space.* An off-street area of not less than 200 square feet (10 feet by 20 feet) exclusive of driveways or aisles giving access thereto, which is accessible from a street, alley, driveway or aisle and is arranged, designed and usable for the storage or parking of one motor vehicle. Adequate driveway facilities shall be provided.

17-2.16 *Porch, Open.* One that is open to light and visibility, and without bulkheads and may be enclosed with removable screens and sash.

17-2.17 *Story.* That part of any building comprised between any floor and floor or roof next above. A half story is a story under a pitched roof at the top of a building the floor of which is not more than two feet below the plate.

17-2.18 *Street.* Any road, avenue, street, lane, court or other way set aside for common street purposes or used for access to more than one lot and is measured from property line to property line, the width to be in accordance with the official tax map.

17-2.19 *Street Line.* The lot line being the dividing line between the land of the owner and the street.

17-2.20 *Words.* The word "lot" includes the word "plot"; the word "building" includes the word "structures"; the word "occupied" includes the word "designed" or "intended to be occupied"; the word "used" includes the words "arranged", "designed" or "intended to be used."

17-2.21 *Yard.*

a. *Yard, Front.* An open unoccupied space within and extending the full width of the lot between the front lot line and the foremost part of

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the principal building erected thereon setting back from the nearest lot line.

b. *Yard, Rear.* The space within and extending the full width of the lot between the rear walls of the principal building erected thereon and the rear lot line.

c. *Yard, Side.* The space within the lot and between a side lot line and the part of the principal or accessory building erected thereon and nearest thereto. The side yard shall extend from the front yard to the rear yard, or where no front yard is required from the front street line to the rear yard.

**17-3 Zone Districts.**

17-3.1 *Classes of Zones.* For the purpose of this chapter, the Borough of Little Silver is divided into seven zones as follows:

a. R-1 Zone — Acreage residence zone — minimum area 60,000 square feet.

b. R-2 Zone — Residence zone — minimum area 25,000 square feet, corner 30,000 square feet.

c. R-3 Zone — Residence zone — minimum area 20,000 square feet.

d. B-1 Zone — Business zone.

e. B-2 Zone — Business zone.

f. I-1 Zone — Light industrial zone.

g. I-2 Zone — Light industrial zone.

h. P-1 Zone — General professional development zone.

i. P-2 Zone — Limited professional development zone.

j. MP-1 — Municipal purposes zone.

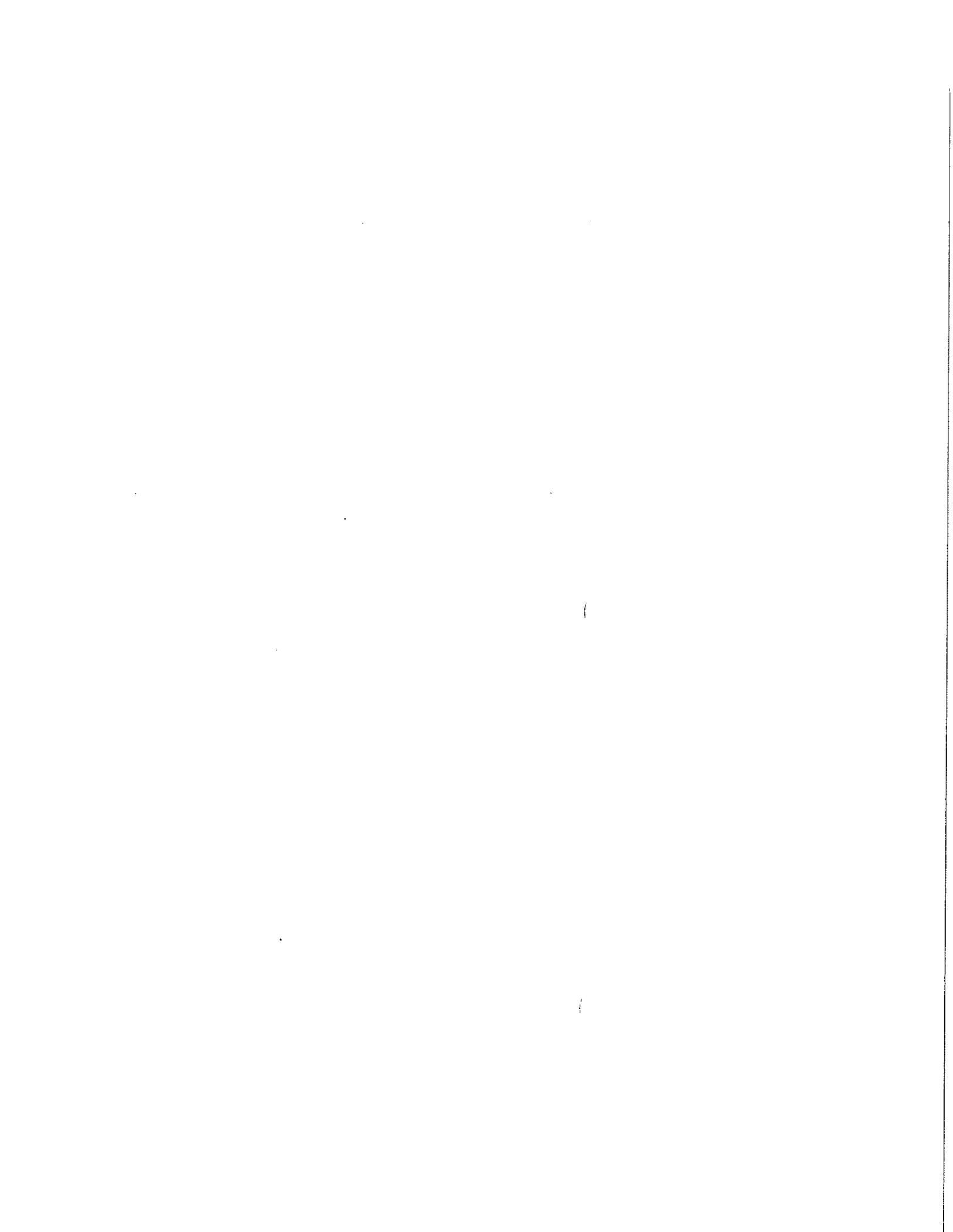
k. MP-2 — Municipal purposes zone.

17-3.2 *Building Zone Map.* The boundaries of each of the above created zones are established as shown upon the map entitled Building Zone Map — Borough of Little Silver, Monmouth County, New Jersey, signed by the mayor and borough clerk, which map accompanies and is declared to be a part of this chapter.

17-3.3 *Boundaries.* Where uncertainty exists as to any boundaries as shown on the map, the following rules shall apply:

a. Zone boundary lines are intended to follow the center line of the streets, railroad rights of way, streams and lot or property lines as they exist on plats of record as of February 2, 1969, unless such zone boundary lines are fixed by dimensions shown on the zoning map.

b. Where boundaries are not fixed by dimensions and where they approximately follow lot lines, and where they do not scale more than 25 feet distant therefrom, the lot lines shall be construed to be such boundaries unless specifically shown otherwise.



c. In unsubdivided land and where a zone boundary divides a lot, the location of the boundary, unless the same is indicated by dimensions shown on the map, shall be determined by the use of the scale appearing thereon.

d. Pending revisions of the building zone map pursuant to Section 17-3.2 of the zoning ordinance of the borough, the boundaries of the professional zones are as follows:

**P-1 Zone** — Beginning at a point on the southerly property line of Block 48, Lot 21 and Prospect Avenue; thence south easterly along Prospect Avenue to the intersection of Prospect Avenue and Willow Drive; thence south westerly along Willow Drive to the point of intersection of the drainage stream and the rear lot line of Block 48, Lot 22C; thence north westerly following the stream and rear property lines to the southerly property line of Block 48, Lot 21; thence easterly to the point of beginning.

**P-2 Zone** — Beginning at a point at the south westerly side of the intersection of Markham Place and Prospect Avenue; thence south easterly along Prospect Avenue to the South Easterly property line of block 48, Lot 21; thence westerly along the property line of Block 48, Lot 21 where the rear property line and the drainage stream intersects; thence, north westerly along the rear property lines following the stream to an intersection at Markham Place; thence easterly to the point of beginning.

