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AN ORDINANCE LIMITING AND RESTRICTING TO SPECIFIED DISTRICTS AND REGULATING THEREIN BUILDING AND STRUCTURES ACCORDING TO THEIR CONSTRUCTION AND THE NATURE AND EXTENT OF THEIR USE IN THE BOROUGH OF SOUTH RIVER IN THE COUNTY OF MIDDLESEX, AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE PROVISIONS THEREIN CONTAINED AND FIXING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED by the Mayor and Borough Council of the Borough of South River in the County of Middlesex, the State of New Jersey, as follows:

Section I. Title.

This Chapter shall be known and may be cited as the "Zoning Ordinance of the Borough of South River".

Section II. Authority.

This Chapter is adopted pursuant to the authority of the Municipal Land Use Law, Chapter 291, Laws of New Jersey, 1975, 40:55D-1 et seq.

Section III. Purpose.

This Chapter is adopted in order to promote the public health, safety, morals, convenience and general welfare, and in furtherance of the following related and more specific objectives:

To guide and regulate orderly growth, development and redevelopment in accordance with the Borough's Master Plan.

To establish zoning districts and to set forth regulations governing these districts, in order to encourage the most appropriate use of land throughout the Borough.

To protect the established character and the social and economic well being of both private and public property.

To prevent overcrowding of land and buildings and to avoid undue concentration of population.

To provide adequate light, air, convenience and safety of access.

To conserve and enhance the value of property throughout the Borough of South River.

To facilitate the adequate provision of municipal services.

Section IV. Interpretation and Scope.

A. In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements.

B. It is not intended by this Chapter to repeal, abrogate, annul or in any way to impair or interfere with existing provisions of other laws or ordinances (except those specifically repealed by this Chapter), nor with any permits previously issued or which shall be issued pursuant to law relating to the use of buildings or premises, nor with any private restrictions placed upon property by covenant, deed or other private agreement, provided, however, that where this Chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or the percentage of lot coverage, or requires greater lot area, yards, or other open spaces than are imposed or required by such ordinances, permits or private restrictions, the provisions of this Chapter shall control.

Section V. Establishment of Districts; Provision for Official Zoning Map.

A. Districts. For the purpose of this Chapter, the Borough of South River is hereby divided into the following eight(8) zoning districts differentiated according to use and building regulations:

R-100	Single Family Residential District
R-75	Single Family Residential District

R-2 Two Family Residential District
O-P Office Professional District
B-1 Neighborhood Business District
B-2 General Commercial District
L-I Research and Limited Manufacturing District
H-I Heavy Industrial District

B. Official Zoning Map. The aforesaid zones are established by the locations and boundaries set forth and indicated on the official zoning map of the Borough of South River, hereby made and declared to be a part of this Chapter. A map entitled "General Zoning Map", prepared by E. Eugene Oross Associates, indicating locations and boundaries shall be attached to all copies of the Zoning Ordinance for information purposes only.

C. Amendments to Zoning Map. If, in accordance with the provisions of this Chapter and the revised statutes of the State of New Jersey, changes are made in the district boundaries or other matters portrayed in the Zoning Map by the Borough Council, such changes shall be made promptly by the Borough Planner after the amendment has taken effect as provided by law. For each change in the map, note shall be made in the revision box of the date of revision. These changes are to be endorsed upon the map on the effective date of the amendment.

D. Rules for Interpretation of District Boundaries. Whenever an uncertainty or ambiguity exists as to the true location of any boundary line of any district (zone) shown on the map, the following rules shall apply:

1. Center Lines. District boundary lines indicated as following or approximately following streets, highways or other public or private ways, shall be construed to follow the center lines thereof.
2. Platted Lines. District boundaries indicated as following or approximately following platted lot lines shall be construed as following such lot lines as the same appear on the tax maps of the Borough as revised.
3. Determination by Board of Adjustment. Where, due to scale, lack of detail, or illegibility of the Zoning Map, there is uncertainty, contradiction or conflict as to the intended location of any district boundary line as shown thereon, the determination thereof shall lie with the Board of Adjustment after public hearing.

