

Township of West Amwell

Ordinance 10, 2015

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 109, "LAND DEVELOPMENT" OF THE CODE OF THE TOWNSHIP OF WEST AMWELL TO AMEND PERMITTED USES OF ZONING DISTRICTS; TO CONSOLIDATE AND REORGANIZE SECTIONS PERTAINING TO CONDITIONAL USES; TO ESTABLISH STANDARDS FOR FARMS AS A PRINCIPAL USE; AND TO ADD STANDARDS FOR ACCESSORY BUILDINGS

WHEREAS, the Planning Board and the Committee of the Township of West Amwell find that Schedule 3, "Schedule of Permitted Uses" of the Chapter 109, "Land Development" of the Township Code is excessive in length, does not include certain uses typical for the Township, distinguishes between uses that are similar or identical in nature and contains conflicting language that diminishes the clarity of the Code; and

WHEREAS, the Planning Board and the Committee of the Township of West Amwell therefore find that Schedule 3 should be amended to consolidate similar land use classifications and contain new land uses; and

WHEREAS, the amendments to Schedule 3 require the creation and deletion of definitions as found in Article II, "General Provisions", and standards as found in Part 4, "Zoning" of Chapter 109, "Land Development" of the Township Code, to account for new and reclassified land use types, and to be consistent with the revised schedule of land use classifications; and

WHEREAS, the Planning Board and the Committee of the Township of West Amwell find that Article XIV, "General Requirements for Conditional Uses" is not enforceable and should be eliminated from the Township Code.

THEREFORE, the Mayor and the Committee of the Township of West Amwell in the County of Hunterdon and State of New Jersey hereby amend and supplement Chapter 109, "Land Development" of the Township Code as follows (Deletions shall be illustrated ~~thusly~~, bolded and struck through, and additions shall be illustrated thusly, bolded and underlined)

SECTION 1, Section 109-4, "Definitions" of Article II, "General Provisions", of Chapter 109, "Land Development" of the Township Code shall be amended and supplemented as follows:

Accessory Apartment for Affordable Housing- A self-contained accessory residential dwelling unit that is eligible for affordable housing credit. The unit shall include a kitchen, sanitary facilities, sleeping quarters and a private entrance, and may be created within an existing home, or through the conversion of an existing accessory structure on the same site, or

by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

Accessory Building - A separate and subordinate building, on the same lot with a principal structure or a portion of a principal structure, occupied or devoted exclusively to an accessory use, whether or not said accessory building has a foundation. Where an accessory building is attached to a principal structure by any means, such accessory building shall be considered part of the principal structure for the purposes of determining setback requirements.

Accessory Dwelling Unit: A self-contained residential dwelling unit secondary to a principal residential or non-residential use that is clearly a subordinate part of the principal use/structure. The unit shall include a kitchen, sanitary facilities, sleeping quarters and a private entrance, and may be created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

Accessory Structure - A separate and subordinate structure, on the same lot with a principal structure or a portion of a principal structure, devoted exclusively to an accessory use, whether or not said accessory structure has a foundation. Where an accessory **structure building** is attached to a principal structure by any means, such accessory structure shall be considered part of the principal structure for the purposes of determining height and setback requirements. Examples include, but are not limited to: fences, walls, off-street parking, sheds, garages, lighting and signage.

Accessory Use - A use naturally and normally incident and subordinate to the principal use of a structure or lot and located on the same lot as the principal use to which it relates.

~~Active Recreation - Leisure-time activities, usually formal in nature, performed with others, often requiring special equipment and/or specially designed places, sites or fields, during which those engaged in the activity are involved in physical exercises.~~

~~Kennel Animal Boarding- Any structure, premises, or refuge wherein or whereon the business of boarding or selling, or breeding of small animals is carried on; including such establishments as animal shelters and animal hospitals.~~

~~Animal hospital - a-A use engaged in providing services for health maintenance, diagnosis (including testing) and treatment of animal diseases, pain or other physical or mental condition of animals.~~

~~Apartment - A dwelling unit which is part of or is attached to one or more dwelling units.~~

~~Art studios - a-A use providing work space for one or more artists or artisans and may also include sale of art on premises, assembly uses and art instruction.~~

~~Assembly- a-A use which is a permanent facility, building, structure, or installation which is providing for civic, educational, political, religious or social assemblage purposes. This term shall include nonprofit or for profit facilities and shall include, but may not be limited to, houses of worship, banquet facilities, lodges, fraternal organizations, civic organizations and funeral homes.~~

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

~~Bank - A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities.~~

~~Auction Market - Any premises on which are regularly held auctions, sales of merchandise or any other personal property.~~

~~Bed-And-Breakfast - A residential dwelling in which rooms are rented out for temporary lodging, and breakfast meals are only is served to guests.~~

BUSINESS

~~One of the following types of business development:~~

~~A. COMMUNITY~~

~~— Retail sales and services and professional offices designed and intended to serve the needs of the residents of a substantial portion of the Township.~~

~~B. NEIGHBORHOOD~~

~~— Retail sales and services and professional offices designed and intended to serve the needs of residents in the immediate vicinity.~~

~~C. HISTORIC VILLAGE~~

~~— Retail sales and services and professional offices intended to serve the needs of residents in the immediate vicinity while retaining the character of existing historic buildings.~~

~~Car Wash - A business that provides services that include washing, waxing, and cleaning motor vehicles. Functions may be performed by automatic or mechanical devices, by persons, or by a combination.~~

~~Cemetery - Any property used for interring the deceased.~~

~~Cluster Residential Development - A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or preservation of historic or environmentally sensitive features.~~

~~Collocation - Use of a common wireless telecommunication facility (WTF) or a common site by two or more wireless license holders or by one wireless license holder for more than one type of communications technology and/or placement of a WTF on a structure owned or operated by a utility or other public entity.~~

~~COMMERCIAL RECREATION~~ A recreation facility operated as a business and open to the public.

~~COMMERCIAL RECREATION, OUTDOOR~~A commercial recreation facility which requires for its operation an extensive land area and/or natural resources such as but not limited to ponds, lakes, woods and fields.

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

~~Community residence – a use licensed or regulated as a community residential facility by the State providing food, shelter, personal guidance and other services.~~

Community Residence ~~For The Developmentally Disabled~~ - Any community residential facility licensed pursuant to N.J.S.A. 30:11B-1 et seq. providing food, shelter and personal guidance, under such supervision as required, to not more than 15 developmentally disabled or mentally ill persons, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to, group homes, halfway houses, intermediate care facilities, supervised apartment living arrangements, and hostels, and further defined pursuant to N.J.S.A. 40:55D-66.1 et seq.

~~Community Shelter For Victims Of Domestic Violence - Any shelter approved for a purchase of service contract and certified pursuant to standards and procedures established by regulation of the Department of Human Services pursuant to 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~~

Conditional Use - A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in Part 4, Zoning, of this chapter, and upon the issuance of an authorization therefor by the Planning Board.

~~Congregate Care Center – A facility which provides a living arrangement which integrates shelter and services for those older persons who may be frail, chronically ill or socially isolated, but who do not need twenty-four-hour supervision. These centers usually take the form of a multiunit rental housing facility. Persons living in these facilities are generally mobile, self-sufficient individuals requiring no special care, but who choose to have certain services provided for them. These services may include meal packages, scheduled transportation, opportunities for group socializing, housekeeping and security.~~

~~Convenience Store – A retail sales establishment offering for sale prepackaged food products, household items, newspapers and magazines, drinks, sandwiches and other freshly prepared foods, such as salads, primarily for consumption off-site. In conjunction with a gasoline station, a convenience store may also offer small automobile related products, not including such items as tires and batteries, and cashier services.~~

Contractor's Yard or Facility - A use engaged in construction contracting services including, but not limited to, general or specialty construction trades. A contractor's yard may include office, workshop, storage of materials, storage of vehicles and storage of equipment as accessory uses. The use shall not include on-site sale or manufacturing of materials or merchandise.

Data Center - A use providing data storage, internet distribution and similar services. The use may also be referred to as, and shall include, a telecom hotel, carrier hotel, co-location center or Internet datacenter.

Day care, children - A use licensed by the New Jersey State Department of Human Services for the daytime accommodation of children.

Day care, adult - A facility providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of a 24-hour day.

Dwelling Unit - A room or series of connected rooms containing living, cooking, sleeping and sanitary facilities for one housekeeping unit. The dwelling unit shall be self-contained and shall not require access through another dwelling unit or other indirect route(s) to get to any portion of the dwelling unit, nor shall there be shared facilities with another housekeeping unit.

Dwelling Unit, Types -

Single-Family Detached - A freestanding residential building which contains one dwelling unit and which has no walls common with any other dwelling unit.

Single-Family Attached - A building designed for one housekeeping unit and attached to at least two other similar buildings or structures by party walls extending from the foundation to the roof, with each unit having its own front and rear access to the outside; known as "townhouses."

Two-Family or Duplex - A dwelling unit sharing a common horizontal or vertical separation with only one other dwelling unit.

Multifamily - More than two dwelling units sharing common vertical walls and/or common horizontal separations in a single structure; known as "apartments."

ECHO Unit - An elder cottage housing opportunity (ECHO) unit is a small removable modular cottage on a lot with a dwelling. The ECHO unit shall be separate living quarters, accessory to a primary residence on the premises, not exceeding 720 square feet of gross floor area for the use of and occupancy by not more than two persons, one of whom may be a professional caregiver and at least one of whom must be related by blood, marriage or adoption to the lot owner, who must occupy the primary residence on the premises. One of the ECHO unit related occupants shall be 62 years of age or older or disabled over the age of 18 as defined in Section 223 of the Social Security Act.

~~Educational Institution - Any public or private educational institution normally subject to regulations prescribed by the State of New Jersey.~~

Education and Instruction - A use for teaching professional, artistic and/or physical activity and skills. This term shall include, but not be limited to, tutoring, career training, teaching music and teaching martial arts. The term does not include school uses.

Efficiency Unit - A residential dwelling unit without a separate bedroom. However, for the purposes of this chapter, an "efficiency" shall be considered a one-bedroom unit.

~~Eleemosynary Use - A private or nonprofit organization which is not organized or operated for the purpose of carrying on a trade or business, and no part of the net earnings of which are for the benefit of any individual.~~

Entertainment and recreation - a use for the public or private presentation of and/or participation in performing arts, sports and other recreation activities. This term shall include but not be limited to skating rinks, amphitheaters, carnivals, bowling alleys, movie theaters, and basketball courts. The term shall not include parks and associated recreation facilities.

Family Day-Care Home - Any private residence approved by the Division of Youth and Family Services or an organization with which the division contracts for family day care in which the child-care services are regularly provided to no less than three and no more than five children for no less than 15 hours per week. A child being cared for under the following circumstances is not included in the total number of children receiving child-care services:

- A. The child being cared for is legally related to the provider; or
- B. The child is being cared for as part of a cooperative agreement between parents for the care of their children by one or more of the parents, where no payment for the care is being provided.

~~Family Entertainment Restaurant - A restaurant containing at least 5,000 square feet of gross floor area and containing amusement devices and games that are accessory to the restaurant use. Such a restaurant shall at all times be marketed, operated and promoted exclusively as a family restaurant with no on-site sale, service or consumption of alcoholic beverages~~

Farm - A parcel of land consisting of five acres or more which is used for gain, whose principal use is agriculture, forestry, horticulture, floriculture or animal husbandry, including the boarding of horses. A farm shall not include the area of land devoted to a farmhouse and its accessory structures, although a farmhouse may exist on the same lot as a farm providing that the area of land devoted to the farmhouse and its accessory structures meets the required minimum lot area for a single-family residence in the zone.

Farm Building - Any building used for the housing of agricultural equipment, produce, livestock or poultry or for the incidental or customary processing of farm products, and provided that such building is located on, operated in conjunction with and necessary to the operation of a farm as defined by this section.

Farm Stand - A use within a building or utilizing a structure, comprising 500 square feet or less, from which agricultural products produced on the premises are sold.

Farmers Market – a use composed of outdoor market open to the public at which at least 75 percent of the products sold are farm products or value added farm products of the vendors regularly participating during the market’s hours of operation

~~Fast-Food Operation~~ – An establishment serving food for consumption either on or off site with one or more drive-through windows.

Fitness Center - A use for the purpose of physical fitness which includes, but is not limited to, such equipment as weight resistance machines, whirlpools, saunas, showers, and lockers. The use may include classes available to the public or facility members.

Flea Market - Any premises in which space is rented on a temporary basis for the sale of personal property

Garage, Private - A building or enclosed space used as an accessory to the main building which provides the storage of motor vehicles and in which no occupation, business or service for profit is carried on. One garage space shall equal a maximum of 300 square feet.

Garage, Public or Commercial - A building or enclosed space, other than a private garage, for the storage of motor vehicles exclusively or for the storage of motor vehicles at which filling station service, sales of accessories or repairs, other than body and collision repairs and painting and refinishing, are permitted. This term does not include motor vehicle showrooms for new or used motor vehicles.

~~Group Home~~ - Any single-family dwelling used in the placement of children pursuant to law recognized as a group home by the Department of Institutions and Agencies in accordance with rules and regulations adopted by the Commissioner of Institutions and Agencies; provided, however, that no group home shall contain more than 12 children.

~~Golf Course~~ - A public or private facility containing a golf course of at least nine holes in length, together with the necessary and usual accessory structures and uses, such as, but not limited to, club house, restaurant, banquet facility, refreshment facilities, maintenance buildings, tennis courts, swimming pools and practice areas, provided that such facilities are incidental and subordinate to the operation of a golf course.

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

Home Occupation - A business, profession, occupation, or trade conducted for gain or support and located entirely within a residential building, which use is accessory, incidental, and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building.

Hotel / Motel - A facility offering transient lodging accommodations to the general public and providing additional accessory services such as a restaurant, meeting rooms and recreational facilities.

Inclusionary Development - A residential housing development in which a percentage or all of the housing units are affordable to low- and moderate-income households.

~~Institutional Use -- A use by a public or nonprofit quasi-public, or private institution for educational, religious, charitable, medical or civic purposes~~

Junk or Salvage Yard - The use of any space, whether inside or outside of a building, for the selling, buying, storage, keeping, or abandonment of junk, including scrap metals or other scrap materials or any used or disabled fixtures, vehicles or equipment of any kind.