#### **17-4 Use Regulations: Business Zones.**

**17-4.1 Business Zone B-1.** Within the business zone B-1, no building shall be used in whole or in part for any industrial or manufacturing purpose or for any other than the following specified purposes:

Restaurant or other eating or refreshment place (except that lunch wagons, diners, refreshment or eating places where patrons are served outside of the building and restaurants, eating places or refreshment places of the type known as drive-ins, whether patrons are served outside or inside of the building, shall not be permitted), retail stores, offices of a physician, surgeon, dentist, architect, lawyer, artist, photographer, club, school of any kind, bank, personal service shop, beauty parlor, confectionery store, butcher shop, bakery, locksmith, haberdashery or similar tradesmen.

Only electric motive power shall be used for operating any machinery used, incident to a permitted use.

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17-4.2 *Business Zone B-2.* Within the zone B-2, no building shall be used in whole or in part for any industrial or manufacturing purpose or for any other than the following specified purposes: All uses permitted in zone B-1 and public garage, service shop, filling or service station for motor vehicles, plumbing shop, carpenter shop, boat builder, painting shop, warehouse or market and lumber yard.

17-4.3 *Regulations Applying to Business Zones B-1 and B-2.*

a. *Parking.* No building shall be erected or structurally altered or land used for a business use permitted by this section that will cause, or tend to cause traffic congestion or hazards on the public streets of the borough; that will cause or tend to cause a substantial number of customers, employees or other persons to park their motor vehicles or other means of transportation on the public streets of the borough at or near the buildings, lands and places of business; or that will require loading or unloading of motor trucks, trailers, semi-trailers or other mode of conveyances parked on the public streets of the borough or on the sidewalks at frequent intervals or periods of time during the day from 7:00 a.m. to 6:00 p.m., unless adequate space for parking, loading or unloading is provided and maintained on the premises operated for the business use, or on other nearby premises provided and maintained by the proprietors of the business use.

b. *Off-street Parking Facilities.* In all districts, off-street parking facilities for the storage or parking of passenger vehicles of occupants, employees and patrons of certain types of buildings and structures hereafter erected, extended, enlarged or changed in use, shall be provided in accessory garages or accessory parking areas in amounts not less than specified in paragraph c below, provided that nothing in this paragraph shall prevent the repairing, reconstruction or rebuilding and continued use of any nonconforming building or structure legally existing in 1964.

c. *Minimum Off-street Parking.* The minimum required amount of off-street parking facilities to be provided shall be determined in accordance with the following schedule:

1. Single family dwellings, one parking space for each dwelling unit.
2. Rooming houses, one parking space for each guest bedroom, in addition to the requirement in B-1.
3. Church, one parking space for each ten seats.
4. Club, one parking space for each 90 square feet of floor area available to members and guests.

5. Theatre, auditorium, stadium or other place of public assembly, excluding church or other places of public worship and community center buildings accessory thereto, one parking space for each six persons for which the place of public assembly has fixed seat capacity; or one parking space for each 90 square feet of net floor area in cases where the capacity is not determined by the number of fixed seats.

6. Business or professional offices, including medical and dental clinics, one parking space for each 400 square feet of net floor area.

7. Retail stores, personal service shops and wholesale stores, one parking space for each 200 square feet of net floor area.



8. Restaurants, ten parking spaces minimum, plus one additional parking space for each 100 square feet of net floor area over and above the first 200 square feet of net floor area.

9. Other uses not listed, same requirement as for the most similar listed use. In the case of mixed uses, the total requirement shall be the sum of the requirements of the various uses computed separately in accordance with the provisions of this subsection.

When units or measurements determining the number of required parking spaces result in a requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and any fraction over one-half shall require one parking space.

The off-street parking facilities required pursuant to paragraph b of this subsection shall be on the same lot as the building to which they are accessory, unless the alternative of a convenient nearby location is approved by the board of adjustment.

d. *Parking Area Specifications.* All parking areas provided pursuant to the requirements of this subsection shall be paved, drained, lighted and maintained by the owner, in accordance with specifications of the borough, and such parking areas shall be arranged for convenient access and safety of pedestrians and vehicles. No open area in any off-street parking facility shall be encroached upon by buildings, storage or any other use, nor shall the number of required parking spaces be reduced after their installation, except on approval of the board of adjustment.

e. *Residence Districts.* In all residence districts, not more than 50 percent of the minimum required rear yard or front yard shall be occupied or used as a parking area that is accessory to a dwelling or to a rooming house, and in case of a private dwelling, the requirements of paragraph c above shall not apply.

f. *Encroachment.* In any district where a side yard is required, no part of the minimum required side yard shall be encroached upon by a garage or parking area.

g. *Loading Berths.* For any new building or premises or addition to any existing building or premises used for business or industrial purposes, loading berths shall be provided on the premises for loading and unloading of goods and materials in accordance with the following schedule:

1. Offices, retail sales and services, one loading berth for gross floor area from 7,500 to 25,000 square feet; two berths for over 25,000 square feet to 40,000 square feet; three berths for 40,001 square feet and above.

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2. Wholesale, manufacturing, storage, one loading berth for gross floor area up to 12,500 square feet; one additional berth for each additional 12,500 square feet.

3. The same requirements shall apply in all cases where a new addition is added to an existing building, and the total combined floor area of the new addition and the existing building equals or exceeds the minimum as set forth in the above schedule.

4. For the purposes of this chapter, the dimensions of a loading berth must not be less than 30 feet long, 12 feet wide, with minimum headroom of 14 feet.

h. *Storage Out of Doors Prohibited.* No junk, junk yards, defunct motor vehicles, scrap materials or motor vehicles advertised for sale or held as stock in trade shall be stored or allowed out of doors.

i. *Signs.* No billboards of any type or signs shall be permitted, except signs as permitted in paragraph 17-5.3d and except a sign referring to the premises upon which it is displayed or to service rendered thereon, is permitted on the building provided that any such sign shall not project more than five feet beyond the building front, nor above the parapet or eave line of the roof.

17.4.4 *Standards and Requirements of B-1 and B-2 Zones.* The following standards shall apply to all uses in the B-1 and B-2 Zones and shall be applicable in lieu of the provisions pertaining to business zones in sections 17-6, 17-7 and 17-8. Where B-1 and B-2 zone provisions differ between sections 17-6, 17-7 and 17-8, and this subsection, this subsection shall apply.

a. *Minimum Yard Requirements.*

1. *Setback and Front Yard.* All buildings in the B-1 and B-2 Zones shall be set back a minimum distance of 25 feet from the street line. Front yard area shall be landscaped and maintained. No parking areas shall be permitted in front yards.

2. *Rear Yards.* The minimum depth of rear yards shall be 50 feet. Access to each rear yard from a street upon which the lot has frontage shall be provided by a driveway not less than 18 feet in width. If there is to be a private garage upon the lot, it shall be located in the rear yard and not less than eight feet from any lot line.

3. *Residential Zone Boundary.* No building shall be less than 20 feet from the boundary of any residential zone.

b. *Interior Floor Areas.*

1. The minimum size in any building shall be 2,000 square feet.

2. The minimum size in any retail store or shop contained in any building shall be 1,000 square feet.

3. The maximum size in any building shall be 8,000 square feet.

4. The maximum size in any retail store or shop contained in any building shall be 3,000 square feet.

c. *Maximum Lot Coverage.* The combined area of all structures shall not exceed 40 percent of the entire lot area. More than one principal building shall be permitted on one lot area.

d. *Height of Buildings.* No building shall exceed 25 feet in height, nor be more than one story in height.

e. *Landscaping and Buffering.*

1. Except for necessary drives and walks for rear or side yard parking access as provided for herein, the front yard shall be planted in grass or other suitable ground cover and landscaped with plant material such as flowers, ornamental trees or shrubs.

2. Adjacent to every side and rear lot line abutting a residential zone, there shall be a protective planting strip not less than six feet wide situated within the required yard and side yard designated and laid out with suitable shrubbery, which shall be maintained at a height of not less than ten feet above grade level, so as to provide an effective, natural screen between the nonresidential use and the adjoining residential lots to the side or rear.

3. The required planting and landscaping shall be completed within six months after the issuance of the certificate of occupancy for the principal building.