Section VI. Schedule of District Regulations.

A. The schedule of regulations applying to each zoning district, entitled "Schedule of Area, Yard and Building Requirements" (hereafter called the "schedule"), is hereby declared to be a part of this Chapter and is attached hereto.

B. The schedule is intended to summarize the major regulations by zoning district, including those applying to lot size, yards, building heights, and other regulations that may be easily summarized in tabular form. It is not meant to provide comprehensive coverage of all requirements and provisions of this Chapter. Areas and dimensions therein are minimum requirements.

SECTION VI
SCHEDULE OF AREA, YARD AND BUILDING REQUIREMENTS
ZONING ORDINANCE OF THE BOROUGH OF SOUTH RIVER
MIDDLESEX COUNTY, NEW JERSEY

1	2	3	Minimum Lot Requirements		Principal Building II							Accessory Building		Rear Yard In Feet	Side Yard In Feet	Rear Yard In Feet	Maximum % Lot Coverage by Principal Building	Maximum Height Principal Building	Maximum % Lot Coverage by all Buildings & Pavement	14
Zone	Area in Square Feet	Lot Width In Feet	Lot Depth In Feet	Front Yard In Feet	Minimum One Side Yard In Feet	Total Both Sides Yards In Feet	Rear Yard In Feet	Minimum Required Yard Depth (In Feet)	Maximum Yard Depth	Principal Building	Maximum % Lot Coverage by Principal Building	Maximum % Lot Coverage by Principal Building	Stories In							
R-100	10,000	100	90	25	5	15	25	5	25	40	2%	35	50							
R-75	7,500	75	90	25	5	15	25	5	25	40	2%	35	50							
R-2	7,500	75	90	25	5	15	25	5	25	40	2%	35	60							
O-P	7,500	75	90	25	5	15	25	5	25	40	2%	35								
B-1	5,000	50	90	25	5	10	20	5	5	40	2%	35	80							
B-2	5,000	50	90	25	5	10	20	5	5	40	2%	35	80							
I-1	20,000	100	100	25	10	25	20	5	5	40	3	40	70							
I-2	20,000	100	100	25	10	25	20	5	5	40	3	40	70							

Section VII. Definitions.

For the purposes of this chapter, the terms used herein are defined as follows:

ACCESSORY USE OR BUILDING. A subordinate use or building, the purpose of which is incidental to that of a main use or building located on the same lot.

BOARDING OR ROOMING HOUSE. Any building containing two or more sleeping accommodations without individual cooking facilities or bathroom for people who are not members of a family as defined in this section.

BUFFER AREA. A landscaped area designed to act as a visual and sound screen between a potentially unsightly or otherwise incompatible or undesirable land use and adjacent properties.

BUILDING HEIGHT. The vertical distance measured from the mean elevation of the finished grade adjacent to the building foundation to the mean level of the slope of the roof.

DRIVE-IN-OPERATION. Any business of any kind engaged in making sales or providing services to persons occupying motor or other types of vehicles entered upon any business premises for such purpose.

DWELLING UNIT. A building or portion thereof providing sleeping room(s), bathroom(s) and kitchen facilities for the use of one (1) household. Dwelling units shall be differentiated one from the other as follows:

a. Dwelling, Single-Family. A detached building designed for or occupied exclusively by one (1) family.

b. Dwelling, Two-Family. A building designed for or occupied exclusively by two(2) families living independently of each other where the individual family units are entirely separated by vertical walls or horizontal floors.

c. Dwelling, Multi-Family. A building used or designed as a residence for three (3) or more families living independently of each other, not including a motel, boarding house or rooming house.

d. Garden Apartments. A group of architecturally harmonious multi-family dwellings in which there are no more than 2½ habitable stories above curb level.

e. Mobile Home. A dwelling unit, factory built and factory assembled, designed for conveyance after fabrication on streets and highways on its own wheels or on flatbed or other trailer and arriving on site where it is to become a dwelling complete and ready for occupancy except for minor incidentals, including hook-ups. A prefabricated home shall not be included in this definition.