~~Laboratory – A use for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory. This term shall include, but shall not be limited to, the above activities involving the following: biotechnology and pharmaceuticals.~~

~~Light Industrial - An activity which involves the assembly of products from previously prepared materials and which does not involve the synthesis of chemicals or the processing of raw materials.~~

~~Long Term Care Facility - A use that is licensed or approved to provide health care under medical supervision for 24 or more consecutive hours to two or more patients who are not related to the governing authority or its members by marriage, blood, or adoption. Long-term care facility shall include the terms skilled nursing facility and intermediate care facility.~~

~~Machine Repair and Service – a use engaged in the repair of motor vehicles, industrial equipment, construction equipment, aeronautical equipment, agricultural equipment, and similar heavy equipment. This shall include painting and body repair.~~

~~Manufacturing, Heavy – a use engaged in the manufacture of products from extracted or raw materials, or the manufacture, assembly, fabrication, packaging or other processing of such products, or an outdoor use engaged in the manufacture, assembly, fabrication, packaging or other processing of finished or partially finished parts or products from previously prepared materials. Said parts, products, or materials may consist of the following: stone, or concrete product manufacturing; crude oil or similar petroleum products; involve tanning; chemical, explosive, radioactive, poison, pesticides, herbicides, or other similar hazardous materials.~~

~~Manufacturing, Light – an indoor use engaged in the manufacture, assembly, fabrication, packaging or other processing of finished or partially finished parts or products from previously prepared materials. Said parts, products, or materials shall not consist of the following: crude oil or similar petroleum products; involve tanning; chemical, explosive, radioactive, poison, pesticides, herbicides, or other similar hazardous materials. This term shall include, but shall not be limited to, the above activities involving the following: food, textiles, wood, paper, pharmaceuticals, plastic or metal products. This term shall exclude any use which meets the definition of Heavy Manufacturing.~~

Met Tower - A meteorological tower to measure wind speeds and determine whether a site qualifies for a wind turbine.

~~Mother-Daughter Dwelling - A portion of an owner-occupied single-family dwelling used for the purpose of providing living space for a maximum of two persons that may or may not be related. Such dwellings shall be permitted to have a separate bathroom, kitchen, and~~

~~bedroom and may also maintain its own entryway from the outside. However at all times interior free-flowing access from dwelling to dwelling must be maintained. Prior to the issuance of a certificate of occupancy for any such dwelling, a deed restriction shall be recorded restricting the use of the dwelling unit to conform to the limitations specified herein.~~

~~GAS STATION Motor fuel service station – A use providing sales of vehicle fuel, including alternative fuels, and such services as lubrication, oil and tire changes, and minor repairs. This use does not include paint spraying or body fender repair.~~

~~Municipal Use – any use owned, operated and/or used by West Amwell Township or the Board of Education.~~

~~Museum – A use which houses a collection(s) of literature, art, or other objects, having exhibits for public viewing.~~

~~Nursing Home - A facility operated for the purpose of providing therein lodging, board, and nursing care to sick, invalid, infirm, disabled, or convalescent persons for compensation, and duly licensed by all governmental agencies~~

~~OFFICE~~

~~A. GENERAL OFFICE~~

~~— Executive and administrative offices, including professional offices.~~

~~B. PROFESSIONAL OFFICE~~

~~— Office uses for the medical, legal, financial, design, real estate and scientific (excluding research) professions and the arts.~~

~~Office – a use principally engaged in conducting the affairs of a business, profession, service industry, or government. Offices may include accessory uses serving office workers and visitors such as a café or newspaper stand. Example office uses include but are not limited to real estate agencies, architecture firms, accounting firms, financial advising firms and insurance companies. Banks shall not be included. The use shall not include manufacturing, assembly or productions of goods on the premises, banks or the sale of goods or products from the premises, except for accessory sales and banking services intended primarily as a convenience to office personnel and office visitors.~~

~~Office, Medical– a use engaged in providing services for health maintenance, diagnosis (including testing) and treatment of human diseases, pain or other physical or mental condition of patients solely on an outpatient basis. Example medical offices shall include but are not limited to general physicians, dentists, chiropractors, psychologists, cardiologists and other various specialties. Urgent care centers and hospitals shall not be included.~~

~~Parks and Open Space - Any public or private parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; provided that such areas may include both passive and active outdoor recreational areas.~~

~~Permitted Use - Any use which is allowed by the provisions of this chapter.~~

~~Place of Worship - A building or group of buildings for congregations and worship, including cathedrals, chapels, churches, meeting houses, mosques, synagogues, temples and similarly used buildings as well as accessory uses such as Sunday schools, social halls, parish houses, convents nursery schools, day-care centers and similar uses and buildings.~~

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

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

Principal Use - The predominant or primary use for which a lot is used. ~~Unless specifically permitted by a provision of this chapter, no lot shall have more than one principal use.~~

Prohibited Use - Any use which is not specifically permitted by this chapter.

Public Building - Building which is owned and used by a governmental agency.

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

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

~~Restaurant - A use engaged in the preparation and sale of food and/or beverages.~~

~~RETAIL SALES AND SERVICES - The sale of goods for use or consumption off the premises, which goods are intended to meet the food, clothing, furnishing or recreational needs within the Township; and/or the sale of services, which services are either arranged for or take place on the premises.~~

~~Retail Sales - a use engaged in the sale of goods directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.~~

~~Retail Services - a use engaged in providing services to the general public for personal or household use, including but not limited to, those related to beauty, dry cleaning, laundromats, shoe repair, and tanning. This shall not include medical or office uses such as, but not limited to, real estate, financial advising or insurance companies.~~

~~Riding Academy - A commercial establishment where horses are boarded and cared for, and where instruction in horseback riding may be offered, horse shows may occur and where horses may be hired for riding.~~

~~School - a use that provides teaching of children or adults a complete education curriculum and may include primary and secondary schools, colleges, professional schools, business schools, trade schools, and similar facilities. Public and private uses are included.~~

~~Self-Storage - a use that provides separate compartments for self-service storage of personal property by individuals and businesses and where the owner of the personal property is responsible for the movement of their property, rather than the facility owner. This may include climate-controlled and refrigerated facilities. The term shall also include private security vaults.~~

~~Senior Citizen Housing - Housing within which residency is restricted to permanent residents of the age 62 years and over except for the spouse and one child 18 years or more of age of a qualifying resident.~~

~~Shopping Center - A group of commercial establishments built on one tract that is planned and developed as an operating unit; it provides on-site parking in definite relationship to the type and total size of the stores. The commercial establishments may be located in one or several buildings, attached or separated.~~

~~Solar or Photovoltaic Energy Facility or Structure or Solar or Photovoltaic Energy System, Major - A system of solar or photovoltaic panels and equipment for the production of energy that is not a minor solar or photovoltaic energy facility or structure.~~

~~Solar or Photovoltaic Energy Facility or Structure or Solar or Photovoltaic Energy System, Minor - A solar or photovoltaic panel or system of panels for the production of energy that:~~

- ~~A. Uses solar energy as its fuel; is located on the power beneficiary's premises; is designed and intended primarily to offset part or all of the beneficiary's requirements for energy consumption on site; and is secondary to the beneficiary's use of the premises for other lawful purpose(s); or~~
- ~~B. Is intended to mitigate electrical system improvement requirements; and~~
- ~~C. Generates not more than 110% of the power consumed by the beneficiary's premises, which shall be documented through the submission of power company electricity usage bills for the 12 months prior to the date of application, or another form of documentation acceptable to the West Amwell Township Zoning Officer. This documentation shall be provided at the time of application.~~

Structure - Anything constructed or erected which requires permanent or temporary attachment to something which is erected on the ground and designed, intended or arranged for the housing, shelter, enclosure and/or structural support of persons, animals or property of any kind, excluding unroofed patios at ground level, parking lots or driveways, and fences in compliance with this chapter. For the purpose of determining compliance with yard requirements, a structure shall include unroofed porches above finished grade, roof overhangs, awnings in the extended position and any other permanent part of the structure. For the same purpose, it shall not include structures such as fuel oil tanks, septic tanks and leaching pools which are completely buried below finished grade, drainage systems, or utility poles required only for direct customer service.

Swimming Pool, Portable - Portable pools shall not be subject to the requirements of this chapter and are those pools which are not otherwise permanently installed; do not require

water filtration, circulation and purification; do not exceed a water surface of 100 square feet; and do not require braces or supports.

Swimming Pool, Private Residential - Private residential swimming pools shall mean and include artificially constructed pools, whether located above or below the ground, having a depth of more than 18 inches and/or a water surface in excess of 100 square feet; designed and maintained for swimming and bathing purposes by an individual for use by members of his household and guests; and located on a lot as an accessory use to a detached dwelling. The term "swimming pool" shall include all buildings, structures, equipment and appurtenances thereto.

Telecommunications Tower - A freestanding structure on which one or more antennas are located, including monopoles and similar structures.

Temporary Use - A use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time, and which does not involve the construction or alteration of any permanent structures.

~~Trailer - A wheel-based noncommercial vehicle that is designed to be transported by traction and which is used or may be used as a dwelling or for the transportation or storage of goods, materials, livestock or any object.~~

~~Trailer Park - Any plot of ground upon which two or more trailers occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.~~

Utilities - All lines and facilities related to the provision, distribution, collection, transmission, or disposal of energy, water, storm and sanitary sewage, oil, gas, power, information, telephone, cable, or similar service. However, the term shall not include wireless telecommunications.

Use - The specific purpose for which land or a building is designed, arranged or intended or for which it is or may be occupied or maintained.

Vehicle Sales and / or Repair - The use of any building, lot, or portion thereof for the display, sale, rental, or lease of two or more motor vehicles, and/or any motor-vehicle repair service. Motor vehicle for the purpose of this definition shall include automobiles, trucks, motorcycles, boats, recreation vehicles, and trailers.

Warehousing and Distribution - a use for the storage, loading, unloading and/or distribution of goods, products or materials which may include consolidation, transfer, repacking and value-added services.

Wholesale - a use engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This shall not include retail sales.

Wind Energy System, Small - An energy conversion system, consisting of a wind turbine, a tower, and associated control or conversion electronics, that is used to generate electricity and has a nameplate capacity of 100 kilowatts or less, which converts wind energy by

means of a rotor into electrical power for the primary purpose of meeting all or a part of a dwelling's energy requirements, and has a rated capacity consistent with applicable provisions of the State Uniform Construction Code promulgated pursuant to the State Uniform Construction Code Act," P.L. 1975, c. 217 (N.J.S.A. 52:27D-119). As used in these regulations, the primary application of a wind energy system is the conversion of wind by a machine with turbine apparatus (includes base, rotor blades, nacelle, tower, inverter, batteries or other components used in the system) capable of producing electricity by converting the kinetic energy of wind into electrical energy. The term does not include electrical distribution or transmission lines or electrical substations.

Wind Energy, Lots 20 acres or Greater – equipment or facility meeting the definition in "Wind Energy System, Small", but on lots greater than or equal to 20 acres.

Wireless Communications **Facility** - Any personal wireless services as defined in the Federal Telecommunications Act of 1996 (FTA) which include FCC licensed commercial wireless telecommunications services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed. It does not include any amateur radio facility that is under 35 feet in height that is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas, nor does it include land line telephone service.

SECTION 2. Part 4, "Zoning", Article XI, "Zoning Districts and Zoning Map", of Chapter 109, "Land Development" shall be amended and supplemented as follows:

§ 109-73. Prohibited Uses and Activities

The following uses and activities shall be prohibited in all zones:

- A. All billboards.
- B. Carousels, merry-go-rounds, roller coasters, Ferris wheels, whirl-a-gigs, pony or train rides, midways or sideshows, and similar outdoor commercial recreational uses.
- ~~C. Auction markets and flea markets.~~
- ~~D.C.~~ Trailer parks.
- ~~E.D.~~ Junkyards, automobile wrecking yards or disassembly yards, or the sorting or baling of scrap metal, paper, rags or other scrap material.
- ~~F.E.~~ Migrant labor camps.

~~G.F.~~ Dumps for the disposal of garbage, trash, refuse, junk or other such material; or sanitary landfills.

~~H.G.~~ Any use not specifically permitted in this chapter.

SECTION 3. Article XII, “District Regulations” of Part 4, “Zoning” of Chapter 109, “Land Development” shall be amended and supplemented as follows:

~~§ 109-79. SRPD Sourlands Regional Planning District. Residential Districts, excluding the R-1A District~~

- ~~A. Applicability. The following regulations shall be applicable to the following districts, unless otherwise indicated: Sourlands Regional Planning District (SRPD), Rural Residential Southern District (RR-6), Rural Residential Central District (RR-5), Rural Residential Northern District (RR-4), Village Residential Zone (R-9) and the R-1A Zone.~~
- ~~B. A. Purposes. The purpose of the Sourlands Regional Planning District is to implement the policies and recommendations of the Master Plan by establishing a zone intended to protect an environmentally sensitive area of the Township and region.~~
- ~~1. Sourlands Regional Planning District (SRPD). The purpose of the Sourlands Regional Planning District is to implement the policies and recommendations of the Master Plan by establishing a zone intended to protect an environmentally sensitive area of the Township and region.~~
 - ~~2. Rural Residential Southern District (RR-6). The purpose of the Rural Residential Southern District is to implement the policies and recommendations of the Master Plan by establishing a zone directly south of the SRPD, which shares some of its severely limiting development characteristics. This zone is intended to preserve the rural character of this portion of the Township.~~
 - ~~3. Rural Residential Central District (RR-5). The purpose of the Rural Residential Central District is to implement the policies and recommendations of the Master Plan by establishing a zone directly north of the SRPD, which shares some of its severely limiting development characteristics. This zone is intended to provide for a transition of slightly increased development intensities between the SRPD and the HC Zones.~~
 - ~~4. Rural Residential Northern District (RR-4). The purpose of the Rural Residential Northern District is to implement the policies and recommendations of the Master Plan by establishing a zone generally north of Route 179, where land is less constrained than the central, SRPD or southern portions of the Township.~~
 - ~~5. Village Residential Zone (R-9). The purpose of the Village Residential Zone is to provide for additional housing on vacant sites in the Commons~~

neighborhood which will be compatible in type and density with existing development in the area.