No business in zones B-1 and B-2 shall be open for business nor shall the business regularly conducted therein be carried on between the hours of 12:00 midnight to 6:00 a.m. on week days, and 1:00 a.m. on Saturday and Sunday mornings and 6:00 a.m. of the succeeding day. If the succeeding day is a legal holiday, the closing hour shall also be extended to 1:00 a.m. provided, however, that: a. This section shall not be applicable to businesses conducted entirely within the enclosed premises not involving retail traffic and trade to and from the premises and b. this section shall not apply to such businesses which are separated or buffered from residentially zoned and used lands by a distance of 150 feet exclusive of street widths. This section is further adopted pursuant to the provisions of N.J.S.A. 40:52-1-g and is set forth herein because of its relationship to the zones and boundaries of properties.

f. *Procedure.* Application for a building permit under the provisions of this subsection shall be made to the construction code official. Material to be submitted with the application shall include an approved detailed site plan, landscape plan and architect's rendering which shall show such information as boundaries of the tract,

building elevations, all applicable dimensions and areas as set forth in this section, all streets and easements, the location of all proposed structures, signs, fences, hedges and walls, landscaped areas showing the location of all trees and shrubs, parking areas, adjacent off-site streams, trees, buildings and/or other features which may affect on-site cultural or cosmetic (aesthetic) conditions, access and egress and the proposed internal and external traffic flow. In addition, the applicant shall where applicable submit an environmental assessment statement in accordance with the requirements of such agencies. The reporting agencies shall submit written recommendations to the clerk of the planning board within 30 days of the receipt thereof. The planning board shall, within 60 days after receipt of same, review the entire matter in relation to the conformance to existing buildings in the adjacent areas, the health, safety and general welfare of the community, and with a view toward ascertaining whether the above requirements and standards have been met, and shall make a written report to the construction code official upon any application, before the expiration of the 60-day period. After the receipt of the report in the affirmative, the construction code official may issue the permit. If a negative report is made by the planning board, the construction code official shall deny the application. Any applicant wishing to make a change in a duly approved application shall follow the same procedure for obtaining approval as in the original application.

#### **17-5 Use Regulations; Industrial and Residence Zones.**

##### **17-5.1 Use Regulations, Standards and Requirements of the I-1 Zone.**

a. *Intention.* This district is intended for light industrial, research and development and office use in a manner that is compatible with adjacent residential use.

b. *Uses Permitted.* Any use of a light industrial, manufacturing, research service, office or commercial nature, not having any nuisance factors as defined in paragraph f, below, except those occasioned by the trucking of raw materials, equipment and products used on the site and the traffic of personnel engaged in the operations.

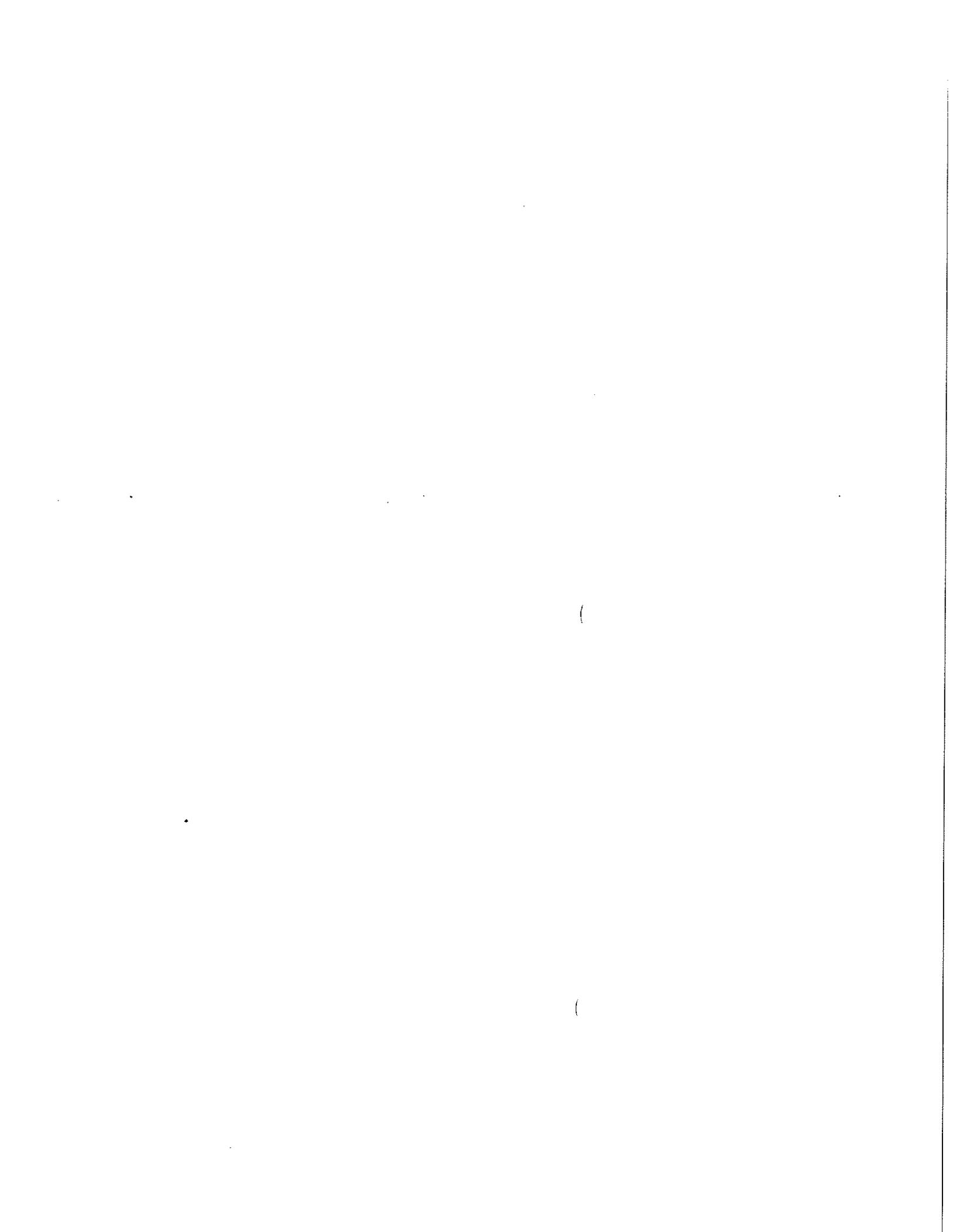
c. *Uses Subject to Special Permit.* There are no uses subject to special permit in the I-1 zone.

d. *Uses Forbidden.* Any use having any nuisance factor other than those excepted above. These prohibitions shall include uses involving frequent in and out passenger traffic generators such as retail stores and automobile service stations. Uses customarily involving night traffic such as produce markets and milk processing plants shall also be forbidden.

e. *General Provisions.*

1. *Screening.* All operations shall take place in enclosed buildings. Materials and equipment in the open and parking of vehicles shall be shielded from view, except adjacent to a railroad right of way, by either a six and one-half foot high masonry wall of brick or patterned concrete block or a seven-foot chain link fence with a ten-foot width of massed evergreen planting on the outside of the fence. Entrance to working part of lot or building shall be through a solid gate for a full height of the screen wall or through an overhead door, both of which shall be kept closed after working hours. Certificates of occupancy shall not be granted for land or buildings until screening is in place.

2. *Natural Protective Screen or Planting Strip.* Adjacent to every side and rear lot line abutting a residential zone in the borough, there shall be a protective planting strip not less than 15 feet wide situated within the required rear yard and within the side yard, if one is provided, designated



and laid out with suitable shrubbery, which will attain and shall be maintained at a height of not less than ten feet above grade level, so as to provide an effective natural screen between the nonresidential use and the adjoining residential lots to the side or rear.

3. Signs. Shall be in accordance with section 17-10.

4. Landscaping. Shall be either grass or other planting as approved by the planning board and shall be installed and maintained for the full width and area of all front yards except for the one driveway for each lot. Street trees shall be mandatory.

5. Physical Provisions.

Lot width and depth:	100 feet at building line.
Frontage:	50 feet.
Area:	One half acre.
Front yard:	25 feet from street line.
Side and rear yards:	None required.
Building coverage:	40 percent of lot area.
Street paving:	Heavy duty with curbs, as approved by the engineer.
Driveways:	One 12 feet wide, with a 25-foot radius to street curb.
Parking and Loading:	One parking space, 10 feet x 20 feet excluding aisles shall be provided for each 400 square feet (gross) of enclosed building area. One loading space, 12 feet wide; 14 feet high and 45 feet long shall be provided. All parking, loading, and storage operations shall take place entirely behind the front yard line.