FAMILY. One (1) or more persons living as a single, nonprofit housekeeping unit, as distinguished from individuals or groups occupying a hotel, club or fraternity or sorority house. The "family" shall be deemed to include necessary servants when servants share the common housekeeping facilities and services.

FENCE. A structure forming an enclosure of an open area and designated to prevent straying from within or intrusion from without said enclosure, or to provide a visual barrier for the purposes of assuring privacy.

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

- a. Cellar space, except that cellar space used for retailing shall be included for the purpose of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths. Also, 50% of cellar space constructed and finished as to be suitable for human habitation shall be counted in computing total floor area.
- b. Elevator and stair bulkheads, accessory water tanks and cooling towers.
- c. Floor space used for mechanical equipment, with structural headroom of less than seven (7) feet, six (6) inches.
- d. Attic space, whether or not a floor has actually been laid, providing structural headroom of less than seven (7) feet, six (6) inches.
- e. Uncovered steps.
- f. Terraces, breezeways and open porches.
- g. Accessory off-street parking spaces.

FLOOR AREA RATIO (F.A.R.). A control on the intensity of land use calculated as the ratio of the gross floor area under roof of the main building to the total area of the lot on which the building is located.

GARAGE.

- a. **Private Garage.** A building accessory to the main building which provides for the storage of not more than three (3) four-wheeled motor vehicles. No more than one (1) commercial vehicle shall be stored in such area, which commercial vehicle shall be owned by a person residing on the premises, and no occupation, business or service for profit connected directly or indirectly with motor vehicles is to be carried on within such garage.
- b. **Public Garage.** Any building or premises used for the storage or rental of motor vehicles conducted as a business or wherein motor vehicles are cared for or repaired for profit.
- c. **Gasoline Service Station.** An area of land, including structures thereon, that is used primarily for the retail sale and direct delivery to motor vehicles of gasoline and lubricating oils and which may include the making of minor repairs exclusive of any auto body work, welding or painting.

HOME OCCUPATION. A customary, personal service occupation conducted for profit such as dressmaking, millinery, home cooking for off-premises consumption, individual private tutoring, individual teaching of music or singing, portrait painting or sculpturing, conducted by members of the resident family in the main building.

HOME PROFESSIONAL OFFICE. An office of a member of a recognized profession providing professional services on an appointment only basis in his place of residence. The issuance of a State or local license for regulation of any gainful occupation shall not be deemed indicative of the occupation being classified as a recognized profession under the terms of this Chapter. Recognized professions shall include only medical care for human beings, the

clergy, architecture, engineering, law, accounting, planning or similar professional occupations which may be so designated by the Planning Board upon finding both of the following: (1) that such occupation is truly "professional" in character by virtue of the need for similar training and experience as a condition for the practice thereof, and, (2) that such occupation serves clients on an appointment only basis as opposed to serving a "walk-in-off-the-street" clientele. A home professional office shall not include the office of any person professionally engaged in the purchase or sale of economic goods. Dancing studios, real estate offices, convalescent homes, mortuary establishments and trades or businesses of any kind not herein expressly permitted shall not be deemed to be professional uses.

HOTEL OR MOTEL. A building consisting of eight (8) or more rooms, each with their own bathroom, designed and intended as a place where sleeping accommodations are supplied primarily for transient travelers, and where a general kitchen and dining room are provided within the building.

JUNK YARD. A lot or any part thereof, used primarily for the collection, storage and sale of waste paper, rags, scrap metal or discarded materials, or for the collection, dismantling, storage and salvaging of machinery and/or motor vehicles for the sale of parts thereof.