6. R1A -6. R 1-A zone. Special Medium Density Residential Zone. Music Mountain.

C. ~~B.~~ Permitted Principal Uses: see Schedule Three. See 109 Attachment 3, Schedule Three

~~1. Single-family detached dwellings.~~

~~2. Customary and conventional farming operations, including farm stands for the sale of produce and other products produced on the farm. No storage of manure or other odor-producing materials shall be permitted within 100 feet of a property line.~~

~~3. Municipal parks.~~

~~4. Fairs, bazaars, carnivals, rummage sales and similar functions involving fund-raising activities sponsored and conducted by any nonprofit, religious, charitable, philanthropic or eleemosynary organization or any public service organization such as volunteer fire or first aid companies and parent-teacher organizations, provided that such functions not exceed a period of two weeks, except that Christmas tree sales shall be permitted to occur for a maximum of four weeks.~~

D. ~~C.~~ Permitted accessory uses: see Schedule Three. See 109 Attachment 3, Schedule Three

~~1. Customary farm buildings for the storage of products or equipment located on the same parcel as the principal uses. Horses shall not be maintained on any property less than three acres in gross lot area.~~

~~2. Private garage space for two motor vehicles for the first 10,000 square feet of lot area, and, thereafter, one garage space for each additional 15,000 square feet of lot area, up to a maximum of four such spaces.~~

~~3. Other customary uses and buildings, provided that such uses and buildings are incidental to the principal use and do not include any activity commonly conducted as a business. Except for the storage of vehicles in garages, accessory buildings shall be limited to a maximum of 500 square feet in size, or may exceed 500 square feet in size to a maximum of 1,200 square feet in size if the required setbacks for a principal dwelling are met.~~

~~4. Accessory dwellings designed for domestic, household or farm workers, provided that the total number of dwelling units on the lot shall not exceed one unit for each 10 acres of lot area and that each dwelling unit meets all setback and yard requirements applicable to principal buildings.~~

- ~~5. A home occupation, as defined herein, in a single-family detached dwelling.~~
 - ~~6. Minor solar or photovoltaic energy facilities or structures.~~
 - ~~7. Minor solar facilities shall be permitted to be ground-mounted and mounted to principal and accessory structures and buildings; provided, however, that in the case of a roof-mounted system, the photovoltaic solar panels and all necessary equipment shall not extend more than 12 inches beyond the edge of the roofline or 12 inches above the highest point of the roof surface or structure. Flat roofs shall be exempt from the height requirement. However, panels on a flat roof shall not extend more than five feet above the roofline.~~
 - ~~8. In the case of a surface-level or ground-mounted system, the system shall be situated more than 50 feet from the nearest property boundary line and consist of 10 or fewer solar or photovoltaic panels. These facilities shall have setback requirements consistent with building regulations.~~
 - ~~9. Minor solar ground-mounted facilities of more than 10 panels and located less than 50 feet from the nearest property line shall require minor site plan approval prior to obtaining a zoning permit if the array is rated to produce more than 15 kilowatts DC on a single property. These facilities shall have setback requirements consistent with building regulations. These facilities shall be fenced as per § 109-115.1A(5)(c)[4] of this chapter, unless the system is located a minimum of eight feet above ground level. Notwithstanding, these systems shall not exceed the maximum building height in the zoning district.~~
- ~~E. D. Conditional uses: see Schedule Three. See 109 Attachment 3, Schedule Three. Conditional uses shall be permitted subject to the standards and conditions set forth in Articles XIV and XV of this Part 4, and are as follows:~~
- ~~1. Public utility installations.~~
 - ~~2. Riding academies.~~
 - ~~3. Bed-and-breakfast guest houses.~~
 - ~~4. Landscape contracting and plant nurseries.~~
 - ~~5. Places of worship.~~
 - ~~6. Community residences for the developmentally disabled and community shelters for victims of domestic violence housing no more than 15 people.~~
 - ~~7. Major solar or photovoltaic energy facilities or structures.~~
 - ~~8. A small wind energy system.~~
- ~~E. Residential development options.~~

~~1. Cluster development.~~

~~2. Mini-cluster development.~~

~~E. F.~~ Area, yard and building requirements: see 109 Attachment 1, Schedule One.

§ 109-~~8980~~. R-1A Zone.

A. Single-family development shall be permitted within the proposed R-1A Zone in accordance with the following standards:

1. Permitted principal uses: single-family detached dwellings.
2. Permitted accessory uses: garages, swimming pools, sheds and decks, essential services, including community septic systems and other forms of community-based wastewater disposal.
3. Permitted maximum gross density: 0.4 d.u./ac.
4. Open space (based on total net tract area): 40% if on-lot subsurface wastewater disposal systems (40,000 square foot minimum lot area); 50% if community wastewater systems are used (20,000 square foot minimum lot area). Net tract area equals total tract area less commercial areas existing and proposed.
5. Bulk requirements for individual lots.

	With Septic and Well	Community Sewer and Water*
1. Lot area, minimum:		
Interior lot	40,000 s.f.	20,000 s.f.
Corner lot	45,000 s.f.	20,000 s.f.
2. Lot frontage, minimum	100 feet	75 feet
(Cul-de-sac bulb)	50 feet	50 feet
3. Lot width at setback, minimum:		
Interior lot	150 feet	125 feet
Corner lot	170 feet	135 feet
4. Lot depth, minimum	175 feet	160 feet
5. Front yard setback	50 feet	40 feet

6. Side yard setback:

One side 25 feet ~~10 feet~~

Combined 50 feet ~~30 feet~~

7. Rear yard setback 50 feet ~~40 feet~~

9. Building height, maximum (feet/stories) 35 feet/2 1/2 ~~35 feet/2 1/2~~

9. Impervious cover, maximum 20% ~~35%~~

10. Accessory uses setbacks:

(a) Driveways to side property 5 feet line ~~3 feet~~

(b) Decks to side property 10 feet line ~~5 feet~~

(c) Decks to rear property 10 feet line ~~10 feet~~

(d) Pools to side property line 10 feet ~~5 feet~~

(e) Pools to rear property line 10 feet ~~10 feet~~

NOTE:

* "Sewer" shall mean either an on-site community septic system or tract-based treatment plant.

B. Recreation and open space uses. The open space to be conveyed to the Township shall be characterized as one of three categories: open space/active recreation (OA); open space/passive recreation (OP); open space/utilities (OU).

1. Category 1: Open space may be developed by the Township with the following standards: it shall be limited to an area not to exceed 6.5 acres, to be located in close proximity to the existing Restaurant area, and shown on Exhibit A as the Open Space/Recreation Area. It shall have the following standards:

a) No lights (e.g., soccer/baseball fields, if any, shall not be lighted) or buildings, other than a six-by-eight maintenance

shed, shall be constructed. The area shall be reserved for recreation uses only, and may not be converted to other, more intense public uses.

- b) Parking shall be located off-street, with gravel or other impervious surface, with a maximum of 25 and a minimum of 20 parking spaces.
 - c) Buffer berms and landscaped screening shall be installed between fields and the homes.
 - d) Screening to consist of double row of conifers, initially six feet to eight feet high, six feet on centers, staggered, berm to be six feet high.
2. Category 2: Open space shall be developed with the following standards: the area shall be left in open space, with no active recreational development, other than walking trails, bird-watching stations, and such other passive recreational facilities provided by the Township which do not involve land disturbance or construction of buildings or structures. It shall be shown on Exhibit A as the Open Space/Passive Area.
3. Category 3: Open space shall be developed with the following standards: in the event that community septic systems or other on-tract treatment plants are constructed for Property I only, leaching fields, spray irrigation or other forms of land-based effluent disposal may be located on open space lands, subject to the approval of the NJDEP and the Township Engineer, in accordance with the Township's Wastewater Management Plan. Such lands shall be located a minimum of 100 feet from any residential lot, and shall be appropriately maintained with ground cover.

~~§ 109-80. RR-6 Rural Residential Southern District.~~

- ~~A. Purpose. The purpose of the Rural Residential Southern District is to implement the policies and recommendations of the Master Plan by establishing a zone directly south of the SRPD, which shares some of its severely limiting development characteristics. This zone is intended to preserve the rural character of this portion of the Township.~~
- ~~B. Permitted uses: see Schedule Three.~~
- ~~1. Single-family detached dwellings.~~
 - ~~2. Customary and conventional farming operations, including farm stands for the sale of produce and other products produced on the farm. No storage of manure or other odor-producing materials shall be permitted within 100 feet of a property line.~~
 - ~~3. Municipal parks.~~
 - ~~4. Fairs, bazaars, carnivals, rummage sales and similar functions involving fund-raising activities sponsored and conducted by any nonprofit, religious, charitable, philanthropic or eleemosynary organization or any public service organization such as volunteer fire or first aid companies and parent-teacher organizations, provided that such functions not exceed a period of two weeks, except that Christmas tree sales shall be permitted to occur for a maximum of four weeks.~~
- ~~C. Permitted accessory uses: see Schedule Three.~~
- ~~1) Customary farm buildings for the storage of products or equipment located on the same parcel as the principal uses. Horses shall not be maintained on any property less than three acres in gross lot area.~~
 - ~~2) Private garage space for two motor vehicles for the first 10,000 square feet of lot area, and thereafter, one garage space for each additional 15,000 square feet of lot area, up to a maximum of four such spaces.~~
 - ~~3) Other customary uses and buildings, provided that such uses and buildings are incidental to the principal use and do not include any activity commonly conducted as a business. Except for the storage of vehicles in garages, accessory buildings shall be limited to a maximum of 500 square feet in size, or may exceed 500 square feet in size to a maximum of 1,200 square feet in size if the required setbacks for a principal dwelling are met.~~
 - ~~4) Accessory dwellings designed for domestic, household or farm workers, provided that the total number of dwelling units on the lot shall not exceed one unit for each 10 acres of lot area and that each dwelling unit meets all setback and yard requirements applicable to principal buildings.~~

~~5) A home occupation, as defined herein, in a single-family detached dwelling.~~

~~6) Minor solar or photovoltaic energy facilities or structures.~~

~~a) Minor solar facilities shall be permitted to be ground-mounted and mounted to principal and accessory structures and buildings; provided, however, that in the case of a roof-mounted system, the photovoltaic solar panels and all necessary equipment shall not extend more than 12 inches beyond the edge of the roofline or 12 inches above the highest point of the roof surface or structure. Flat roofs shall be exempt from the height requirement. However, panels on a flat roof shall not extend more than five feet above the roofline.~~

~~b) In the case of a surface-level or ground-mounted system, the system shall be situated more than 50 feet from the nearest property boundary line and consist of 10 or fewer solar or photovoltaic panels. These facilities shall have setback requirements consistent with building regulations.~~

~~c) Minor solar ground-mounted facilities of more than 10 panels and located less than 50 feet from the nearest property line shall require minor site plan approval prior to obtaining a zoning permit if the array is rated to produce more than 15 kilowatts DC on a single property. These facilities shall have setback requirements consistent with building regulations. These facilities shall be fenced as per § 109-115.1A(5)(c)[4] of this chapter, unless the system is located a minimum of eight feet above ground level. Notwithstanding, these systems shall not exceed the maximum building height in the zoning district.~~

~~D. Conditional uses: see Schedule Three. Conditional uses shall be permitted subject to the standards and conditions set forth in Articles XIV and XV of this Part 4, and are as follows:~~

~~1. Public utility installations.~~

~~2. Riding academies.~~

~~3. Bed-and-breakfast guest houses.~~

~~4. Landscape contracting and plant nurseries.~~

~~5. Golf courses.~~

~~6. Places of worship.~~

~~7. Community residences for the developmentally disabled and community shelters for victims of domestic violence housing no more than 15 people.~~

~~8. Major solar or photovoltaic energy facilities or structures.~~

~~9. A small wind energy system.~~

~~E. Residential development options.~~

~~1. Cluster development.~~

~~2. Mini-cluster development.~~

~~F. Area, yard and building requirements: see Schedule One.~~

~~§ 109-81. RR-5 Rural Residential Central District.~~

- ~~A. Purpose. The purpose of the Rural Residential Central District is to implement the policies and recommendations of the Master Plan by establishing a zone directly north of the SRPD, which shares some of its severely limiting development characteristics. This zone is intended to provide for a transition of slightly increased development intensities between the SRPD and the HC Zones.~~
- ~~B. Permitted uses: see Schedule Three.~~
- ~~1. Single-family detached dwellings.~~
 - ~~2. Customary and conventional farming operations, including farm stands for the sale of produce and other products produced on the farm. No storage of manure or other odor-producing materials shall be permitted within 100 feet of a property line.~~
 - ~~3. Municipal parks.~~
 - ~~4. Fairs, bazaars, carnivals, rummage sales and similar functions involving fund-raising activities sponsored and conducted by any nonprofit, religious, charitable, philanthropic or eleemosynary organization or any public service organization such as volunteer fire or first aid companies and parent-teacher organizations, provided that such functions not exceed a period of two weeks, except that Christmas tree sales shall be permitted to occur for a maximum of four weeks.~~
- ~~C. Permitted accessory uses: see Schedule Three.~~
- ~~1. Customary farm buildings for the storage of products or equipment located on the same parcel as the principal uses. Horses shall not be maintained on any property less than three acres in gross lot area.~~
 - ~~2. Private garage space for two motor vehicles for the first 10,000 square feet of lot area, and, thereafter, one garage space for each additional 15,000 square feet of lot area, up to a maximum of four such spaces.~~
 - ~~3. Other customary uses and buildings, provided that such uses and buildings are incidental to the principal use and do not include any activity commonly conducted as a business. Except for the storage of vehicles in garages, accessory buildings shall be limited to a maximum of 500 square feet in size, or may exceed 500 square feet in size to a maximum of 1,200 square feet in size if the required setbacks for a principal dwelling are met.~~
 - ~~4. Accessory dwellings designed for domestic, household or farm workers, provided that the total number of dwelling units on the lot shall not exceed one unit for each 10 acres of lot area and that each dwelling unit meets all setback and yard requirements applicable to principal buildings.~~