6. Paving on Lot. All aisles, spaces and areas used or designed for vehicles shall be paved with six inches of reinforced concrete or equivalent black top.

7. Removal of Screening. Where an industrial or nonresidential building is built adjacent to an existing building, the screening between the two may be removed along the common side lot line.

f. *Nuisance Factors.* An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion or disturbance of another's right, including the actual or potential emanation of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, or any other characteristic detrimental to the value or use of an adjacent property, such as:

1. Noise.
2. Dust.
3. Smoke.
4. Fumes.
5. Odor.
6. Glare.
7. Flashes.
8. Vibration.
9. Shock waves.
10. Heat.
11. Electronic or atomic radiation.
12. Objectionable effluent.
13. Noise of congregation of people, particularly at night.
14. Passenger traffic.
15. Invasion of nonabutting street frontage by parking.
16. The obscuring or masking of adjacent or nearby property projecting signs, marquees or canopies.
17. Any adverse effect on value or desirability of nearby property caused by such matters as incongruous appearance, exposed storage of inoperable automobiles, junk, materials and neglect or dilapidation of land or buildings, exposed parking of commercial vehicles on residential lots.
18. Unusual risks of fire or explosion, such as manufacture and storage of wood, fuel or explosives.
19. Similar matters covered by ordinances.

20. Parking of motor vehicles in required front yards, on other than established driveways.

21. Transportation of goods by truck, rail or other means.

*g. Procedure:* Application for a building permit under the provisions of this subsection shall be made to the zoning officer. Material to be submitted with the application shall include six copies of a detailed site plan and architect's rendering which shall show such information as boundaries of the tract, building elevations, all applicable dimensions and areas as set forth in this section, all streets and easements, the location of all proposed structures, signs, fences, hedges and walls, landscaped areas showing the location of all trees and shrubs, parking areas, access and egress and the proposed internal and external traffic flow. In addition, the applicant shall submit a landscaping plan and an environmental assessment statement where applicable in accordance with the requirements of the shade tree commission and the environmental commission (hereinafter referred to as the reporting agencies). Within ten days after receipt of the application, the zoning officer shall forward the application, together with all pertinent data and information to the building inspector, the planning board and other pertinent agencies. The reporting agencies and the building inspector shall submit written recommendations to the secretary of the planning board within 30 days of the receipt thereof. The planning board shall, within 60 days after receipt of same, review the entire matter in relation to the conformance to existing buildings in the adjacent areas, the health, safety and general welfare of the community, and with a view toward ascertaining whether the above requirements and standards have been met and shall make a written report to the building inspector upon any application before the expiration of the 60 day period. After the receipt of the report in the affirmative, or if no report is received during that period, the building inspector may issue the permit. If a negative report is made by the planning board, the building inspector shall deny the application. Any applicant wishing to make a change in a duly approved application shall follow the same procedure for obtaining approval as in the original application.

**17-5.2 Use Regulations, Standards and Requirements of the I-2 Zone.** The use regulations, standards, requirements and procedures for building permit applications of the I-2 zone shall be the same as for the I-1 Zone with the following exceptions:

a. *Screening.* If operations do not require full area of the lot, screening as specified may be anywhere inside lot lines, provided balance of lot is landscaped and maintained.

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b. *Physical Provisions.*

Lot width and depth:	250 feet at building line.
Area:	Two and one-half acres.
Building Coverage:	33 and one-third percent of lot area.

17-5.3 *Use Regulations for Residence R-1, R-2, R-3 Zones.* Within any R-1, R-2, R-3 Zones, no building or land shall hereafter be occupied in whole or in part for any industrial, manufacturing, trade or commercial purpose except for agricultural purposes, nor shall any building or part of a building erected or altered which is arranged, intended or designed to be used, in whole or in part, for any purpose other than the following:

a. A single detached house used as a residence and by not more than one family, not excluding the professional office of its resident owner or lessee, except that rooms may be rented to not more than three people for sleeping purposes only.

b. Church or other places of worship, parish house or Sunday school building.

c. A private boat house or bath house, when used in connection with an existing house used as a residence as aforesaid.

d. A small professional announcement sign, as provided in subsection 17-10.1.

e. Accessory uses customarily incident to the above uses, including separate living quarters for domestic servants or others employed on the premises by the occupant of the principal building.

f. A public school, private school or other educational institution not conducted for gain provided that no such school or other educational institution may be constructed, conducted or operated upon a tract of land less in area than 50 acres and provided, further, that no school or other educational institution shall be constructed, conducted or operated upon any land in the R-1, R-2 or R-3 Zones unless and until a site plan has been submitted to the planning board for its consideration and recommendation and has been approved by the borough council.

g. Applications for site plan approval, as required by above, shall be filed with the borough clerk who shall within five days of the receipt thereof, forward the same, together with all accompanying and supporting documents, to the planning board. The planning board shall then distribute copies to the shade tree commission or

other agencies, (Environmental Commission, Northeast Monmouth Regional Sewerage Authority, the Monmouth County Planning Board, etc.) Material to be submitted with such application shall include a detailed site and landscape plan and architects rendering which shall show such information as boundaries of the tract, building elevations, all applicable dimensions and areas as set forth in this subsection, all streets and easements, the location of all proposed structures, signs, fences, hedges and wall landscaped areas showing the location of all trees and shrubs, parking areas, and access thereto and egress therefrom and the proposed internal and external traffic flow. The reporting agencies shall submit written recommendations to the clerk of the planning board within 30 days of the receipt thereof. In addition, the applicant shall submit, if required an environmental assessment statement in accordance with the requirements of such agencies. The planning board shall within 60 days of the filing of the application with the borough clerk, or within such further time as the applicant may agree to, review the entire matter in relation to the conformance to existing buildings in the adjacent areas, the health, safety and general welfare of the community, and with a view toward ascertaining whether the above requirements and standards have been met and take appropriate action.

h. Any construction or alteration of any building or structure on any premises located in a residential zone and not a single family detached residence or other structure permitted under paragraphs a, d, e or f above, shall be issued a building permit only after the procedure set forth in Section 17-4.4f and 17-5.1g is complied with.

#### **17-5A Use Regulations of the Professional Zones.**

##### **17-5A.1 *Intention, Uses Permitted, Special Exception Use Permits.***

a. *Intention.* This district is intended for professional, business and office use in a manner that is compatible with adjacent residential uses.

##### **b. *Uses Permitted.***

1. The professional offices and facilities of a doctor, lawyer, accountant, engineer, dentist, architect, realtor, psychologist, or insurance agent, provided any structure permitted be such as will tend to preserve the residential appearance and character of the zone and its surroundings.

Application for building permits under the provision of this subsection shall be made to the building inspector, material to be submitted with the applications shall include a detailed site plan in accordance with section 17-5.1g "Special Use Permit".

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2. All Uses permitted in R-1, R-2, or R-3 residential zones.

c. *Uses Subject to Special Permit.* The following uses are permitted in the P-1 or P-2 zone upon obtaining a special permit. This special permit shall be obtained in accordance with the provisions of this section following public hearing at which the applicant has demonstrated that the proposed use will tend to preserve the residential appearance of the zone and that there will be no nuisance factors as described in Section 17-5.1 (f) associated with the intended use.

1. Banks and other financial institutions, such as brokerage houses, or lending institutions.

2. Accessory uses customarily incident to those described herein in Section 17-5A.b1. Such uses would include a clinical laboratory or title insurance company.

3. Any public utility office or an office of a governing body.

4. A planned office project, embracing a multiple number of the uses permitted under this paragraph and paragraph (b) or a combination of such uses.

d. *Procedure for Special Exception Use Permits.* All Applications for special exception use permits shall be made to the building inspector. Material to be submitted with the application shall include a detailed site plan in conformance with Sec. 17-5.1(g) of the ordinance.

The building inspector after determining that an application is in proper form shall transmit one copy of the application and the supporting documents to the secretary of the zoning board for referral to that board. At the same time the building inspector shall transmit one copy of the application and the supporting documents to the planning board for its review and recommendation to the zoning board.