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

a. **Lot Line.** Any boundary line of a lot excluding any street area.

b. **Lot Area.** The total area within the lot lines of a lot.

c. **Lot Frontage.** That portion of a lot extending along a street line.

d. **Lot Depth.** The shortest horizontal distance between the front lot line and a line drawn parallel to the front lot line through the midpoint of the rear lot line, providing that in triangular lots having no rear lot line, the distance shall be measured to the midpoint of a line parallel to the front lot line which shall be not less than 10 feet in length measured between its intersections with the side lot lines.

e. **Lot Width.** The distance between side lot lines, measured as a straight line at the front setback line.

f. **Lot Coverage.** The percentage of the lot area that is occupied by the principal and accessory buildings.

g. **Corner Lot.** A lot at the junction of and fronting on two (2) or more intersecting streets. The greater frontage of a corner lot is its depth and its lesser frontage is its width.

OPEN PORCH. A roofed structure supported by columns but having no side walls which projects beyond the main walls of a building.

PAVEMENT. An impervious ground covering.

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

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

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

RECREATIONAL VEHICLE. A vehicle designed and intended to be used for temporary sleeping or shelter during periods of travel and recreation.

SETBACK LINE. A line parallel to a lot line delineating minimum required yard area.

SHOPPING CENTER. A group of commercial establishments planned, developed and managed as a unit in an enclosed building or buildings and utilizing such common facilities as customer parking areas, pedestrian walks, truck loading and unloading space and utilities and sanitary facilities.

SIGN. Any structure or portion thereof on which there is an announcement, declaration, identification, description, display illustration or insignia used to advertise or promote the interest of any person or product when the same is placed in view of the general public. (Refer to Section XX for additional sign definitions).

STREET LINE. The property line of a lot which separates the public street right-of-way from the property abutting it.

STRUCTURAL ALTERATION. Any change in or rearrangement of the supporting members of a building or structure such as walls, columns, beams, girders and foundation, including any enlargement or addition to the structure, or any change in the utility system or mechanical equipment of a structure which significantly alters its usability, capacity or function.

YARD. An open space on a lot, lying between the principal building and the nearest lot line, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance.

a. **Front Yard.** An open, unoccupied space within and extending the full width of the lot between the front lot line and the main front wall of a building, not including ground story open porches and piazzas. When a lot fronts two streets, the front yard requirements shall be established along the shorter of the two (2) street frontages. The depth of the front yard shall be measured at right angles with the front lot line.

b. **Rear Yard.** An open, unoccupied space within and extending the full width of the lot between the rear wall of the building and the rear lot line.

c. **Side Yard.** An open, unoccupied space within the lot between a side lot line and the side wall of the building or of any attached accessory building extending from the front lot line to the rear lot line.

Word Usage. Unless the context clearly indicates the contrary, the present tense shall include the future; the singular shall include the plural; the word "lot" shall include the word "plot"; the word "structure" shall include the word "building"; the word "occupied" shall include the words "used," "designed", or "intended to be occupied"; the term "such as" shall be considered as introducing a typical or illustrative example rather than as an entire inclusive designation of permitted or prohibited uses, activities or structures; the word "shall" is always mandatory and directory; the word "may" is permissive.

Other Definitions. Words that are not defined in this Chapter but are defined in the Subdivision and Site Plan Ordinance, shall, for the purposes of this Chapter, have the meanings ascribed to them in the Subdivision and Site Plan Ordinance.

Section VIII. General Regulations.

A. Applicability of District Regulations to All Buildings, Structures and Land.

1. This Chapter shall apply to the construction, nature and extent of the use of all buildings, and to the nature and extent of

the use of all land. Except as previously or hereinafter provided, no building, structure or land, or any part thereof, shall be used or occupied, and no building or structure shall be erected, converted, relocated, repaired, enlarged, converted or structurally altered, unless in conformity with all of the regulations of this Chapter specified for the district in which it is located.

2. All regulations set by this Chapter within each of the districts shall be minimum regulations and shall apply uniformly to each class or kind of structure or land except as hereinafter provided.