- ~~5. A home occupation, as defined herein, in a single-family detached dwelling.~~
- ~~6. Minor solar or photovoltaic energy facilities or structures.
 - ~~a) Minor solar facilities shall be permitted to be ground-mounted and mounted to principal and accessory structures and buildings; provided, however, that in the case of a roof-mounted system, the photovoltaic solar panels and all necessary equipment shall not extend more than 12 inches beyond the edge of the roofline or 12 inches above the highest point of the roof surface or structure. Flat roofs shall be exempt from the height requirement. However, panels on a flat roof shall not extend more than five feet above the roofline.~~
 - ~~b) In the case of a surface-level or ground-mounted system, the system shall be situated more than 50 feet from the nearest property boundary line and consist of 10 or fewer solar or photovoltaic panels. These facilities shall have setback requirements consistent with building regulations.~~
 - ~~c) Minor solar ground-mounted facilities of more than 10 panels and located less than 50 feet from the nearest property line shall require minor site plan approval prior to obtaining a zoning permit if the array is rated to produce more than 15 kilowatts DC on a single property. These facilities shall have setback requirements consistent with building regulations. These facilities shall be fenced as per § 109-115.1A(5)(c)[4] of this chapter, unless the system is located a minimum of eight feet above ground level. Notwithstanding, these systems shall not exceed the maximum building height in the zoning district.~~~~
- ~~D. Conditional uses: see Schedule Three. Conditional uses shall be permitted subject to the standards and conditions set forth in Articles XIV and XV of this Part 4, and are as follows:
 - ~~1. Public utility installations.~~
 - ~~2. Riding academies.~~
 - ~~3. Bed-and-breakfast guest houses.~~
 - ~~4. Landscape contracting and plant nurseries.~~
 - ~~5. Golf courses.~~
 - ~~6. Places of Worship~~
 - ~~7. Community residences for the developmentally disabled and community shelters for victims of domestic violence housing no more than 15 people.~~
 - ~~8. Major solar or photovoltaic energy facilities or structures.~~
 - ~~9. A small wind energy system.~~~~

~~E. Residential development options.~~

~~1. Cluster development.~~

~~2. Mini-cluster development.~~

~~F. Area, yard and building requirements: see Schedule One.~~

~~§ 109-82. RR-4 Rural Residential Northern District.~~

- ~~A. Purpose. The purpose of the Rural Residential Northern District is to implement the policies and recommendations of the Master Plan by establishing a zone generally north of Route 179, where land is less constrained than the central, SRPD or southern portions of the Township.~~
- ~~B. Permitted uses: see Schedule Three.~~
- ~~1. Single-family detached dwellings.~~
 - ~~2. Customary and conventional farming operations, including farm stands for the sale of produce and other products produced on the farm. No storage of manure or other odor-producing materials shall be permitted within 100 feet of a property line.~~
 - ~~3. Municipal parks.~~
 - ~~4. Fairs, bazaars, carnivals, rummage sales and similar functions involving fund-raising activities sponsored and conducted by any nonprofit, religious, charitable, philanthropic or eleemosynary organization or any public service organization such as volunteer fire or first aid companies and parent-teacher organizations, provided that such functions not exceed a period of two weeks, except that Christmas tree sales shall be permitted to occur for a maximum of four weeks.~~
- ~~C. Permitted accessory uses: see Schedule Three.~~
- ~~1. Customary farm buildings for the storage of products or equipment located on the same parcel as the principal uses. Horses shall not be maintained on any property less than three acres in gross lot area.~~
 - ~~2. Private garage space for two motor vehicles for the first 10,000 square feet of lot area, and thereafter, one garage space for each additional 15,000 square feet of lot area, up to a maximum of four such spaces.~~
 - ~~3. Other customary uses and buildings, provided that such uses and buildings are incidental to the principal use and do not include any activity commonly conducted as a business. Except for the storage of vehicles in garages, accessory buildings shall be limited to a maximum of 500 square feet in size, or may exceed 500 square feet in size to a maximum of 1,200 square feet in size if the required setbacks for a principal dwelling are met.~~
 - ~~4. Accessory dwellings designed for domestic, household or farm workers, provided that the total number of dwelling units on the lot shall not exceed one unit for each 10 acres of lot area and that each dwelling unit meets all setback and yard requirements applicable to principal buildings.~~
 - ~~5. A home occupation, as defined herein, in a single-family detached dwelling.~~

~~6. Minor solar or photovoltaic energy facilities or structures.~~

~~a) Minor solar facilities shall be permitted to be ground-mounted and mounted to principal and accessory structures and buildings; provided, however, that in the case of a roof-mounted system, the photovoltaic solar panels and all necessary equipment shall not extend more than 12 inches beyond the edge of the roofline or 12 inches above the highest point of the roof surface or structure. Flat roofs shall be exempt from the height requirement. However, panels on a flat roof shall not extend more than five feet above the roofline.~~

~~b) In the case of a surface-level or ground-mounted system, the system shall be situated more than 50 feet from the nearest property boundary line and consist of 10 or fewer solar or photovoltaic panels. These facilities shall have setback requirements consistent with building regulations.~~

~~c) Minor solar ground-mounted facilities of more than 10 panels and located less than 50 feet from the nearest property line shall require minor site plan approval prior to obtaining a zoning permit if the array is rated to produce more than 15 kilowatts DC on a single property. These facilities shall have setback requirements consistent with building regulations. These facilities shall be fenced as per § 109-115.1A(5)(c)[4] of this chapter, unless the system is located a minimum of eight feet above ground level. Notwithstanding, these systems shall not exceed the maximum building height in the zoning district.~~

~~D. Conditional uses: see Schedule Three. Conditional uses shall be permitted subject to the standards and conditions set forth in Articles XIV and XV of this Part 4, and are as follows:~~

~~1. Public utility installations.~~

~~2. Riding academies.~~

~~3. Bed-and-breakfast guest houses.~~

~~4. Landscape contracting and plant nurseries.~~

~~5. Golf courses.~~

~~6. Places of worship.~~

~~7. Community residences for the developmentally disabled and community shelters for victims of domestic violence housing no more than 15 people.~~

~~8. Major solar or photovoltaic energy facilities or structures.~~

~~9. A small wind energy system.~~

~~E. Residential development options.~~

~~1. Cluster development.~~

~~2. Mini-cluster development.~~

~~F. Area, yard and building requirements: see Schedule One.~~

~~§ 109-83. R-9 Village Residential Zone.~~

~~A. Purpose. The purpose of the Village Residential Zone is to provide for additional housing on vacant sites in the Commons neighborhood which will be compatible in type and density with existing development in the area.~~

~~B. Permitted uses. Permitted uses shall be as follows: see Schedule 3.~~

~~1. Single-family detached dwellings.~~

~~2. Fairs, bazaars, carnivals, rummage sales, Christmas tree sales and similar functions or fund-raising activities sponsored and conducted by any nonprofit religious, charitable, philanthropic or eleemosynary organization or any public service organization such as a volunteer fire company, first aid squad or parent-teacher association, provided that such function or activity shall be limited to a period not exceeding two weeks' duration. Christmas tree sales shall be limited to a period not to exceed four weeks' duration.~~

~~3. Municipal parks and playgrounds.~~

~~4. Group homes.~~

~~C. Permitted accessory uses. Permitted accessory uses shall be as follows: see Schedule Three~~

~~1. Private garage space for two motor vehicles for the first 10,000 square feet of lot area, and, thereafter, one garage space for each additional 10,000 square feet of lot area, up to a maximum of four such spaces.~~

~~2. A home occupation in a single-family detached dwelling.~~

~~3. Other customary accessory uses and buildings, provided that such uses are incidental to the principal use and do not include any activity commonly conducted as a business. Except for the storage of vehicles in garages, accessory buildings shall be limited to a maximum of 500 square feet in size or may exceed 500 square feet in size to a maximum of 1,200 square feet in size if the required setbacks for a principal dwelling are met.~~

~~4. Minor solar or photovoltaic energy facilities or structures.~~

~~a. Minor solar facilities shall be permitted to be ground-mounted and mounted to principal and accessory structures and buildings; provided, however, that in the case of a roof-mounted system, the photovoltaic solar panels and all necessary equipment shall not extend more than 12 inches beyond the edge of the roofline or 12 inches above the highest point of the roof surface or structure. Flat roofs shall be exempt from the height requirement. However, panels on a flat roof shall not extend more than five feet above the roofline.~~

~~b) In the case of a surface-level or ground-mounted system, the system shall be situated more than 50 feet from the nearest property~~

~~boundary line and consist of 10 or fewer solar or photovoltaic panels. These facilities shall have setback requirements consistent with building regulations.~~

~~c) Minor solar ground-mounted facilities of more than 10 panels and located less than 50 feet from the nearest property line shall require minor site plan approval prior to obtaining a zoning permit if the array is rated to produce more than 15 kilowatts DC on a single property. These facilities shall have setback requirements consistent with building regulations. These facilities shall be fenced as per § 109-115.1A(5)(c)[4] of this chapter, unless the system is located a minimum of eight feet above ground level. Notwithstanding, these systems shall not exceed the maximum building height in the zoning district.~~

~~D. Conditional uses: see Schedule Three. Conditional uses shall be permitted subject to the standards and conditions as set forth in Articles XIV and XV of this Part 4, and are as follows:~~

- ~~1. Public utility installations.~~
- ~~2. Churches and similar places of worship, parish houses and convents, and cemeteries as an accessory use.~~
- ~~3. Public and quasi-public schools and institutions of higher learning which are not conducted as a business.~~
- ~~4. Child-care centers and preschools.~~
- ~~5. Bed-and-breakfast guest houses.~~
- ~~6. Major solar or photovoltaic energy facilities or structures.~~
- ~~7. A small wind energy system.~~

~~E. Area, yard and building requirements: Area, yard and building requirements shall be complied with as specified for this zone in Schedule One, unless modified in accordance with the standards set forth in the remainder of this chapter. see Schedule One.~~

~~F. Design and improvement standards. All applicable design and improvement standards shall be complied with, as required in this chapter.~~

§ 109-8481. NC Neighborhood Commercial Zone.

- A. Purpose. The purpose of the Neighborhood Commercial Zone is to permit a more limited variety of nonresidential land uses in appropriate locations and at appropriate development intensities given designed to provide very localized, neighborhood-oriented personal services and limited retail opportunities.

- B. Permitted uses: ~~see Schedule Three. See 109 Attachment 3, Schedule Three, with the exception that the following shall also be permitted:~~
- ~~1. Residential uses existing as of October 21, 2015.~~
 - ~~1. Retail trade establishments.~~
 - ~~2. Business, professional and medical offices.~~
 - ~~3. Restaurants.~~
 - ~~4. Personal service establishments.~~
 - ~~5. Fairs, bazaars, carnivals, rummage sales and similar functions involving fund-raising activities sponsored and conducted by any nonprofit, religious, charitable, philanthropic or eleemosynary organization or any public service organization such as volunteer fire or first aid companies and parent-teacher organizations, provided that such functions not exceed a period of two weeks, except that Christmas tree sales shall be permitted to occur for a maximum of four weeks.~~
 - ~~6. Child-care centers.~~
- C. Permitted accessory uses: ~~see Schedule Three. See 109 Attachment 3, Schedule Three.~~
- ~~1. Private garage space for the storage of commercial vehicles utilized in conjunction with a permitted use.~~
 - ~~2. Off-street parking for the use of patrons and/or employees.~~
 - ~~3. Signs, in accordance with the standards contained herein.~~
 - ~~4. Minor solar or photovoltaic energy facilities or structures.~~
 - ~~a) Minor solar facilities shall be permitted to be ground-mounted and mounted to principal and accessory structures and buildings; provided, however, that in the case of a roof-mounted system, the photovoltaic solar panels and all necessary equipment shall not extend more than 12 inches beyond the edge of the roofline or 12 inches above the highest point of the roof surface or structure. Flat roofs shall be exempt from the height requirement. However, panels on a flat roof shall not extend more than five feet above the roofline.~~
 - ~~b) In the case of a surface-level or ground-mounted system, the system shall be situated more than 50 feet from the nearest property boundary line and consist of 10 or fewer solar or photovoltaic panels. These facilities shall have setback requirements consistent with building regulations.~~
 - ~~c) Minor solar ground-mounted facilities of more than 10 panels and located less than 50 feet from the nearest property line~~

~~shall require minor site plan approval prior to obtaining a zoning permit if the array is rated to produce more than 15 kilowatts DC on a single property. These facilities shall have setback requirements consistent with building regulations. These facilities shall be fenced as per § 109-115.1A(5)(c)[4] of this chapter, unless the system is located a minimum of eight feet above ground level. Notwithstanding, these systems shall not exceed the maximum building height in the zoning district.~~

- D. Conditional uses: ~~see Schedule Three. See 109 Attachment 3, Schedule Three.~~
- ~~1. Farmers' market.~~
 - ~~2. Veterinary office or clinic.~~
 - ~~3. Places of worship.~~
 - ~~4. Major solar or photovoltaic energy facilities or structures.~~
 - ~~5. A small wind energy system.~~
- E. Area, yard and building requirements: ~~see Schedule Two. See 109 Attachment 2, Schedule Two.~~

§ 109-8582. LI Light Industrial District.