1. The planning board shall review the application and within 30 days of its receipt thereof shall submit a written report thereon to the zoning board. In its report the planning board may recommend any revisions to the details of the application and plans as will, in its opinion cause the special use sought to be in conformance with the master plan and its principles of land use, planning and development.

2. The zoning board shall conduct a hearing on any such application received from the building inspector in accordance with the provisions and requirements established by R.S. 40:55-39 (b), after service of notice in accordance with its provisions.

In its consideration, the board shall not only review the requirements and conditions set forth in this section, but shall also consider the intensity of the use proposed, the number of employees, the character of the area in which the use is to be located, vehicular travel patterns and all other reasonable elements which would affect the public health, safety and welfare.

3. For application for such special exception use permits the zoning board has only the final power to decide to disapprove an application or to recommend approval of an application to the governing body and the following procedures shall apply:

(a) Where the zoning board decides to disapprove an application the building inspector shall be furnished a copy of the zoning board's disapproving resolution and he shall accordingly deny the application and provide the applicant a copy of the zoning board's resolution thereon.

(b) Where the zoning board recommends to the governing body approval of a use variance or a special exception use permit application, a copy of the board's resolution together with a written report of its findings, shall be transmitted to the borough clerk for referral to the governing body for its action thereon.

4. Prior to the issuance of a building permit for a special use approved by the board of adjustment, the applicant shall submit an application for site plan review to the planning board as specified in subsection 17-5.1g. Notwithstanding the approval of the board of adjustment, no permit shall be issued until the site plan has been approved by the planning board pursuant to this section.

**17-5A.2 Standards and Requirements of P-1 and P-2 Zones.** The P-1 and P-2 Zones shall have the following requirements:

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a. P-1 Zone —

- Lot Frontage — 225 feet
- Front Yard Setback — 25 feet
- Rear Yard Setback — 30 feet
- Side Yard Setback — 12 feet
- Building Height — 30 feet or 2½ stories

Parking — 1 space per 200 sq. feet of net office space, or 1 space per 300 sq. ft. of gross office space whichever yields the greater number of parking spaces; however, no use shall be permitted wherein that use would be likely to generate parking which could not be accommodated on the site of the use.

b. P-2 Zone —

- Lot Frontage — 75 feet
- Front Yard Setback — 20 feet
- Rear Yard Setback — 30 feet
- Side Yard Setback — 8 feet
- Building Height — 30 feet or 2½ stories

Parking — 1 space per 200 sq. ft. of net office space, or 1 space per 300 sq. ft. of gross office space whichever yields the greater number of parking spaces, however, no use shall be permitted wherein that use would be likely to generate parking which could not be accommodated on the site of the use.

c. Both P-1 and P-2 Zones.

1. No parking shall be allowed in any area between the front of the building line and curblineline or the side of the building line and curblineline on a corner lot.

2. Only one entrance and one exit for vehicular traffic will be allowed per development.

3. Any use adjoining a residential zone or use shall follow the requirements for protective screening as described in section 17-5A.2

4. All developments shall reserve no more than 40 percent of the entire tract for the building and no more than 30 percent of the entire tract for parking.

17-6 General Provisions.

17-6.1 *Future Uses, Construction and Changes.* No lot may be used and no building or part thereof may be erected, constructed, reconstructed, moved, repaired, extended, converted, altered, maintained or used, except in conformity with the provisions of this chapter,

except that an existing residential building or part thereof may be reconstructed, repaired, extended, altered or maintained if the lot violates either subsections 17-3.1 or 17-8.3, but no other provision hereof.

**17-6.2 Restoring Unsafe Buildings or Structures.** Nothing in this chapter shall prevent the strengthening or restoring to a safe or lawful condition of any part of any building declared unsafe or unlawful by the building inspector or other duly authorized borough official.

**17-6.3 Projections into Required Open Spaces.** Yards and courts required under this chapter shall be entirely free of building or parts thereof, except that front entrance steps of a residence may project into a required front yard, not to exceed ten feet in an R-1, R-2, or R-3 Zone.

**17-6.4 Location and Coverage of Accessory Buildings.** No accessory building permitted by this chapter shall be placed in any front yard or side yard, except as specified hereinafter in this subsection. Where the front, rear or side yard borders on a river or branch thereof, a private boat house may be built in such front, side or rear yard, subject to the approval of the zoning board of adjustment. The aggregate ground area covered by accessory buildings in any rear yard required as a minimum including the ground area covered by and projection hereinafter permitted, shall not exceed 20 percent in any R-1, R-2 or R-3 Zones, and 40 percent in any B-1 Zone.

**17-6.5 Accessory Building in Rear Yards.**

a. No accessory building other than a fireproof building erected in a rear yard shall be nearer the rear lot line or side lot line, which is not a street line, than eight feet in an R-1, R-2 or R-3 zone.

b. An accessory building erected in a rear yard on a corner lot shall be no nearer to the side street line than the minimum widths of side yards specified for residence zones in subsection 17-8.4.

c. On any lot in an R-1, R-2 or R-3 zone which runs through from one street to another, and of which the frontage has been established or specified as provided in subsection 17-6.10, no accessory building shall be erected in the rear yard nearer the rear street line than the minimum distance specified in subsection 17-8.1.

**17-6.6 Accessory Buildings in Side Yard.** In the case of exceptionally wide lots, where side yards of greater width than the minimum required by this chapter are provided, accessory buildings may be erected in such

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excess side yards which do not abut streets, provided that the side yard required as a minimum by this chapter be left open and unoccupied and that no part of any building shall be within 15 feet of the principal building in any R-1, R-2 or R-3 Zone.

*17-6.7 Limitations on Accessory Buildings.*

a. No accessory building in any zone shall be over two stories high and none which is erected in a residence zone within 25 feet of any part lot line shall be more than one story high.

b. No accessory building shall be used for residence purposes except by domestic employees of the tenant or of the owner of the premises.

c. No accessory building with intent to occupy same for dwelling purposes shall be constructed before the principal building.

*17-6.8 Change in Ownership.* No space which for the purpose of one building has been counted or calculated as part of a side yard, rear yard, front yard, court or other open space required by this chapter may by reason of change in ownership or otherwise, be counted or calculated to satisfy or comply with a yard, court or open space requirement of or for any other building. Two or more lots or parts of lots may be thrown together and considered as one lot for the purpose of this chapter provided they are under a single ownership.

17-6.9 *Over-Building Prohibited.* On no existing lot upon which there has been erected a building used for residence purpose shall there be erected another building other than an accessory building.

17-6.10 *Determining Lot Frontage.* In the case of a lot running through from one street to another, the front of the lot shall, for the purposes of this chapter, be considered that frontage upon which the majority of the buildings in the same block front; but in case there has been no clearly defined frontage established the owner may, when applying for a building permit or certificate of occupancy, specify which lot line shall be considered the front line and shall arrange his buildings and yards accordingly. In the case of a corner lot, the shorter street frontage shall be deemed the front lot line, but in case the lot has the same frontage on each of two streets, the owner may at the time application is made for a building permit, designate either street frontage as the front of the lot.

17-6.11 *Determining Yard Location.* In determining the locations and sizes of yards required as a minimum under this chapter, all measurements shall be made from lot line inward.

17-6.12 *Gross Floor Area.* The gross floor area of the ground floor of any principal building used for resident purposes hereinafter erected in any R-1 Zone shall not be less than 1,600 square feet; in any R-2 Zone shall not be less than 1,200 square feet; and in any R-3 Zone shall not be less than 900 square feet, except that in the case of a dwelling with two completely finished stories, the minimum ground floor area shall be two-thirds the aforesaid requirements of this subsection. The gross floor area is the sum of that enclosed by the outside faces of all exterior walls surrounding the ground floor, exclusive of any area used for an attached garage or open porch.

17-6.13 *Maximum Floor Area of Residential Building.* The gross floor area of the ground floor of any principal building used for residence purposes including accessory buildings thereafter erected in any zone shall not exceed 25 percent of the area of the lot in said zone.

17-6.14 *Maximum Floor Area of Business Building.* The gross floor area of the ground floor of any business, hereafter erected, shall not exceed 60 percent of the lot on which it shall be erected and the width of the building throughout shall not be less than 25 feet.

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17-6.15 *Subdivision.* Every subdivision of property shall be done according to statute, the ordinances of the borough and the approval of the planning board and the mayor and council.