B. Application to Municipality. Any municipally-owned, operated or controlled building, structure, facility or use, either existing or proposed, shall be permitted in any zone; it being the intention of this section that whatever the Borough may be authorized to do shall constitute a function of government, and that whenever the Borough shall act, pursuant to granted authority, it acts as government in the public interest and not as private entrepreneur.

C. Applicability To Structures Having Been Granted Or Pending Approval. Nothing contained in this Chapter shall require any change in the plans, construction, size or designated use of any structure, or part thereof, for which a building permit has been heretofore issued or for which plans are on file with the Construction Official.

D. Principal Buildings.

1. Second Dwelling Prohibited. In no case shall there be permitted more than one (1) residential building on each subdivision lot of record, excepting multi-family housing developments.

2. All principal buildings shall be built upon a lot with frontage on a public street or on a private street approved by the Planning Board.

E. Accessory Structures. No accessory structures permitted by this subsection shall be placed in any required yard except as specified hereinafter in this subsection.

1. Location.

a. In any residence zone, no private detached garage or other accessory building or parking area shall be within a required front yard nor within a required side yard, except that nothing shall prohibit an owner of a home from counting his driveway as parking space.

b. In the case of exceptionally wide lots where side yards are provided of greater width than required by this Chapter, accessory buildings may be erected in the side yards, provided that the side yard required as a minimum by this Chapter for the particular zone involved be left open and unoccupied except as permitted in this subsection.

2. Accessory Structure as Part of Principal Building. Nothing contained herein shall prevent the construction of a private garage as a structural part of a main dwelling, provided that when so constructed the garage walls shall be regarded as the walls of the main dwelling in applying the front, rear and side yard regulations of this Chapter.

3. Area Restrictions. In any residence zone, accessory buildings may occupy, in the aggregate, not more than forty percent (40%) of the required rear yard area.

4. Distance from Adjacent Buildings. The minimum distance of any detached accessory structure from the adjacent main building shall be five (5) feet.

5. Height Restrictions. In any residence district, no accessory building shall exceed fifteen (15) feet in height.

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

7. Accessory Building Not to be Resided In. No accessory building erected in a required yard on any lot within any zone shall be used for residential dwelling or rooming unit purposes.

F. Lot Frontage.

1. In the case of lots fronting on the turn-around of a cul-de-sac street or fronting upon any other curved street, lot frontage (as distinguished from lot width) may equal, but shall be no less than two-thirds (2/3) of the required lot width as set forth in Column 3 of the schedule, Section VI.

2. All front yards must face on a dedicated public street or on a private street approved by the Planning Board.

3. Where a building lot has frontage upon a street which on the Master Plan or Official Map of the Borough of South River is contemplated for right-of-way widening, the required front yard area shall be measured from such proposed future right-of-way line.

G. Required Yards.

1. No yard or any other open space required about or in connection with any building or buildings for the purpose of complying with this Chapter shall be included as part of a yard or open space similarly required for any other building.

2. No existing yard or existing lot shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet or exceed the minimum requirements established herein.

3. Except as hereinafter specified in this subsection, every part of a required yard shall be open to the sky, unobstructed except for the following man-made structures:

a. Accessory buildings in a required rear or side yard in accordance with subsection VIII.E.

b. The ordinary projection of parapets, cornices, eaves, leaders, and other ornamental features not to exceed twelve (12) inches.

c. Over twenty (20) feet above the average grade level, nothing in this Chapter shall prevent the projection of a cornice over the front yard and rear yard to an extent not exceeding three (3) feet, nor over a required side yard up to one-fourth (1/4) of its width.

d. An open fire balcony, lattice-enclosed fireproof fire escape or stairway projecting into a yard not more than four (4) feet.

e. Bay windows or balconies projecting not more than three (3) feet into a required yard.

f. An open porch, entranceway or terrace, not over one story high, projecting into a required front yard or rear yard a distance of not more than eight (8) feet. No bay window,

balcony, porch, entranceway or stairway constructed under the provisions of this subsection shall have a width in excess of three (3) times the distance of its projection.

g. Fences, in accordance with Subsection VIII.I.