- A. Purpose. The purpose of the Light Industrial District is to provide light industrial, warehousing and distribution activities in an area with regional access, and where similar land uses currently exist, and where exposure to existing and future residential areas is limited.
- F. Permitted uses. ~~Permitted uses shall be as follows: See 109 Attachment 3, Schedule Three, with the exception that the following shall also be permitted:~~
- ~~1. Residential uses existing as of October 21, 2015.~~
- B. ~~Customary and conventional farming operations, including farm stands for the sale of produce and other products produced on the farm. No storage of manure or other odor-producing substances shall be permitted within 100 feet of any property line.~~
- ~~1. Scientific or research laboratory devoted to design and/or experimentation.~~
 - ~~2. The fabrication, processing or assembly of goods and materials.~~
 - ~~3. The manufacture, compounding, processing, packaging or treatment of beverages, food, candy, cosmetics, dairy products, drugs, ice, perfumes, pharmaceuticals, plastics, toilet supplies and similar products.~~

- ~~4. The finishing or assembly of articles made from previously prepared or refined materials such as bone, cellulose, cork, feathers, fiber, glass, gums, hair, horn, leather, metals, paper, plastics, shell, stone, textiles, leaf products and wood.~~
 - ~~5. Warehousing and distribution activities carried on in a fully enclosed building.~~
 - ~~6. Corporate offices.~~
 - ~~7. Neighborhood retail sales and services which would typically serve the needs of the employees of the industries or offices locating within this zone.~~
 - ~~8. Child-care centers.~~
 - ~~9. Major solar or photovoltaic energy facilities or structures on a parcel or parcels of land comprising 20 or more contiguous acres that are owned by the same person or entity.~~
 - ~~10. Small wind energy systems on a parcel or parcels of land comprising 20 or more contiguous acres that are owned by the same person or entity.~~
- C. Permitted accessory uses. ~~Permitted accessory uses shall be as follows: See 109 Attachment 3, Schedule Three.~~
- ~~1. Private garage space necessary to store any vehicle on the premises and utilized in conjunction with the permitted use.~~
 - ~~2. Off-street parking space for employees and/or visitors.~~
 - ~~3. Customary farm buildings for the storage of products or equipment located on the same parcel as the principal uses. Horses shall not be maintained on any property less than three acres in total.~~
 - ~~4. Accessory dwellings for farm workers to a permitted agricultural use, provided that the total number of dwelling units on the lot shall not exceed one for each 10 acres of lot area and that each such dwelling meets all setback and yard requirements.~~
 - ~~5. Accessory dwellings to a permitted industrial use deemed necessary by the Planning Board, such as the quarters for a night watchman.~~
 - ~~6. Recreational facilities for the benefit of the employees, such as pathways, an exercise trail, softball fields or indoor fitness center.~~
 - ~~7. Signs.~~
 - ~~8. Minor solar or photovoltaic energy facilities or structures.~~
 - ~~(a) Minor solar facilities shall be permitted to be ground-mounted and mounted to principal and accessory structures and buildings; provided, however, that in the case of a roof-mounted system, the photovoltaic solar panels and all necessary equipment shall not extend more than 12 inches~~

~~beyond the edge of the roofline or 12 inches above the highest point of the roof surface or structure. Flat roofs shall be exempt from the height requirement. However, panels on a flat roof shall not extend more than five feet above the roofline.~~

~~(b) In the case of a surface-level or ground-mounted system, the system shall be situated more than 50 feet from the nearest property boundary line and consist of 10 or fewer solar or photovoltaic panels. These facilities shall have setback requirements consistent with building regulations.~~

~~(c) Minor solar ground-mounted facilities of more than 10 panels and located less than 50 feet from the nearest property line shall require minor site plan approval prior to obtaining a zoning permit if the array is rated to produce more than 15 kilowatts DC on a single property. These facilities shall have setback requirements consistent with building regulations. These facilities shall be fenced as per § 109-115.1A(5)(c)[4] of this chapter, unless the system is located a minimum of eight feet above ground level. Notwithstanding, these systems shall not exceed the maximum building height in the zoning district.~~

~~D. Conditional uses. See 109 Attachment 3, Schedule Three. Conditional uses shall be permitted subject to the standards and conditions set forth in Articles XIV and XV of this Part 4 and are as follows: Public utilities.~~

- ~~1. Major solar or photovoltaic energy facilities or structures on a parcel of land comprising less than 20 acres.~~
- ~~2. A small wind energy system on a parcel or parcels of land comprising less than 20 acres.~~

~~E. Prohibited uses. The following uses or activities are specifically prohibited in the Light Industrial Zone:~~

- ~~1. The manufacture of heavy chemicals, such as but not limited to acids and other corrosives, ammonia, caustic soap and sulfuric acid.~~
- ~~2. The manufacture of basic or semifinished chemicals such as cellulose products, resins, dye stuffs, glue, vegetable, animal or mineral fats or oils, explosives, combustible gases, soaps and detergents, fertilizers, asphalt and tar products.~~
- ~~3. 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.~~
- ~~4. The slaughtering or processing of animals or fowl.~~
- ~~5. The processing, sale, storage or reclamation of junk of all kinds, including automobile wrecking and storing.~~

~~E. F. Performance standards. Before the issuance of any building or occupancy permit for any use in the Light Industrial Zone, all of the regulations for~~

industrial use performance standards must be complied with in accordance Article XXIV of this Part 4.

- ~~E. G.~~ Area, yard and building requirements. ~~Area, yard and building requirements shall be complied with as specified for this zone in Schedule Two, unless modified in accordance with the standards set forth in the remainder of this chapter. See 109 Attachment 2, Schedule Two.~~
- ~~G. H.~~ Design and improvement standards. Design and improvement standards shall be complied with as required in this chapter.
- ~~H. E.~~ Prohibited uses. The following uses or activities are specifically prohibited in the Light Industrial Zone:
 - 1. The manufacture of heavy chemicals, such as but not limited to acids and other corrosives, ammonia, caustic soap and sulfuric acid.
 - 2. The manufacture of basic or semifinished chemicals such as cellulose products, resins, dye stuffs, glue, vegetable, animal or mineral fats or oils, explosives, combustible gases, soaps and detergents, fertilizers, asphalt and tar products.
 - 3. 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.
 - 4. The slaughtering or processing of animals or fowl.
 - ~~5. The processing, sale, storage or reclamation of junk of all kinds, including automobile wrecking and storing.~~
- ~~F.~~ Performance standards. ~~Before the issuance of any building or occupancy permit for any use in the Light Industrial Zone, all of the regulations for industrial use performance standards must be complied with in accordance Article XXIV of this Part 4.~~
- ~~G.~~ Area, yard and building requirements. ~~Area, yard and building requirements shall be complied with as specified for this zone in Schedule Two, unless modified in accordance with the standards set forth in the remainder of this chapter.~~
- ~~H.~~ Design and improvement standards. ~~Design and improvement standards shall be complied with as required in this chapter.~~

§ 109-~~8683~~. HC Highway Commercial Zone.

- A. Purpose. The purpose of the Highway Commercial Zone is to permit a variety of nonresidential land uses in appropriate locations and at appropriate development intensities. Highway-oriented commercial, retail, office and warehouse uses can

serve to help stabilize the local tax base and provide needed jobs and services. In some cases highway commercial uses can be utilized in conjunction with limited residential opportunities, including affordable housing opportunities.

G. Permitted uses: ~~see Schedule Three See 109 Attachment 3, Schedule Three, with the exception that the following shall also be permitted:~~

~~1. Residential uses existing as of October 21, 2015.~~

~~B. Retail and wholesale trade establishments.~~

- ~~1. Business, professional and medical offices, banks and fiduciary institutions.~~
- ~~2. Bowling alleys and similar forms of indoor commercial recreation.~~
- ~~3. Restaurants.~~
- ~~4. Personal service establishments.~~
- ~~5. Scientific or research laboratories devoted to research, design and/or experimentation, subject to performance standards.~~
- ~~6. Warehousing and distribution activities carried on in a fully enclosed building and where such uses are also associated with office or retail uses.~~
- ~~7. Fairs, bazaars, carnivals, rummage sales and similar functions involving fund-raising activities sponsored and conducted by any nonprofit, religious, charitable, philanthropic or eleemosynary organization or any public service organization such as volunteer fire or first aid companies and parent-teacher organizations, provided that such functions not exceed a period of two weeks, except that Christmas tree sales shall be permitted to occur for a maximum of four weeks.~~
- ~~8. Funeral homes.~~
- ~~9. Child-care centers.~~

C. Permitted accessory uses: ~~see Schedule Three See 109 Attachment 3, Schedule Three.~~

- ~~1. Private garage space for the storage of commercial vehicles utilized in conjunction with a permitted use.~~
- ~~2. Off-street parking for the use of patrons and/or employees.~~
- ~~3. Signs, in accordance with the standards contained herein.~~
- ~~4. Minor solar or photovoltaic energy facilities or structures.~~
 - ~~a) Minor solar facilities shall be permitted to be ground-mounted and mounted to principal and accessory structures and buildings; provided, however, that in the case of a roof-mounted system, the photovoltaic solar panels and all~~

~~necessary equipment shall not extend more than 12 inches beyond the edge of the roofline or 12 inches above the highest point of the roof surface or structure. Flat roofs shall be exempt from the height requirement. However, panels on a flat roof shall not extend more than five feet above the roofline.~~

~~b) In the case of a surface-level or ground-mounted system, the system shall be situated more than 50 feet from the nearest property boundary line and consist of 10 or fewer solar or photovoltaic panels. These facilities shall have setback requirements consistent with building regulations.~~

~~c) Minor solar ground-mounted facilities of more than 10 panels and located less than 50 feet from the nearest property line shall require minor site plan approval prior to obtaining a zoning permit if the array is rated to produce more than 15 kilowatts DC on a single property. These facilities shall have setback requirements consistent with building regulations. These facilities shall be fenced as per § 109-115.1A(5)(c)[4] of this chapter, unless the system is located a minimum of eight feet above ground level. Notwithstanding, these systems shall not exceed the maximum building height in the zoning district.~~

D. Conditional uses: ~~see Schedule Three See 109 Attachment 3, Schedule Three.~~

~~1. Public utility installations.~~

~~2. Gasoline service stations with convenience stores.~~

~~3. Farmers' market.~~

~~4. Veterinary office or clinic.~~

~~5. Hospitals.~~

~~6. Places of worship.~~

~~7. Major solar or photovoltaic energy facilities or structures.~~

~~8. A small wind energy system.~~

E. Area, yard and building requirements: ~~see Schedule Two See 109 Attachment 2, Schedule Two.~~

§ 109-~~8784~~. LHC Limited Highway Commercial Zone.

A. Purpose. The purpose of the Limited Highway Commercial Zone is to permit a limited variety of nonresidential land uses in appropriate locations and at appropriate development intensities given developmental and environmental

constraints in this area. Highway-oriented commercial, retail and office uses can serve to help stabilize the local tax base and provide needed jobs and services. In some cases commercial uses can be utilized in conjunction with limited residential opportunities, including affordable housing opportunities.

H. Permitted uses: ~~see Schedule Three See 109 Attachment 3, Schedule Three, with the exception that the following shall also be permitted:~~

~~1. Residential uses existing as of October 21, 2015.~~

- ~~1. Retail and wholesale trade establishments.~~
- ~~2. Business, professional and medical offices, banks and fiduciary institutions.~~
- ~~3. Bowling alleys and similar forms of indoor commercial recreation.~~
- ~~4. Restaurants.~~
- ~~5. Personal service establishments.~~
- ~~6. Fairs, bazaars, carnivals, rummage sales and similar functions involving fund-raising activities sponsored and conducted by any nonprofit, religious, charitable, philanthropic or eleemosynary organization or any public service organization such as volunteer fire or first aid companies and parent-teacher organizations, provided that such functions not exceed a period of two weeks, except that Christmas tree sales shall be permitted to occur for a maximum of four weeks.~~
- ~~7. Funeral homes.~~
- ~~8. Child-care centers.~~

B. Permitted accessory uses: ~~See 109 Attachment 3, Schedule Three.~~

- ~~1. Private garage space for the storage of commercial vehicles utilized in conjunction with a permitted use.~~
- ~~2. Off-street parking for the use of patrons and/or employees.~~
- ~~3. Signs, in accordance with the standards contained herein.~~
- ~~4. Minor solar or photovoltaic energy facilities or structures.~~
 - ~~a) Minor solar facilities shall be permitted to be ground-mounted and mounted to principal and accessory structures and buildings; provided, however, that in the case of a roof-mounted system, the photovoltaic solar panels and all necessary equipment shall not extend more than 12 inches beyond the edge of the roofline or 12 inches above the highest point of the roof surface or structure. Flat roofs shall be exempt from the height requirement. However, panels on a flat roof shall not extend more than five feet above the roofline.~~
 - ~~b) In the case of a surface-level or ground-mounted system, the system shall be situated more than 50 feet from the nearest property~~

~~boundary line and consist of 10 or fewer solar or photovoltaic panels. These facilities shall have setback requirements consistent with building regulations.~~

~~c) Minor solar ground-mounted facilities of more than 10 panels and located less than 50 feet from the nearest property line shall require minor site plan approval prior to obtaining a zoning permit if the array is rated to produce more than 15 kilowatts DC on a single property. These facilities shall have setback requirements consistent with building regulations. These facilities shall be fenced as per § 109-115.1A(5)(c)[4] of this chapter, unless the system is located a minimum of eight feet above ground level. Notwithstanding, these systems shall not exceed the maximum building height in the zoning district.~~

C. Conditional uses: ~~see Schedule Three See 109 Attachment 3, Schedule Three.~~

~~1. Public utility installations.~~

~~2. Farmers' market.~~

~~3. Veterinary office or clinic.~~

~~4. Places of worship.~~

~~5. Major solar or photovoltaic energy facilities or structures.~~

~~6. A small wind energy system.~~

D. Area, yard and building requirements: ~~see Schedule Two See 109 Attachment 2, Schedule Two.~~

§ 109-~~8885~~. Historic District Overlay Zone.