17-6.16 *Prohibited Uses.* No tract of land, lot or ground shall be used for the following purposes:

- a. Camping sites or trailer camps.
- b. Trailers.
- c. Aviation field.
- d. Erection or display of advertising billboards.
- e. Yards for the sale of secondhand lumber and other building materials. This provision shall not apply to the sale of materials from a building on the site of which it is being torn down.
- f. Loading and location of manure except on farms and for use thereon.
- g. Any automobile junkyard or place where any abandoned automobiles or other discarded and abandoned household furniture, appliances or any machinery of any kind are permitted to accumulate.
- h. No building material or materials whether old or new may be stored out of doors in Zones R-1, R-2 or R-3 of the borough except as follows:
  1. On the property of a *bona fide* farmer operating a *bona fide* farm.
  2. When such materials are to be used for construction of a house and outbuildings, the materials may be stored on the lot (in case of a development) upon which aforesaid lot constructed, provided that a building permit for the building has been issued by the building inspector.

17-6.17 *Animals.* The keeping of horses, sheep, goats, cattle or other animals, except small domesticated animals, is prohibited, except within a plot containing over two acres and except within an enclosure distant at least 50 feet from each lot line. The keeping of chickens or other fowl is prohibited, except on a plot of one-half acre or more and except within an enclosure distant at least 50 feet from each lot line.

17-6.18 *Sidewalks.* Sidewalks, or where there are no sidewalks, areas in front of lots shall be kept clear of overgrowth by owner.

17-6.19 *Fences.* No fence or masonry wall over five feet in height and no fence commonly known as a spite fence shall be constructed on any property, except as follows.

a. Fences of the types and dimensions specifically prescribed by the provisions of subsection 17-5.1.

b. In the B-1 and B-2 zones fences or walls shall be permitted in side and rear yards, but in no event nearer to the front building line. The fence or wall shall be opaque and shall not exceed six and one-half feet in height. Fences may be of the stockade or basket weave varieties. Walls may be of brick-patterned concrete or patterned masonry block.

#### 17-7 Heights of Buildings.

Except as specified in this section, no building shall be erected in excess of the following heights:

30 feet in any residence zone and not exceeding two and one-half stories.

40 feet in a business zone and not exceeding three stories.

The specified height limits shall not apply to transmission or aerial towers, flag poles, cupolas, church spires, belfries, chimneys, water tanks and elevator penthouses.

#### 17-8 Yards and Lot Frontage.

##### 17-8.1 Front Yards.

a. *Requirements in Residence Zone.* A front yard is required on every lot in a residence zone, except as specified below, and shall have a depth of not less than the following:

50 feet in an R-1 and R-2 Zone.

30 feet in an R-3 Zone.

b. *Requirements in Business Zones.* All buildings in business zones shall be set back a minimum distance of 15 feet from any street line, except that on any lot within a business zone which is within the same block on the same side of the street and within 50 feet of the boundary line of any residence zone, a front yard of equivalent open space is required of a depth not less than one-half of the front yard depth prescribed herein for that class of residence zone which adjoins the hereinbefore mentioned business zone.

c. *Maintaining Established Building Lines.* Nothing in this chapter shall justify or cause the violation of any ordinance, regulation or contract,

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which in any zone establishes a building line or prescribes uniformity of depths of front yards along any street, the adherence to which would create a front yard or equivalent open space of a depth greater than is required in this subsection.

17-8.2 *Rear Yards.* A rear yard shall be provided on every lot, and the minimum depth of such rear yard shall be as follows:

- a. 50 feet in R-1 and R-2 zones.
- b. 40 feet in R-3 zone.
- c. 30 feet in a business zone.

17-8.3 *Frontage of Lot.*

a. In residence zones, the minimum frontage of any lot on any adjoining street shall be as follows:

160 feet in R-1 zone.

100 feet in R-2 zone, except that in the case of corner lots the minimum requirements shall be 150 feet.

100 feet in R-3 zones.

b. In business zones, the minimum frontage of any lots shall be not less than the frontage deemed reasonable by the borough council, after favorable recommendations to the council by the planning board, for purposes of a building permit. The determination shall be based upon the traffic conditions on the street on which the property is located, the parking facilities and the manner of the operation of the business.

17-8.4 *Side Yards.*

a. *Residence Zones.* Two side yards shall be provided on every lot in a residence zone in accordance with the following provisions:

1. In an R-1 zone, each side yard shall be not less than 25 feet wide, except that on a corner lot the side yard on the side street line shall be not less than 50 feet wide.

2. In an R-2 zone, the side yard shall be not less than 15 feet wide, except on a corner lot the side yard on the side street line shall be not less than 50 feet wide.

3. In an R-3 zone, each side yard shall be not less than eight feet wide, except that on a corner lot the side yard on the side street line shall be not less than 35 feet wide.

4. In the case of existing lots less than 75 feet in width, no house shall be erected thereon covering more than 70 percent of the width of the lot.

b. *Business Zones.* Within any business zone a side yard not less than five feet wide is required along a boundary line of any residence zone, but otherwise no side yard is required for any building if the business building is of fireproof construction, as classified in the building code.

#### 17-9 Garages; Stables; Courts.

##### 17-9.1 *Garages, Stables, Filling Stations and Fuel Tanks.*

a. *Stable Equivalent to Garage.* For the purpose of this chapter, a stable for horses shall be deemed to be equivalent to one motor vehicle.

##### b. *Garages in All Zones.*

1. A private garage or a group of private garages as necessary to a principal building is permitted in any zone on any lot of an area adequate for its accommodation and the provisions of the open spaces required by this chapter, but no public garage shall be permitted in a residence zone.

2. In a residence zone, no garage shall be rented out for the housing of any commercial vehicle, or used for more than one commercial vehicle.

3. In a residence zone, not more than one-half of the garage space provided on any lot shall be rented out for the housing of noncommercial vehicles.

##### c. *Restrictions on Public Garages and Filling Stations.*

1. No part of any public garage shall be used for residence purposes.

2. No part of any filling station or of any public garage accommodating more than five motor vehicles, or of any driveway thereto shall be located within 200 feet of the line of property, of a point on the opposite side of the street in which it faces, owned and used or contemplated to be used by and as a church, hospital, public or parochial school, private school, private school institution for dependents or children, theater, club or other place of public assembly seating over 100 persons, or in connection therewith, if such property is located on either side of the same street upon which the public garage or filling station is to be located.

3. No part of any building used as a public garage or filling station and no gasoline, kerosene or other fuel pump or other service appliance used to supply motor vehicles, boats or other fuel-driven engines shall be erected within 1500 feet of any of the following:

(a) Any residence zone as defined in this chapter;

(b) Any existing or contemplated building used as a public garage or filling station;

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(c) Any gasoline, kerosene or other fuel pump or other service appliance used to supply motor vehicles, boats or other fuel-driven engines;

(d) Any fire house;

(e) Any public building;

(f) Any civil defense control area.

4. Filling stations shall have their gasoline pumps, including other service facilities set back at least 15 feet from any street property line and their buildings set back at least 35 feet from any street property line.

5. No tanks, drums or similar containers containing or intended to contain fuel oils, gasoline or solvents including naphthas or other materials injurious to human beings, shall be placed or located on or above the ground level in any zone, except this shall not apply to fuel oil tanks having capacity or 275 gallons or less.

17-9.2 *Courts.*

a. *When Required.* Within any zone, a court is required wherever any room in which people live, sleep, work or congregate cannot be adequately lighted or ventilated directly from a street or yard on the same lot, to afford natural light and ventilation to such room, but no court need extend below the rooms or room it is required to serve.

b. *Required Size.* Within any zone, the minimum width of an inner court at its lowest level shall be not less than nine inches to each foot of its height and in no case less than nine feet, and the maximum horizontal dimension of an inner court shall be not less than twice its width. The least width of an outer court between the walls thereof, shall be at any given height not less than six inches per foot of such height and in no case less than six feet, and the depth of the court shall not exceed twice the width.