4. The requirements of this subsection respecting yards and courts shall not apply to any necessary retaining wall or steps nor to any fence or wall which is less than four (4) feet high.

5. Vision Clearance on Corner Lots. In any district on any corner lot, within the triangular area determined as provided in this subsection, no wall, fence, sign or other structure shall be erected to a height in excess of three feet above curb level, and no vehicle, object or any other obstruction of a height in excess of three feet shall be parked or placed, and no hedge, shrub or other growth shall be maintained at a height in excess of three feet, except that trees whose branches are trimmed away to a height of at least ten feet above curb level shall be permitted. Such triangular area shall be formed by the two intersecting street center lines and by a diagonal line connecting points on these street center lines which are 90 feet from the intersection of the street center lines for local roads and 200 feet for all other roads.

6. Adjustment of Yard Sizes in Districts Adjoining More Restricted Districts. Along and adjacent to any boundary line between two (2) different kinds of districts, yards or courts required in the less restricted district shall be at least equal in depth or width respectively, to the depths or widths required for yards or courts in the more restricted district.

H. Site Plan Requirement. Except as hereafter exempted, no building permit shall be issued for any building or use or for the enlargement of any building or use unless a site plan is first submitted and approved in accordance with the Subdivision and Site Plan Ordinance of the Borough of South River, and no certificate of occupancy shall be given unless all construction conforms to the approved plan; except that site plan approval shall not be required for single-family and two-family dwellings. However, all applications for one- and two-family dwellings, while not required to file for and receive site plan approval, shall be submitted to the Borough Engineer for a determination as to whether any off-site improvements are necessary or any municipal facilities need be extended off-site. If it is determined by the Engineer that such improvements are necessary, then no building permit shall be issued until a plot plan and other construction details showing such improvements as deemed necessary by the Borough Engineer are approved by the Engineer and filed with the Construction Official. If it is determined by the Engineer that any off-tract improvements are necessary, then the applicant shall be required to obtain site plan approval from the Planning Board.

I. Fences. For purposes of this subsection, the words "fence" or "wall" shall not include or apply to the words "retaining wall(s)".

1. On any interior lot in any residence district, no wall or fence shall be erected or altered so that said wall or fence shall be over four (4) feet in height except as may be required for swimming pools.

2. No solid fence shall be erected in a required front yard area. For the purposes of this Ordinance, a split rail, chain link or equivalent fence shall not be considered solid fences, while stockade, woven slats or the equivalent shall be deemed to be solid fences.

3. No fence or wall shall be erected of barbed wire or topped with spikes.

4. No fence or wall shall be erected closer than 1/2 foot from the property line.

J. Community Residences for the Mentally and Physically Handicapped. Boarding houses or community residences for up to six (6) mentally and physically handicapped persons and their resident staff shall be permitted in any residential zone in the Borough. Such community residences shall meet the minimum area, yard and building requirements set forth for single-family units in the zone in which located. If more than six (6) persons, exclusive of resident staff, are placed in the residence, then the use becomes a conditional use which may be permitted provided that all of the terms and conditions specified for this particular use in Section XIX are complied with.

K. Minimum Amount of Habitable Floor Area Per Occupant. Every new residential building shall have a minimum of 150 square feet of habitable floor area, exclusive of basement area, per occupant. However, if such basement area is so constructed and finished as to be usable for habitation and shall be intended for such use, then 50% of the basement floor area constructed and finished as such shall be counted in computing the total amount of habitable floor area.

Section IX. Nonconforming Lots, Structures & Uses.

The following regulations shall apply to all nonconforming lots, structures and uses existing at the time of adoption of this Ordinance:

A. Intent. It is the intent of this Chapter to permit any nonconformities to continue until they are removed, but not to encourage their survival.