(Reserved)

SECTION 4. Schedule 1, "Residential Zones, Schedule of Area, Height and Building Requirements" of Chapter 109, "Land Development" of the Township Code shall be amended to correct the reference in the row for District R-1A as follows

See Part 2, Article XII, §109-~~88~~ 80

SECTION 5. Article XIV, "General Requirements for Conditional Uses" of Chapter 109, "Land Development" of the Township Code shall be amended and supplemented as follows:

ARTICLE XIV GENERAL REQUIREMENTS FOR CONDITIONAL USES

~~Section 109-94 Purpose~~

~~The purpose of this article is to set forth the requirements and procedures applicable to conditional uses in accordance with N.J.S.A. 40:55D-67. A conditional use shall not be approved unless the use is specifically permitted as a conditional use in the zone for which it is proposed.~~

~~Section 109-95 General Requirements~~

~~The following general requirements shall apply to all conditional use applications:~~

- ~~A. In considering a conditional use application, the board of jurisdiction shall consider that certain uses are necessary to serve the needs of citizens of the Township. Conditional uses also may have deleterious effects on the health, safety and welfare of the community if located without due consideration of existing conditions and surroundings. These standards and regulations are intended to provide certain design and development guidelines to further ensure that conditional uses, even though considered appropriate for the zones in which they are specified, will be established in such a way as to minimize their impact on surrounding properties and the community. All conditional use applications shall be subject to site plan review. The board of jurisdiction shall give due consideration to:~~
 - ~~A. The suitability of the particular property which is the subject of a conditional use application, including demonstration of the preservation and protection of existing natural resources on the site and in the vicinity.~~
 - ~~B. Safe and efficient vehicular and pedestrian circulation, parking and loading. Parking requirements, if not specified in this chapter, shall be proven to be adequate by the applicant. All parking and loading areas must be screened from adjacent properties in accordance with applicable requirements of the West Amwell Land Development Ordinance.~~
 - ~~C. Unless otherwise permitted within the specific requirements, conditional uses shall not occupy any area beyond the required principal building setbacks for the zone in which the conditional use is located.~~
 - ~~D. Unless higher standards are required in the specific requirements for the conditional use, a minimum ten-foot-wide vegetated visual screen shall separate all conditional uses from properties in residential zone districts.
 - ~~(a) Screening shall consist of a combination of native plantings, to the extent possible. Alternately, an earthen berm may be employed if existing vegetated screening and native plantings will not suffice to provide the necessary buffer and maintain the rural character of the Township. The need for and location of vegetative screens includes the identification of appropriate species and~~~~

~~varieties of vegetation to ensure that there is adequate visual screening throughout the year.~~

~~(b) The landscaping plantings shall be designed for enhancing the quality of the soil and the ability of the land to absorb rainwater.~~

~~(c) Landscaping shall be limited, to the extent possible, to native species of deciduous and coniferous trees and shrubs that are indigenous to the area, as listed in the Natural Resource Inventory, and shall not include invasive species as listed in Natural Resource Inventory of West Amwell Township. Such plantings shall be depicted on a plan prepared by a licensed professional. The applicant shall rely upon existing vegetation, including existing hedgerows or windbreaks that provide screening, to the maximum extent practical. The appropriate height or caliper of the vegetation to be planted shall ensure that there is a 75% screening of the conditional use within five years of issuance of a certificate of occupancy. A photo-simulated exhibit depicting screening at key locations at the projected five-year period shall be required.~~

~~E. The frontage and main access of a conditional use located within a residential zone shall be located on an arterial or collector road.~~

~~F. There shall be an impact statement which shall evaluate the impact of the proposed conditional use on the zone in which it is located and on surrounding properties. Such statement shall include assessments of the impacts on the following:~~

~~(a) Air quality~~

~~(b) Water quality~~

~~(c) Community appearance~~

~~(d) Vegetation~~

~~(e) Land use~~

~~(f) Traffic and road safety~~

~~(g) Historical features~~

~~(h) Audible impact~~

~~(i) Viewsheds and scenic roads~~

~~G. The impact statement will be used by the board to determine if the proposed conditional use has an adverse impact or impairs the surrounding area.~~

~~Section 109-96 Specific Requirements~~

~~A. The Planning Board shall not approve an application for a conditional use unless the use for which an application is being made is specifically listed as a conditional use within the zone where the property is located.~~

- ~~B. All applicable design, improvement and use standards and regulations in this chapter must be complied with, as well as the specific requirements and standards established for each conditional use.~~

Article XIV. Specific Requirements for Certain Conditional Uses Conditional Use Requirements

~~§109-947 Public Utilities~~

~~Public u~~Utility uses, as defined by New Jersey state statute (N.J.S.A. 48:2-13), such as pumping stations, high-voltage transmission lines and towers, electric substations, telephone exchanges and telephone repeater stations, but not service or storage yards, may be permitted in any zone, provided that:

- A. A set of plans, specifications and plot plans and a statement setting forth the need and purpose of the installation are filed with the board of jurisdiction by the applicant in triplicate.
- B. Proof is furnished to the board of jurisdiction that the proposed installation in the specific location is necessary and convenient for the efficiency of the ~~public~~ utility system or the satisfactory and convenient provision of service by the utility to the neighborhood in which the particular use is to be located.
- C. Above-ground ~~public~~ utility facilities shall not occupy any area beyond the required principal building setbacks for the zone in which the ~~public~~ utility is located. Setback requirements shall be equal to the principal building setback in the zone or the minimum vegetated visual and security buffer requirement, whichever is greater. A minimum fifty-foot-wide vegetated visual screen shall separate above-ground ~~public~~ utility facilities from properties in residential zone districts, a minimum thirty-foot-wide visual screen shall separate such facilities from public roads, and a twenty-foot-wide visual screen shall separate such facilities from properties in a nonresidential zone district.
- D. Above-ground ~~public~~ utility facilities and structures shall be visibly screened from the public traveled way (public roads, trails, navigable waterways, scenic highways and by-ways), open space, preserved farmland, publicly owned properties and historic resources, including sites and buildings listed or eligible for listing on the State and National Registers of Historic Places.

- (1) To the extent achievable, above-ground **public** utility facilities and structures shall be sited using the natural topography to screen the **public** utility from public view and the view of any adjoining residences.
- (2) If the **public** utility is adjacent and contiguous to a permanently preserved farm, open space and/or public access easements, it shall buffer the farm, open space and/or easements from view.
- (3) Standard screening requirements shall be met. However, notwithstanding the minimum requirements, the applicant shall demonstrate to the satisfaction of the board of jurisdiction that the proposed screening provides a visual screen of the **public** utility from neighboring properties. Additional screening may be needed to meet this requirement as determined by the board of jurisdiction.
- (4) A barrier shall be installed behind the required screen which shall:
 - (a) Secure the facility at all times.
 - (b) Restrict access to all electrical wiring that may be readily accessible.
 - (c) All control equipment shall be labeled and secured to prevent unauthorized access.
 - (d) Conform to the Uniform Construction Code and other applicable standards.
 - (e) One or more access gates to the facility shall be provided. Each access gate shall include a sign identifying the property owner as well as responsible parties for operation of the **public** utility facilities and structures; for maintenance of the facility; and for maintenance of the visual screen, landscaping and security fence. Contact information for all of the above responsible parties shall be provided on each access gate sign.
 - (f) With the exception of signs identifying the **public** utility operator, no signs shall be posted on a **public** utility facility or any associated building, structures, or fencing, with the exception of access gate signs, appropriate warning signs, and manufacturer's or installer's identification.
 - (g) All transformers and high-voltage equipment shall be situated within a compound, which shall be enclosed within a security fence and access gate, which shall remain locked at all times. If appropriate, the entire facility shall be enclosed within a security fence and access gate.
 - (h) The height of security fences and access gates shall not exceed eight feet. Barbed-wire fences are not permitted, except in cases where it is

demonstrated to the satisfaction of the board of jurisdiction that barbed-wire fencing is required for security purposes. In such cases, the total height of the fence and access gates, including barbed wire, shall not exceed eight feet. Approval of barbed-wire fencing for **public** utility facilities is at the discretion of the board of jurisdiction

- E. A maintenance plan shall be submitted by the applicant for the continuing maintenance of all required plantings, including a schedule of specific maintenance activities to be conducted. A maintenance plan narrative shall also be included on the site plans in note form. Maintenance of the required landscaping and fencing shall be a continuing condition of any approval that may be granted. A cost estimate for required plantings shall be presented as part of any application, and a five-year maintenance bond approved by the Township Engineer shall be a condition of approval. The maintenance plan shall be environmentally responsible.
- F. All ground areas occupied by a **public** utility that are not utilized for access to operate and maintain the installation shall be planted and maintained with shade-tolerant grasses for the purpose of soil erosion control and soil stabilization.
 - (1) A seed mixture of native, noninvasive, shade-tolerant grasses shall be utilized and specified in a landscaping plan that shall be provided.
 - (2) If it can be demonstrated by the applicant that an alternative vegetative ground cover consisting of a seed mix of native, noninvasive plant species and nonnative, noninvasive, shade-tolerant species shall be accepted for soil erosion control and soil stabilization, and the alternative can be better sustained over the life of the facility, the reviewing board may approve such an alternative to the requirement for native, noninvasive, shade-tolerant grasses or mix of grasses.
 - (3) To the extent possible, roadways within the site shall not be constructed of impervious materials in order to minimize the amount of soil compaction. Roadways shall be constructed to the minimal extent possible.
 - (4) The bed and banks of existing drainage ditches, brooks, streams and drainage swales shall be maintained in their natural condition, except where soil erosion is evident in these features due to a lack of suitable stabilized vegetation. The board of jurisdiction may require such areas to be planted and stabilized in accordance with the recommendations found in Chapter 8, Restoration Design, of the publication entitled "Stream Corridor Restoration, Principles, Processes and Practices, 10/98, published version, revised 8/2001," prepared by the Natural Resource Conservation Service and available at www.nrcs.usda.gov/technical/stream_restoration/newtofc.htm.

(5) The components of this plan may be combined with the requirements of the grading and drainage plan. See Subsection G below.

G. The required landscaping plan shall include the provision of adequate and appropriate drainage features, which shall be designed such that site grading and construction maximizes the natural drainage patterns of stormwater originating within the property boundaries and beyond property boundaries. If grading is proposed, then a grading and drainage plan shall be submitted, which shall demonstrate that the project is in compliance with the Township's Stormwater Ordinance and other applicable state standards.

(1) A grading and drainage plan, including a soil erosion, a soil stabilization and a soil grading plan, shall be submitted under the seal of a licensed professional engineer prior to any permits being issued. The plan shall adequately demonstrate to the board of jurisdiction's engineer that no stormwater runoff or natural water shall be diverted as to overload existing drainage systems or create flooding. Such plan shall also address the need for additional drainage structures on other private properties or public lands.

(2) The grading and drainage plan shall show, among other things:

(a) All existing and proposed natural and artificial drainage courses and other features for the control of drainage, erosion, and water generally;

(b) The calculated volume of water runoff from the slope and from the lot in question, as proposed to be improved; the existence of all natural and artificial drainage courses and facilities within 500 feet of the lot, which are or will be used to carry or contain the runoff from the slope and the lot; and

(c) The effect of any increased water runoff on all adjacent properties and any other property which will be materially affected by increased water runoff.

(3) Calculations shall be provided to adequately demonstrate that existing preconstruction stormwater drainage velocities shall not be exceeded in the post-development condition.

(4) The use of stone shall not be permitted for soil erosion control and soil stabilization unless as part of an overall plan approved by the board of jurisdiction.

H. In addition to those items required for an application to be deemed complete, a site plan application shall depict the following:

- (1) Location, dimensions, and types of existing structures on the property.
- (2) Location of proposed and existing overhead and underground utility and transmission lines.
- (3) Location of any proposed or existing substations, inverters or transformers.
- (4) In the case of electrical facilities, a description of how the energy generated by the facility will be connected to the electrical distribution or transmission system or the electrical system of the intended energy user. This description shall also address the ability to disconnect the system in the event of an emergency or maintenance.
- (5) Description of shielding of any electric equipment to prevent interference of radio or television reception at the property line.
- (6) Description of any necessary upgrades or modifications to existing substations or the necessity for a new substation.
- (7) Location and condition of existing hedgerows and vegetated windbreaks.
- (8) A description of any lighting and its impact on neighboring residences and properties.
- (9) A construction plan to include a description of on-site construction.

I. An as-built plan shall be provided prior to activation.

J. ~~Public~~ ~~u~~ Utility facilities shall be designed to comply with either of the following standards for sound emission:

- (1) The sound level shall not exceed 40 dBA when measured at any point on the property line of the ~~public~~ utility; or
- (2) The sound level shall not exceed the ambient sound levels measured at locations at the property line of the ~~public~~ utility that reasonably represent current or potential off-site sensitive receptors in accordance with the following requirements:
 - (a) Ambient sound-level measurements shall be made with an octave-band sound-level meter during daylight hours for periods of at least 1/2 hour and on three separate occasions, a minimum of four hours apart, representing

morning, midday and evening, at least one of which shall be during a non-rush hour. The meter shall be set for slow response with a one-second sampling interval; and

- (b) The data reported for each occasion shall be the octave band-values (31.5 Hz to 8,000 Hz) from the one-second sample that represents the L90 or Lmin broadband value ("unweighted" or "flat" response, e.g., dBZ).
- K. Any disturbance of wooded or forested areas shall be in compliance with the West Amwell Woodlands Protection Ordinance (§ 109-264).
- L. Except pursuant to a permit issued by the New Jersey Department of Environmental Protection (NJDEP), no portion of ~~public~~ utility facilities and structures shall occupy areas of land designated and regulated by NJDEP as floodplains, flood hazard areas, wetlands, wetland transition areas or riparian corridors. An applicability determination from the NJDEP shall be provided to document the presence and/or absence of these regulated areas. Buffer maintenance shall be consistent with the West Amwell Stream Corridor Protection Ordinance (§ 109-146).

§109-985 Wireless telecommunications facilities

- A. Wireless telecommunications facilities (WTF) and wireless telecommunications equipment facilities (WTEF) shall be considered conditional uses in all zones and shall be permitted as a second use on a lot.
- B. Antennas may be located on any existing structure (building, barn, silo, steeple, etc.) which is permitted in the zone. Such antennas shall not exceed 10 feet above the highest point of the structure and shall be designed to blend with that structure. Any associated equipment should be contained either directly within that structure, within another existing ancillary structure, or within a new structure designed to simulate an accessory building to the principal use on the site and subject to the zone regulations for an accessory structure. Antennas located on such existing structures need not comply with Subsection C(1), (2) [except Subsection C(2)(b)], (3), (4) or (5) below.
- C. Wireless telecommunications towers, including their associated antennas, shall be permitted if they meet the following conditions:
 - (1) Lot size: 10 acres.
 - (2) Height standards.

- (a) Maximum height of wireless telecommunications tower (exclusive of lightning rod): 140 feet.
 - (b) Maximum height of attached: shall not exceed 10 feet above the highest point of the structure.
 - (c) Maximum height of WTEFs: maximum height allowed in zone for accessory structures.
- (3) Setback standards. The following setback requirements shall apply to all towers for which a variance or conditional use permit is required:
- (a) Towers must be set back a distance equal to at least 100% of the height of the tower from any adjoining lot line and all nonappurtenant buildings or the zoning district setback requirements, whichever is greater.
 - (b) WTEFs must satisfy the minimum zoning district setback requirements.
 - (c) No tower shall exist within required buffer areas or conservation easement areas in any zone. Further, no WTF or WTEF shall exist within any easement subject to conservation, open space, or historical restrictions under the NJDEP Green Acres Program, or upon any portion of land subject to an agriculture development easement.
- (4) Separation from off-site uses/designated areas. The following separation requirements shall apply to all towers and antennas for which a variance or conditional use permit is required:
- (a) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.
 - (b) Separation requirements for towers shall comply with the minimum standards established in Table 1.