17-10 *Signs.*

17-10.1 *Definitions.*

a. *Sign.* A structure, building wall or other outdoor surface, or any device used for visual communications in order to bring the subject thereof to the attention of the public, and/or to display, identify and/or publicize the name, location and/or products or service of any person.

b. *Free Standing Sign.* Shall include any sign supported by uprights or braces placed upon the ground and not attached to any building.

c. *Wall Sign.* Shall include any sign which is affixed to or painted on an exterior wall of any building, not projecting more than one foot beyond the building wall.

d. *Projecting Sign.* Shall include any sign which is affixed to any building wall or structure and extends more than one foot beyond the building wall.

e. *Sign Area.* The area defined by the outside edge of the frame surrounding the sign or by the edge of the sign if no frame exists. Where no frame or edge exists, the area shall be defined by a projected enclosed four-sided (straight lines) geometric shape which most closely outlines the sign.

#### 17-10.2 *General Provisions.*

a. All signs shall conform to the structural requirements of the borough building code. All signs hereafter erected, inscribed, installed, replaced, or altered, EXCEPT permitted signs for private residence, window signs and temporary signs shall require a sign permit. Applications for such sign permits shall be made in the same manner as applications for building permits for the erection or construction of buildings in the B-1, B-2, I-1 and I-2 zones.

b. Maximum height for free standing or projecting signs, unless otherwise provided, shall not exceed 12 feet above ground level.

c. All signs must be located within the building line of the property on which they are placed, unless otherwise specifically provided.

d. No permanent marquees or canopies extending over a required front yard or over a public walk shall hereafter be erected.

e. Official signs erected by the borough, county, State or Federal Government shall be permitted in all districts.

f. One free standing sign for identification shall be permitted for schools, churches, hospitals or similar institutions, and for permitted clubs and lodges, provided that the area shall not exceed 25 square feet on each side, or wall signs may be erected not to exceed 25 square feet in total area.

g. Flood lights must not be located more than 12 feet above ground level and shall be so placed and shielded as to prevent any glare or blinding effect upon any lane of moving traffic.

h. No sign shall be located in such a manner as to materially impede the view of any street or intersection.

i. No signs except window or special event signs shall be placed on private or public property except for the purpose of identifying a use or uses actually conducted upon the premises upon which such signs are erected and for no other purpose.

j. Signs placed in windows are permitted subject to the following provisions. Except for "For rent" and "For sale" signs, any temporary sign or other advertising material glued or otherwise attached to a window or otherwise exposed to public view shall be removed at the expiration of the event of sale for which it was erected or posted, whichever shall have occurred sooner.

Not more than 20 percent of the square footage of any single window or single window display area shall be devoted to signs or other advertising material attached thereto or otherwise exposed to public view.

k. The bottom of all projecting signs must be at least eight feet above ground level.

17-10.3 *Maintenance.* If the building subcode official shall find that any sign is unsafe, insecure or in need of repair, or is not maintained in proper painted condition, the building subcode official shall give written notice to the permittee thereof. If the permittee fails to repair or remove it within 30 days after such notice, such sign may be removed in order to comply, by the building subcode official at the expense of the permittee or owner of property on which it is located.

17-10.4 *Prohibited Signs.*

a. No rotating beam or flashing illumination shall be used in connection with any sign.

b. Signs with any lighting or control mechanism which may cause radio or television interference.

c. Any sign so erected, constructed or maintained as to obstruct or be attached to any fire escape, door or opening used as means of egress or ingress, or for fire fighting purposes, or placed so as to interfere with any opening for ventilation required by law.

d. Signs utilizing the colors red or green in their illuminations when the signs are placed within 50 feet of a street intersection.

e. Any sign which is of such a form, character or shape as to confuse or dangerously distract the attention of a motor vehicle.

f. Any advertisement that uses a series of two or more signs or units, placed in a line parallel to the street, or in similar fashion, all carrying a single advertising message, part of which is contained on each sign.

g. Signs which in any way simulate official, directional or warning signs erected or maintained by the State of New Jersey, Monmouth County, or borough thereof, or by any railroad, or public utility or similar agency concerned with the protection of the public health or safety.

h. Pennants, multicolor streamers or banners or trading stamps, except during a ten day period following the commencement of business by a new owner or tenant.

i. Signs which rotate or move or which have rotating or moving parts.

j. Signs which are above the parapet of a building.

k. Signs which are attached to utility poles or trees.

l. Signs which advertise that real estate has been sold or rented.

**17-10.5 Permitted Uses: Residence Zones.**

a. Signs to identify a permitted professional use or the occupant of a residence, and trespassing signs, or signs indicating the private nature of a driveway or premises, provided that the area on one side of any such sign shall not exceed two feet, shall not exceed four feet in height above ground

level, shall not be artificially lighted and shall be situated within the property lines of the premises it identifies.

b. One nonilluminated temporary sign advertising the prospective sale or rental of the premises upon which it is maintained, provided that the area on one side of any such sign shall not exceed three square feet, shall not exceed four feet in height above ground level and that it shall be removed within 30 days after consummation of a lease or sale transaction and further provided that the words "For sale" or "For rent" or similar words must be the largest wording on the sign.

c. One free standing sign for each major subdivision, provided such sign shall not exceed 20 square feet in area on each side and shall not exceed eight feet in height. Any sign remaining in the area after all work on the subdivision is completed shall not exceed four square feet on each side and shall not exceed eight feet in height above ground level.

d. No more than one permanent sign per lot shall be permitted, unless otherwise specified, for each use permitted in this zone.

*17-10.6 Permitted Uses: Business, Industrial and Professional Zones.*

a. Each commercial use may have:

1. Wall sign area on the front of the building, not exceeding a total of 10 percent of the front building face area, including all doors and windows, but excluding the roof.

2. Each building may have:

(a) One projecting sign not exceeding five percent of the front building face area, with a maximum of 25 square feet; or

(b) One free standing sign not exceeding 25 square feet on one side.

The overall sign area of all signs shall not exceed 15 percent of the front building face area, including all doors and windows.

b. Where a commercial structure is located at the intersection of two streets, or a street and a parking lot, an additional wall sign may be erected

or inscribed, upon the side wall, provided that such wall sign does not exceed five percent of the face area of the front of the building.

c. Where the rear of a commercial structure adjoins a parking area or public access to a street, a wall sign not exceeding ten square feet may be erected or inscribed, provided total sign area of the premises does not exceed 15 percent of the building face area of the front of the building. However, where a public entrance exists at the rear of a commercial structure, a wall sign not exceeding two square feet and stating the name of the premises only may be erected or inscribed, which shall not be counted toward the 15 percent limitation imposed in this subsection.

d. One temporary sign advertising the sale or rental of real estate on which it is located shall be permitted, provided that the area on any one side of such sign shall not exceed an area of 25 square feet.

e. Directional signs may be permitted on the premises, however, no such sign shall exceed six square feet in area.

f. No free standing sign shall be erected, installed or maintained nearer than 50 feet from the boundary of any residential zone unless such free standing sign is of a size and type permissible in a residential zone and unless the illumination, if any, of such sign is from within and of such intensity and so directed as not to cause a nuisance to adjacent residential property owner.

#### 17-10.7 *Special Event Signs.*

a. Civic groups or service organizations may erect a temporary sign prior to a special event provided that permission is granted by the mayor and council.

b. Any business, industrial or professional user shall be allowed to erect advertising material which does not conform to the requirements of paragraphs 17-10.4h, 17-10.6a, b and c, and 17-10.2j for a continuous period not to exceed 14 days during each calendar year, which right shall be noncumulative. No borough approval of the temporary signs shall be required but each user shall give prior notice to the zoning officer as to the dates on which the temporary signs will be erected and removed.

**17-11 Planned Residential Neighborhoods.**

17-11.1 *Purpose.* Where tracts exist without permanent nearby playgrounds and open space, and in tracts adjacent to all watercourses, or to open spaces shown on the master plan, it is desirable to provide permanent open space as an integral component of the tract development. This may be done by allowing a slight reduction in the size of the lots, more efficient street planning, and the collection of the land so saved into common recreation or conservation space. Such space may be privately held by a neighborhood association formed for the purpose, or may be dedicated to the municipality, as determined by the mayor and council after considering the planning board's recommendation.

Such special developments shall be worked out by the owner with the informal collaboration of the planning board and subject to the final approval of the mayor and council, following the standard procedure established for major subdivisions, and subject to additional provisions set forth below.