B. Continuance of Nonconforming Uses. Any nonconforming use existing at the time of the passage of this Ordinance may be continued upon the lot or in the building so occupied. Except as required by the Borough to bring the building or premises up to code, no nonconforming use of the building or land shall be enlarged, structurally altered, extended to occupy a greater area of structure or land, or moved in whole or in part to any other portion of the lot occupied by such nonconforming use, unless the use thereof is changed to a use permitted in the district in which such building or premises is located.

C. Continuance of Nonconforming Structures. A nonconforming structure, provided the use of same is permitted in the district, may be enlarged, provided said enlargement complies with all development regulations of the district.

D. Prohibition Against the Conversion of One Nonconforming Use to Another. Changes from one nonconforming use to another nonconforming use are prohibited.

E. Conversion to Permitted Use. Any nonconforming building or use which has been changed to a conforming use shall not be changed back again to a nonconforming use.

F. Abandonment. If any nonconforming use of a building or land ceases for any reason for twelve (12) consecutive months or for eighteen (18) months during any three (3) year period, such structure and premises in combination shall be considered abandoned and shall not thereafter be used except in conformance with the regulations of the district in which it is located.

G. Restoration. Notwithstanding anything to the contrary hereinabove set forth, nothing in this Ordinance shall prevent the reconstruction, repairing, rebuilding and continued use of any nonconforming building or structure damaged or destroyed by fire, explosion, flood, windstorm or other act of God; provided, however, that there shall be no enlargement of the original structure and that the work shall be initiated within six (6) months from the occurrence of such damage or destruction and shall be diligently pursued to completion.

H. Repairs and Maintenance of Unsafe Buildings. Nothing in this section shall be construed to prevent the strengthening or restoration to a safe and lawful condition any part of a building declared to be unsafe or unlawful by the Construction Official, chief of the fire department or other duly authorized Borough official. Such repairs and maintenance work rendered necessary by wear and tear and required to keep it in sound condition may be made to a nonconforming structure, provided that no structural alterations shall be made to supporting members of the building (walls, columns, beams, girders) except such as are required by law, and also provided that such work does not exceed 50% of the market value of such structure at the time the work is to be done.

I. Adjacent Nonconforming Lots in Single Ownership. If two (2) or more lots (at least one of which is undeveloped) with continuous frontage are in single ownership of record, regardless of separate deeds, at the time of passage of this Ordinance, and if all or some of the lots do not meet the lot area or lot width requirements established by this Chapter, the lands involved shall be considered to be an individual parcel for the purpose of this Chapter, and no portion of said parcel shall be used or sold which does not meet lot area and width requirements established by this Ordinance, and any action to use such land as more than one lot shall require the granting of subdivision approval and the required variances.

Section X. Exceptions and Permitted Modifications.

A. Exceptions to Height Limitations.

1. The provisions of this Chapter with regard to height shall not apply to church spires, steeples, belfries, clock-towers, non-commercial radio towers, flagpoles, chimney stacks, sky-lights, scenery lofts, antennas, water tanks, fire or parapet walls, or roof structures for the housing of elevators, stairways, ventilating fans, air conditioning equipment or similar equipment and structures, provided that such features shall be erected only to such height as is necessary to accomplish the purpose they are to serve.

2. No part of any structure erected pursuant to subsection X.A.1. to a height in excess of the height limit for the zone in which it is situated shall:

- a. Have a lot coverage in excess of ten percent (10%) of the lot area.
- b. Be used for residence or tenancy purposes.
- c. Have any sign, nameplate, display or advertising device of any kind whatsoever inscribed or attached to that part of the structure which exceeds the height limitation.