Table 1	
Off-Site Use/Designated Area	Separation Distance
Base of Tower to:	
Existing residences, public parks and	500 feet or 300% of the height of

buildings, public or private schools, municipal buildings, libraries, houses of worship, land subject to a Green Acres easement, land subject to an agricultural development	the tower, whichever is greater
Any site designated on the National and/or State Register of Historic Places	2,500 feet
Vacant residentially zoned land	500 feet or 300% of the height of the tower, whichever is greater

- (5) Security fencing. WTFs and WTEFs shall be surrounded a security fence. The security fence shall be eight feet high. All towers shall be designed with anticlimbing devices in order to prevent unauthorized access.
- (6) Visual screening. In addition to security fencing, plant materials or earthwork shall be provided along the outside perimeter of the security fence to provide a continuous visual screen or buffer for adjoining properties and rights-of-way.
- (7) Area of WTEF. The cabinet or structure of a WTEF shall not contain more than 2,000 square feet. If the WTEFs are located on the roof of a building, the area of the WTEF shall not occupy more than 25% of the roof area.
- (8) Signs. A sign shall identify the property owner as well as responsible parties for operation of the WTF or WTEF; for maintenance of the facility; and for maintenance of the visual screen, landscaping and security fence. Contact information for all of the above responsible parties shall be provided. Additional signs shall not be permitted, except for required signs displaying owner contact information, warnings, equipment information and safety instructions. Such signs shall not exceed two square feet in area. No commercial advertising shall be permitted on any WTF or WTEF.
- (9) Lighting. No lighting is permitted, except as follows:
 - (a) WTEFs may have security and safety lighting at the entrance, provided that the light is attached to the facility, is focused downward, and is on timing devices and/or motion sensors so that the light is turned off when not needed for safety or security purposes.

- (b) No lighting is permitted on a WTF except what may be required by the FAA.
- (10) Monopole. Any proposed new telecommunications tower shall be a monopole, unless the applicant can demonstrate that a different type of pole is necessary for the collocation of additional antennas on the tower. Such towers may employ camouflage technology.
- (11) Location priority. WTFs should be located to minimize the number of facilities needed in the community, while ensuring effective and efficient telecommunications services; to encourage the use of existing buildings and structures to the maximum extent possible; to minimize the visual impact through careful siting, design, landscaping, screening and innovative camouflaging techniques, to make the facility compatible with the neighboring residences and the character of the community as a whole. Facilities should be placed to ensure that historic and architecturally significant areas, buildings and structures and significant view-, land-, and streetscapes are not visually impaired.
- (12) Noise. No equipment shall be operated so as to produce noise that would be a nuisance as per the West Amwell Nuisance Code, Chapter 166.
- (13) Parking. Parking shall be supplied as needed, not to exceed three spaces.
- (14) Maintenance. WTFs and WTEFs shall be maintained to assure their continued structural integrity, and the site shall be maintained so as to not create a visual nuisance.
- (15) Color. WTFs shall be of a color appropriate in the context of the tower's location and to make it as unobtrusive as possible, unless otherwise required by the Federal Aviation Administration (FAA).
- (16) Expert testimony. Expert testimony must be presented, to include the following:
- (a) Demonstrate need for a WTF at the proposed location. Such evidence shall describe in detail the wireless telecommunications network layout and its coverage area requirements and the need for new wireless telecommunications facilities at this specific location within the Township.
- (b) Report from a qualified expert certifying that the WTF will comply with the structural and wind-loading requirements as set forth in the International Building Code; or the Electronic Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision F standard entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures" (or

equivalent), as it may be updated or amended; or such other code as may apply to these facilities, including a description of the number and type of antennas it is designed to accommodate.

(c) Proof that the applicant has exercised its best efforts to locate the wireless telecommunications antennas on an existing building or structure rather than on the proposed tower. Evidence demonstrating that no existing tower or building or structure can accommodate the provider's proposed antenna may consist of any of the following:

- [1] No existing towers or structures are located within the geographic area that is necessary to meet the provider's radio frequency engineering requirement to provide reliable coverage.
- [2] Existing towers or structures are not of sufficient height and cannot be made to be of sufficient height to meet the provider's radio frequency engineering requirements.
- [3] The provider's proposed antenna would cause electromagnetic interference with antennas on existing towers or structures or the antennas on the existing towers or structures would cause interference with the provider's proposed WTF.
- [4] The fees, cost, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are patently unreasonable. Actual direct costs exceeding new tower design, development, and construction are presumed to be patently unreasonable.
- [5] The provider demonstrates that there are other limiting factors that render existing towers or structures unsuitable.

(d) Provision of the location of all existing communication towers and other structures over 35 feet in height within the applicant's search area; and provision of competent testimony by a radio frequency engineer regarding the suitability of each location so identified.

(e) Where a suitable location on an existing structure or tower is found to exist, but the applicant is unable to secure an agreement to collocate its

equipment on such tower or other structure, the applicant shall provide sufficient written evidence of its attempts to collocate.

(f) Proof that the applicant has exercised its best efforts to site its WTF on an existing building or structure prior to the consideration of a tower location. Such information shall include but not be limited to a list of the structures over 35 feet, including block and lot numbers and locations; the block and lot number of any parcel for which the wireless provider has attempted to secure a lease or purchase agreements; and copies of all correspondence from and between the provider and the property owner.

(g) Applicants for new WTFs shall demonstrate that there is adequate ability for future expansion of the tower and facilities to accommodate future collocations to the maximum height of 140 feet.

D. Abandonment. Any wireless telecommunications facility that is not operated for a continuous period of 12 months shall be considered abandoned. The owner of such facility shall remove it within 90 days of notice from the Zoning Officer that the facility is abandoned. If such facility is not removed within 90 days, the Township may remove such facility at the owner's expense. If the facility is to be retained, the provider shall establish that the facility will be reused within one year after such abandonment. If the facility is not reused within one year, the facility shall be removed. At the discretion of the Zoning Officer, upon good cause shown, the one-year reuse period may be extended for a period not to exceed one additional year.

~~§109-969 Riding academy, livery, or boarding stable~~

~~A riding academy, livery, or boarding stable~~ may be permitted, subject to the following ~~conditions~~**provisions**:

- A. A lot area of not less than 15 acres shall be required.
- B. Accessory dwellings and farm buildings shall be permitted.
- C. No more than one horse per acre shall be permitted.
- D. Four horse shows shall be permitted each year. Additional shows require Township Committee approval.
- E. All structures, parking and loading areas and other facilities shall be set back a minimum of 150 feet from the front property line and 150 feet from side and rear property lot lines, only if the adjacent properties are located within a residential

zone district. Otherwise, the setback for the side and rear lot lines shall be 50 feet, or located within the building setbacks for the zoning district, whichever is greater.

- F. There must be proof of a waste disposal and a management program certified acceptable by the County Health Department or local Board of Health or other appropriate jurisdiction. No storage of manure or other odor-producing materials shall be permitted within 100 feet of a property line.

§109-97**100** Bed-and-breakfast ~~guest house~~

The use and occupancy of a detached dwelling may be permitted for accommodating transient guests for rent, subject to the following conditions:

- A. No more than six guest rooms may be permitted. No more than two adults and two children may occupy one guest room.
- B. The minimum lot size for the guest house use shall be twice the minimum required for the zone in which it is located.
- C. The bed-and-breakfast guest house must maintain a residential appearance.
- D. The use shall be carried on primarily by members of the immediate family, who must reside on the premises. Nonresident employees shall be limited to two in addition to the resident members of the family.
- E. There shall be no separate kitchen or cooking facilities in any guest room. Food shall be served only to guests on the premises, ~~and only breakfast shall be served.~~
- F. The maximum uninterrupted length of stay at a guest house shall be 14 days.
- G. The use of any amenities provided by the guest house, such as a swimming pool or tennis courts, shall be restricted in use to guests of the establishment.
- H. There shall be no use of show windows or display or advertising visible outside the premises to attract guests other than a single, nonilluminated sign which meets the regulations for signs set forth in this chapter.
- I. The applicant shall demonstrate to the satisfaction of the Board of Health that private well and septic are adequate to serve the maximum number of guests which could be housed at the facility at any one time. Septic designs must be consistent with the Township's wastewater management plan.
- J. A sufficient number of off-street parking spaces, as determined by the Board, must be provided. One parking space shall be provided for each guest room.

K. Parking areas shall be screened with landscape buffers to shield off-site residences.

~~§109-101 Veterinary office or clinic~~

~~Such use may be permitted, subject to the following provisions~~

- ~~A. A veterinary office or clinic shall not include outdoor animal pens.~~
- ~~B. The office or clinic must present proof of a waste disposal and a management program certified acceptable by the County Health Department or local Board of Health.~~
- ~~C. Veterinary offices or clinics are only conditionally permitted in nonresidential zones.~~

~~§109-98 102 Landscape contractor with or without plant nursery, with or without retail sales Contractor's Yard or Facility~~

~~The personal service business of building, installing and maintaining hard and soft landscape features off site for a contracted fee A contractor's yard or facility may be permitted, subject to the following provisions conditions:~~

- ~~A. A minimum lot area of six acres shall be required.~~
- ~~B. No power equipment, such as gas or electric lawn mowers and farm implements, may be sold at wholesale or retail, other than incidental sales.~~
- ~~C. No All equipment and or vehicles must shall be stored under a roof and not within the front yard.~~
- ~~D. All structures, facilities, and parking and loading areas shall be set back a minimum of 100 feet from the front property line and 100 feet from the side and rear property lot lines, only if the adjacent properties are located within a residential zone district. Otherwise, the setback for the side and rear lot lines shall be 50 feet or located within the building setbacks for the zoning district, whichever is greater.~~
- ~~E. Frontage and access to the landscape contracting use shall be limited to any paved public road.~~
- ~~F. A landscaped buffer yard of 20 feet in width shall be required along rear and side yard lot lines of the site only if the rear and side yard lots abut properties in a residential zone district.~~

~~§109-103 Farmers Market~~

~~A market consisting of booths and stalls to sell produce and farm products to the general public may be permitted, subject to the following provisions:~~

- ~~A. The minimum lot area shall be two acres.~~
- ~~B. A maximum of 500 square feet of selling area for any one individual farmer or retailer shall be permitted.~~
- ~~C. Sales are limited to farm products and services, craftsman-produced goods and food services.~~

~~§109-104 Golf Courses~~

~~Golf courses are a conditional use in the zones specified and shall adhere to the following:~~

- ~~A. A nine-hole golf course shall have a total lot area of at least 80 acres.~~
- ~~B. All other golf courses shall have a minimum area of 160 acres.~~
- ~~C. No buildings or parking spaces located on a golf course shall be less than 200 feet from a property line.~~
- ~~D. A detailed plan specifying that the golf course will utilize "best management practices" for the purposes of maintenance, water usage and groundwater recharge shall be submitted to the Planning or Zoning Board in conjunction with any application for a golf course use.~~

~~§109-105 Golf driving range~~

~~Golf driving ranges are a conditional use in the zones specified and shall adhere to the following:~~

- ~~A. Minimum lot size for a golf driving range shall be 20 acres.~~
- ~~B. Golf driving ranges shall only be permitted where access is provided from a primary or secondary arterial roadway.~~
- ~~C. A seventy-five-foot buffer shall be provided around the perimeter of any golf driving range.~~
- ~~D. There shall be a minimum one-hundred-foot landscaped buffer between any portion of a golf driving range and a property used for residential purposes.~~

~~§109-106 Nursing homes and intermediate care centers~~

~~Nursing homes and intermediate care centers may be permitted, subject to the following conditions:~~

- ~~A. The minimum lot size shall be five acres.~~
- ~~B. Buildings shall be set back a minimum of 150 feet from the exterior property lot lines or located within the building setbacks for the zoning district, whichever is greater.~~
- ~~C. The maximum number of beds per facility shall be limited to the maximum permitted under NJDEP regulations for individual subsurface septic systems. Septic designs must be consistent with the Township's wastewater management plan.~~
- ~~D. A buffer shall be provided between parking areas, buildings or facilities and adjacent lot lines in accordance with the design standards section of this chapter.~~
- ~~E. Nursing homes and intermediate care centers shall maintain a residential appearance.~~
- ~~F. Parking and loading areas shall be a minimum of 100 feet from all exterior property lot lines or located within the building setbacks for the zoning district, whichever is greater.~~
- ~~G. Outdoor terraces or porches shall be provided.~~
- ~~H. All state licenses and certifications shall be renewed as required, and evidence of such renewals shall be filed with the Township Clerk.~~

~~§109-107 99 Public, quasi-public, and private or parochial schools~~ Schools, Public and Private

~~Schools may be permitted, subject to the following conditions:~~

~~Schools may be permitted, subject to the following provisions~~

- ~~A. Schools as a conditional use shall include quasi-public and private or parochial schools which are not conducted as a business.~~
- ~~A. B.~~ All schools located in a residential zone shall have a minimum lot requirement of five acres.
- ~~B. C.~~ Schools may exceed the height limitations of this chapter, provided that no building shall have a height of greater than 50 feet, and further provided that such

uses shall increase the front, rear and side yards one foot for each foot by which the building exceeds the height limit for the zone in which it is located.

- ~~C. D.~~ Schools shall be located on a collector road, as designated in the Township Master Plan.
- ~~D. E.~~ Sufficient off-street parking shall be provided, pursuant to the improvement standards section. All parking and loading areas shall be a minimum of 50 feet from all property lines or located within the building setbacks for the zoning district, whichever is greater.
- ~~E. F.~~ Active outdoor recreation facilities shall be a minimum of 200 feet from rear or side lot lines or located within the building setbacks for the zoning district, whichever is greater.
- ~~E. G.~~ A minimum twenty-five-foot-wide vegetated screen shall be provided to screen outdoor or recreation areas from properties in residential zone districts so as to protect adjacent residential homes or zones from inappropriate noise and other disturbances.
- ~~G. H.~~ Each side and rear yard setback shall be a minimum of 75 feet or the building setbacks for the zoning district, whichever is greater.
- ~~H. I.~~ Front yard setbacks shall be a minimum of 100 feet or the building setbacks for the zoning district, whichever is greater.
- ~~I.~~ A buffer strip shall be provided between parking areas, buildings or facilities and adjacent lot lines in accordance with the design standards section.
- ~~J.~~ Lighting shall be oriented away from any residential lots, and/or shielded so as to reduce intrusion of light into such properties.