**17-11.2 R-1 Zoning District.**

a. For the purposes of this section, "minimum lot size" is defined as the diameter of the largest circle which can be inscribed within its boundaries. The minimum lot size shall not be less than the frontage specified (160 feet) but the minimum lot area may be reduced to one acre in lieu of the 60,000 square feet otherwise required.

b. The number of lots permitted in the planned residential neighborhood shall normally not exceed 110 percent of those shown to be permitted on the tract by a trial subdivision sketch of the tract in question following all provisions of this revision.

c. In the interest of reducing the area of street paving, lot frontage may be reduced to 50 feet on an approved street and the paved width of such street may be reduced to 27 feet.

d. Unless along a watercourse or part of a previously planned open space, the area of the parcel to be set aside from common recreation space shall normally not be less than five acres, nor its minimum lot size less than 350 feet.

17-11.3 *R-2 Zoning District.*

- a. The minimum lot size shall be 100 feet.
- b. The minimum lot area shall be 15,000 square feet.
- c. Other provisions set forth for R-1 in subsection 17-11.2 shall apply.

17-11.4 *R-3 Zoning District.*

- a. The minimum lot size shall be 85 feet.
- b. The minimum lot area shall be 14,520 square feet.
- c. Other provisions of R-1 set forth in subsection 17-11.2 shall apply.

17-11.5 *Requirements for Approval.* Prior to approval of any planned residential neighborhood, the planning board shall find the following facts and conclusions:

- a. That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to purposes set forth in this chapter.
- b. The reliability of the proposals for maintenance and conservation of the common open space, and the adequacy of the amount, location and purpose of the common open space.
- c. The adequacy of provision through the physical design of the proposed development of public services, control over vehicular traffic and the amenities of light and air, recreation and visual enjoyment.
- d. In the case of a proposed development which proposes construction over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents and owners of the proposed development in the total completion of the development.

17-11.6 *Standards for the Establishment of Open Space Organization.* As recommended by the planning board and approved by

the mayor and council, the common open space may be dedicated to the municipality in fee simple in perpetuity; be subject to a permanent easement allowing public access and prohibiting the private construction of any structures such as buildings, bulkheads, or piers or be held in perpetuity by a neighborhood association, provided:

a. The developer shall provide for an organization for the ownership and maintenance of any open space for the benefit of residents of the development. The organization shall not be dissolved and shall not dispose of any open space, by sale or otherwise, except to an organization conceived and established to own and maintain the open space for the benefit of such development, and thereafter the organization shall not be dissolved or dispose of any of its open space without first offering to dedicate the same to the municipality wherein the land is located. The developer shall be responsible for the maintenance of any such open space until such time as the organization for its ownership and maintenance shall be formed and functioning and shall be required to furnish a performance guarantee in the amount to be fixed by the borough engineer for such maintenance for a period of two years after the date of acceptance of all public streets in the development.

b. In the event that the organization shall fail to maintain the open space in reasonable order and condition, the mayor and council may serve written notice upon such organization or upon the residents and owners of such development setting forth the manner in which the organization has failed to maintain the open space in reasonable condition. The notice shall include a demand that such deficiencies of maintenance be cured within 30 days thereof, and shall state the date and place of a hearing thereon which shall be held within 15 days of the notice. At such hearing, the mayor and council may modify the terms of the original notice as to deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modification thereof shall not be cured within the 30 days or any extension thereof, the municipality, in order to preserve the open space and maintain the same for a period of one year, may enter upon and maintain such land. Entry and maintenance shall not vest in the public any rights to use the open space except when the same is voluntarily dedicated to the public by the residents and owners. Before the expiration of the year, the mayor and council shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the open space, call a public hearing to be held by the mayor and council, upon 15 days' notice to such organization or to the residents and owners of the development, at which hearing such organization or the residents and owners of the development shall show cause why such maintenance by the municipality

shall not, at the election of the municipality, continue for a succeeding year. If the mayor and council shall determine that the organization is ready and able to maintain the open space in reasonable condition, the municipality shall cease to maintain the open space at the end of the year. If the mayor and council shall determine the organization is not ready and able to maintain the open space in a reasonable condition, the municipality may, in its discretion, continue to maintain the open space during the next succeeding year, subject to a similar hearing and determination, in each year thereafter. The decision of the mayor and council in any such case shall constitute a final administrative decision subject to judicial review.

c. The cost of such maintenance by the municipality shall be assessed ratably against the properties within the development that have a right of enjoyment of the open space, and shall become tax lien on the properties. The municipality, at the time of entering upon the open space for the purpose of maintenance shall file a notice of such lien in the office of the county clerk upon the properties affected by such lien within the development and the same shall be discharged by the municipality upon payment as with other liens.

d. All other provisions of all ordinances shall be strictly adhered to. All documents pertaining to any neighborhood or open space shall be subject to review of the borough attorney, shall be countersigned by the chairman of the planning board and the mayor, and recorded as a covenant running with the land when the final plat is recorded by the county clerk.

#### 17-12 Interpretation and Purpose.

In their interpretation and application, the provisions of this chapter shall be held to the minimum requirements adopted for the promotion of the public health, morals and general welfare; for lessening the congestion in the streets; for securing safety from fire, panic and other dangers; for the provision of adequate light and air; for preventing overcrowding of lands or buildings; for the avoidance of undue concentration of population and for facilitating adequate provision of transportation, water, sewerage, schools, parks and other public improvements. It is not intended by this chapter to affect any building permits previously issued pursuant to law.

17-13      BOROUGH OF LITTLE SILVER ORDINANCES

17-13    Enforcement.

17-13.1 *Authority and Duties of Building Inspector.* This chapter shall be administered and enforced by the building inspector, who shall in no case grant any permit for the construction or alteration of any building nor any certificate of occupancy in respect to any building where the proposed constructing, alteration or use would be in violation of any provision of this chapter, or the building code. The building inspector is hereby empowered to cause any building, structure, plans and premises to be inspected and examined as to any violations.

17-13.2 *Authority and Duties of Zoning Officer.* It shall be the duty of the zoning officer to:

a. Review all applications for building permits and for certificates of occupancy for the purpose of ascertaining whether or not the proposed building, structure or use complies in all respects with the provisions of this chapter.

b. To endorse his approval upon such applications and upon all building permits and certificates of occupancy where the proposed building, structure or use is in full compliance with the provisions of this chapter and to endorse his disapproval upon all such applications where the proposed building, structure or use is not in full compliance with the provisions hereof.

c. In connection with his approval or disapproval of such applications, building permits and certificates of occupancy, to make such inspections of the premises which are the subject of such applications as may be necessary to ascertain their compliance or noncompliance with the provisions of this chapter.

d. To inspect any building, place or premises to ascertain whether or not such building, place or premises or the use thereof is in compliance with the provisions of this chapter and, if he finds the same not in compliance, to order in writing the correction of any such noncomplying premises or use. No building permit or certificate of occupancy shall be issued unless or until the approval of the zoning officer has been endorsed upon the application therefor and upon such building permit or certificate of occupancy.

17-13.3 *Application to Board of Adjustment.* Application for a public hearing by the zoning board of adjustment shall be made on appeal form obtained from the borough clerk. The cost of advertising such public hearing on any application shall be paid by the applicant at the legal rate.

17-13.4 *Certificate of Occupancy.* No land shall be occupied or used and no building hereafter erected, altered, extended, expanded or, in the case of a nonresidential building, conveyed to a new owner shall be used or changed in use until a certificate of occupancy shall have been issued, provided that in the case of the construction, alteration, extension or expansion of a building, no certificate of occupancy shall be issued until 30 days have elapsed after the issuance of a temporary certificate of occupancy. A temporary certificate of occupancy may be issued for a building where the proposed construction, alteration, extension, expansion or use thereof would not be in violation of any provision of this chapter or of the building code of the borough, provided that no temporary certificate of occupancy shall be issued for any such building unless and until the same has been at least 95 percent completed in accordance with the building permit issued therefor and unless and until all sanitary facilities, all utilities and, for residences, all cooking facilities have been installed, are operable and have been approved by the appropriate officer or agency of the borough. Temporary certificates of occupancy may be issued for a period not to exceed one month and may be renewed not more than once for a similar period, provided that a nonrenewable temporary certificate of occupancy for a period of not exceeding six months may be issued where the only item to be completed is landscaping in accordance with plans approved by the shade tree commission of the borough prior to the issuance of the building permit.