~~§109-100 8 Gasoline stations and gasoline stations with convenience stores and/or car washes~~ Motor Fuel Service Station

A ~~gasoline~~ Motor Fuel Service station ~~or a gasoline station whether on its own or~~ in combination with a convenience store and/or car wash may be permitted, subject to the following ~~provisions~~conditions:

- A. A set of plans, specifications and plot plans, in triplicate, is filed with the Planning Board showing in detail the exact location of such ~~gasoline filling motor fuel service~~ station, the number of storage tanks to be installed, the dimensions and capacity of each tank, the depth at which the tanks will be placed below the ground, the

number of gas pumps to be installed, the type of structure and accessory buildings to be constructed and the number of automobiles to be garaged.

- B. A **gasoline motor fuel service** station, with or without a convenience store and/or car wash, must be at least 500 feet from the boundary of a residential zone within West Amwell, measured from the closest boundary to the nearest point of the **gasoline motor fuel service** station (building, canopy or uncovered pump island).
- C. The lot or parcel to be used solely for a **gasoline motor fuel service** station shall meet the lot size and frontage requirements of the zone in which it is located. The lot or parcel to be used for both a **gasoline motor fuel service** station and a convenience store shall have a minimum lot size at least 25% larger than that required in the zone.
- D. Any buildings associated with the **gasoline motor fuel service** station, pumps, and pump islands shall be set back at least 50 feet from property lot lines. Canopies shall be set back at least 35 feet from the property lines. Any building or structure associated with the convenience store shall meet the setback requirements of the zone in which it is located.
- E. Corner lots shall have a curb radius of at least 25 feet, and access to roads shall be at least 100 feet from the intersection of any streets.
- F. All unpaved areas shall be attractively landscaped with grass lawns, trees and shrubs or other appropriate vegetation.
- ~~G. Any auto repair work shall take place within a building, and all repair or service apparatus shall be located within that building. **Where auto repair work is being done in conjunction with a gasoline service station, a convenience store shall not be allowed on the same lot or parcel.**~~
- H. There shall be no outdoor storage of any goods or supplies, nor shall there be outdoor display of goods for sale.
- I. Floor drains for any building within which auto repairs may take place shall not be connected to any sanitary sewer system or storm drain but do have to comply with the Uniform Construction Code.
- J. All fuel storage tanks ~~shall be installed below ground level and~~ shall be at least 40 feet from any property line. Where the possibility of contamination of underground water resources exists, the Board may require precautions against leakage and seepage in accordance with DEP and Uniform Construction Code requirements.

- K. The Board may impose such conditions and safeguards as it deems appropriate with respect to, among other matters, traffic safety, considering the location and configuration of the lot in question.
- L. The following are specifically prohibited at a ~~gasoline motor fuel service~~ station or a ~~motor fuel service gasoline~~ station with convenience store and/or car wash:
 - ~~(1) Paint-spraying or body and fender work.~~
 - (1) ~~(2)~~ Storage of junk vehicles.
 - (2) ~~(3)~~ The sale or rental of automobiles, trucks, trailers, or other vehicles.
 - (3) ~~(4)~~ Outside eating and sitting areas.
 - (4) ~~(5)~~ Drive-through window service.

§109-1019 ~~Child-care centers or pre-schools~~ **Day Care, Children and Adult**

A ~~child-care center or pre-school~~ **day care** may be permitted, subject to the following conditions:

- A. The minimum lot size shall be one acre or twice the minimum lot size for the zone in which this use is located, whichever is greater.
- B. A maximum of 20 children shall be permitted for child-care centers or preschools in residential zones; in other zones, size shall be controlled by the state child-care facility licensing board. The maximum size of the facility shall be limited to that permitted under NJDEP regulations for individual subsurface septic systems. Septic designs must be consistent with the Township's wastewater management plan.
- C. Outdoor active recreation areas shall be a minimum of 75 feet from all property lines and shall be sufficiently screened so as to protect the neighborhood from inappropriate noise and other disturbances. A minimum fifteen-foot vegetation screen shall be provided to screen any nearby properties located in residential zone districts.
- D. A site plan which indicates that there will be an adequate and safe dropoff area must be provided.
- E. A copy of all required licenses and certificates shall be filed with the Township Clerk.

§109-10210 ~~Hotels and motels~~

Hotels and motels shall be conditional uses in the zones specified and shall adhere to the following:

- A. The lot on which a hotel or motel is located shall not be less than 10 acres.
- B. Buildings shall be set back a minimum of 100 feet from exterior property lot lines or located within the building setbacks for the zoning district, whichever is greater.
- C. No building shall exceed 40 feet in height.
- D. Lot coverage shall not exceed that permitted in the zone district in which the hotel or motel is to be located.
- E. The maximum size of the facility shall be limited to that permitted under NJDEP regulations for individual subsurface septic systems. Septic designs must be consistent with the Township's wastewater management plan.
- F. There shall be no separate kitchen or cooking facilities permitted in hotel and motel rooms.

~~§109-111 Congregate care centers and assisted-living facilities~~

~~A congregate care or assisted-living facility may be permitted, subject to the following conditions:~~

~~The minimum lot size shall be five acres.~~

~~Access shall be from a collector road.~~

~~The maximum size of the facility shall be limited to that permitted under NJDEP regulations for individual subsurface septic systems. Septic designs must be consistent with the Township's wastewater management plan.~~

~~A buffer strip shall be provided between parking areas, buildings or facilities, and adjacent lot lines in accordance with the design standards section of this chapter~~

~~Congregate care centers and assisted-living facilities shall maintain a residential appearance.~~

~~Buildings shall be set back a minimum of 150 feet from exterior property lot lines or located within the building setbacks for the zoning district, whichever is greater.~~

~~All parking and loading areas shall be a minimum of 100 feet from all property lines or located within the building setbacks for the zoning district, whichever is greater.~~

~~Outdoor terraces and porches shall be provided.~~

~~Accessory uses may include communal dining facilities, lounges, recreational areas and facilities, chapels, libraries, arts and crafts centers, medical care facilities and similar types of facilities intended primarily for the use of residents.~~

~~The facility may include one or more buildings containing individual dwelling units designed for and limited to occupancy of not more than two persons, one of whom shall be 62 years of age or older.~~

~~All state licenses and certifications shall be renewed as required, and evidence of such renewals shall be filed with the Township Clerk.~~

~~§109-112 Fast-food restaurants~~

~~Fast-food restaurants are a conditional use in the zones specified, provided that such uses shall adhere to the following:~~

~~The minimum lot size for a fast-food restaurant shall be 2.5 acres, with a minimum buildable area of 2.0 acres.~~

~~Within the front setback area of any property containing a fast-food restaurant there shall be a minimum forty-foot landscaped buffer strip adjacent to the front property line. Only improvements associated with access drives and signs shall be permitted within this area.~~

~~Fast-food restaurants must have frontage on and have access to a primary or secondary arterial roadway.~~

~~Maximum lot coverage cannot exceed 50%.~~

~~Storage areas, trash areas and service areas shall be located in such a manner as to be screened from direct public view and such areas shall be maintained in a neat, clean and orderly fashion at all times.~~

~~Drive-through lanes shall provide sufficient stacking space for at least seven vehicles, plus one at the pickup window. Such stacking area shall be completely out of the public right-of-way and shall not block access to any parking spaces.~~

~~§109-113 Hospitals~~

~~Hospitals and clinics are a conditional use in the zones specified and shall adhere to the following:~~

- ~~A. The lot on which a hospital or clinic is proposed shall not be less than five acres.~~

- ~~B. No principal structure shall be located less than 150 from any property line. All structures shall be located within the building setbacks for the zoning district.~~
- ~~C. Lot coverage shall not exceed that permitted in the zone district in which the hospital is to be located.~~
- ~~D. The maximum size of the facility shall be limited to that permitted under NJDEP regulations for individual subsurface septic systems. Septic designs must be consistent with the Township's wastewater management plan.~~

~~§109-10314~~ Multifamily **Residential Housing**

Multifamily residential uses are a conditional use in the zones specified and shall adhere to the following:

- A. Multifamily residential uses shall be permitted as part of a mixed-use development and shall be located on the second floor of any nonresidential building.
- B. The number of units permitted on each site shall be limited to the maximum permitted under NJDEP regulations for individual subsurface septic systems. Septic designs must be consistent with the Township's wastewater management plan. Parking for the residential units shall be in accordance with the RSIS.
- C. No building shall be permitted to exceed the maximum building height of the zone.
- D. Lot coverage requirements of the zone shall be complied with. Where the existing development already exceeds the permitted lot coverage, the creation of residential-over-commercial dwelling units shall not be permitted to increase the coverage any further.
- E. All units shall be one bedroom for developments up to five total units.
- F. Where more than five units are proposed, at least 50% shall be one bedroom, and no unit shall have more than three bedrooms.
- G. Additions to buildings in order to provide housing units shall not extend beyond the first floor, except for architectural projections as may be permitted elsewhere in this Part 4, Zoning, balconies and stairways or where said projection will conform to the required building setback of the zone.
- H. Where completely new construction is proposed, all setbacks shall conform to the appropriate zoning regulations.

~~§109-10415~~ ~~Places of worship~~ **Assembly**

~~Places of worship Assembly~~ are conditional use in the zones specified and shall adhere to the following:

- A. The minimum lot size ~~for any place of worship~~ shall be five acres, at least four of which shall be buildable.
- B. Principal or accessory buildings shall be located no less than 75 feet from any front, side or rear property line or within the building setbacks for the zoning district, whichever is greater.
- C. Maximum lot coverage shall be 35%.

§109-105.1 ~~15.1~~ Solar energy systems and wind energy systems

...No Changes Proposed

§109-106 Accessory Dwellings

Accessory Dwellings are conditional use in the zones specified and shall adhere to the following:

- A. The minimum lot size shall be that specified for the zone district in which the property is located.
- B. No property shall have more than one accessory dwelling.
- C. Accessory dwellings shall contain an entrance that is separate from entrance of the principal dwelling.
- D. The dwelling shall meet the setbacks specified for principal buildings in the zone district.
- E. A. The property shall provide the required on-site parking for the principal use and the accessory dwelling.
- E. The parking area for five (5) or more vehicles shall be setback minimum of 20 feet from a property line or the minimum setback specified for the zone district, whichever is greater.
- G. Where the principal use is commercial, non-farm, the accessory dwelling shall be located on upper floors of a principal or accessory use or in the rear yard.
- H. The buildings shall be in full compliance with all applicable health and construction codes.

§109-107 Cemetery

Cemetery is a conditional use in the zones specified. The following conditions apply:

- A. Applicant shall possess a current certificate of authority issued pursuant to N.J.S.A. 84:1-1 et seq., New Jersey Cemetery Act, and shall be in full compliance with the provisions of N.J.A.C. 3:40-1.5 et seq.
- B. Mausoleums, grave site markers (headstones, obelisks, etc.) and other structures (excluding buildings) shall not exceed 20 feet in height.
- C. Buildings, mausoleums, grave site markers (headstones, obelisks, etc.), and other structures exceeding heights of five (5) feet shall be setback at least 100 feet from any property line, or the minimum setback specified for the zone district, whichever is greater.
- D. Buildings, mausoleums, grave site markers (headstones, obelisks, etc.), and other structures not exceeding heights of five (5) feet shall be setback at least 50 feet from any side or rear property line or the minimum setback specified for the zone district, whichever is greater
- E. Buildings, mausoleums, grave site markers (headstones, obelisks, etc.), and other structures not exceeding heights of five (5) feet shall be setback at least 100 feet from any street line or the minimum setback specified for the zone district, whichever is greater.

§109-108 Medical Office

Medical Office is a conditional use in the zones specified in Schedule 3 and shall adhere to the following:

- B. A. Parking shall be setback a minimum of 50 feet from all property lines.

SECTION 6. Article XV, "Specific Requirements for Certain Conditional Uses" of Chapter 109, "Land Development" of the Township Code shall be amended and supplemented as follows:

ARTICLE XV SPECIFIC REQUIREMENTS FOR CERTAIN CONDITIONAL USES Requirements For Certain Principal Uses

§109-109 Farms

Farms shall adhere to the following:

- A. **Manure or other odor-producing materials shall not be stored within 100 feet of a property line**
- B. **Horses shall not be maintained on any property containing fewer than 3 acres in gross lot area**
- C. **Farm stands shall be permitted as accessory uses to any farm.**

§109-110 Warehousing, distribution, and wholesale

- A. **All activities shall take place inside a building.**

SECTION 7. Article XVI, "Accessory Uses and Structures" shall be amended and supplemented as follows:

§109-117 Accessory Buildings

- A. The maximum height shall be 15 feet.
- B. Accessory buildings shall not be located in a front yard, or between the house and the roadway.
- C. Accessory buildings shall be permitted within the side yard and rear yard setbacks, but shall be a minimum of 10 feet from the property lines.
- D. Except for the storage of vehicles in garages, accessory buildings shall be limited to a maximum of 500 square feet in size or may exceed 500 square feet in size to a maximum of 1,200 square feet in size if the required setbacks for a principal dwelling are met.
- E. **Private garages shall have space for two motor vehicles for the first 10,000 square feet of lot area, and thereafter, one garage space for each additional 15,000 square feet of lot area, up to a maximum of four spaces.**

SECTION 8. Repealer. All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

SECTION 9. Severability. If any section, part of any section, or clause or phrase of this ordinance is for any reasons held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Borough of Franklin Lakes declares that it would have passed the ordinance in each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

SECTION 10. Effective Date. This ordinance shall take effect immediately upon passage and publication according to law, and upon filing a copy thereof with the Hunterdon County Planning Board in accordance with N.J.S.A. 40:55D-16.

APPROVED BY TOWNSHIP COMMITTEE

George A. Fisher, Mayor

ATTEST:

Lora L. Olsen, RMC
Township Clerk