B. Exceptions to Lot area and Width Requirements. Notwithstanding any provision of this Chapter to the contrary, any parcel of land located in a residential zone with a lot area and/or width which is less than that prescribed for a lot in the zone in which such parcel is located, may be used for single-family residential purposes, provided that the property owners shall submit proof by affidavit to the Construction Official of the following:

1. The property owner does not own any property adjoining such undersized parcel.
2. Dwellings or other principal uses are located on the lots adjacent to the undersized parcel.
3. The property owner cannot acquire property from any adjacent lot either because the owner of such lot refuses to sell or because such sale would render such adjacent lot in violation of this Chapter with respect to side yard, width or bulk area requirements.
4. The undersized parcel and the dwelling to be erected thereon complies with all other requirements of this Chapter.

C. Exceptions to Yard Requirements.

1. Where a lot is situated between two (2) lots, each of which is developed with a main building which projects beyond the established front building line as required by this Chapter and has been so maintained since the enactment of this Chapter, the minimum front yard requirement of such lot may be the average of the front yards of said existing buildings.
2. Where a lot adjoins one (1) lot developed as described above and a vacant lot, the minimum front yard requirement of such lot may be the average of the front yard of the existing building and the established front setback line established by this Chapter.

D. Exceptions to Maximize Solar Gain.

In order to promote the conservation of energy, variations in the front, side and rear yard and area requirements of this Chapter may be permitted, provided the purpose of such variations is to orient buildings so as to permit said buildings to maximize solar gain and secure the full benefit of prevailing winds.

Section XI. R-100, Single-Family Residential District

A. Permitted Principal Uses. No building, structure or premise shall be used, and no building or structure shall be erected or structurally altered, except for the following uses:

1. Detached single-family dwellings.
2. Churches and other places or worship.
3. Public and private, non-profit, educational institutions.
4. Public utility structures other than storage and maintenance uses and garages.

B. Permitted Accessory Uses and Buildings. Uses and buildings incidental to the above uses, including but not limited to those specified below:

1. Private garages
2. Private swimming pools.
3. Storage sheds.

C. Conditional Uses. The following conditional uses may be permitted provided that all of the terms and conditions specified for the particular use in Section XIX are complied with:

1. Licensed nursing homes and convalescent homes.
2. Nursery schools.
3. Home professional offices
4. Home occupations.
5. Multi-family dwellings
6. Quasi-public clubs and organizations.

D. Height, Area and Yard Requirements. As specified in the schedule of regulations, Section VI, except as hereinafter provided:

1. Churches, other places of worship and educational institutions shall have:

- a. A minimum lot area of one-half acre.

- b. Minimum front yard, side yards, and rear yard of thirty feet each.
- c. A minimum lot width of 150 feet.

E. Off-Street Parking Requirements. As specified in Section 166-18 of the Borough of South River Subdivision and Site Plan Ordinance.

F. Signs. Signs are subject to the sign regulations of Section XX.

Section XII. R-75, Single-Family Residential District.

A. Permitted Principal Uses. Same as prescribed in subsection XI.A. for the R-100, Residential District.

B. Permitted Accessory Uses and Buildings. Same as prescribed in subsection XI.B. for the R-100, Residential District.

C. Conditional Uses. The following conditional uses may be permitted provided that all of the terms and conditions specified for the particular use in Section XIX are complied with:

1. Uses permitted in the R-100, Residential District
2. Zero lot line houses, wherein one side yard is omitted entirely and two houses built semi-detached.

D. Height, Area and Yard Requirements. As specified in the schedule of regulations, Section VI, except as hereinafter provided.

1. Churches, other places of worship, and educational institutions shall have:

- a. A minimum lot area of .4 acres
- b. Minimum front yard, side yards, and rear yard of 25 feet each.
- c. A minimum lot width of 100 feet.

E. Off-Street Parking Requirements. As specified in Section 166-18 of the Borough of South River Subdivision and Site Plan Ordinance.

F. Signs. Signs are subject to the sign regulations of Section XX.

Section XIII. R-2, Two-Family Residential District.

A. Permitted Principal Uses. No building, structure or premises shall be used, and no building or structure shall be erected or structurally altered, except for the following uses:

1. Uses permitted in the R-100, Residential District.
2. Detached two-family dwellings.

B. Permitted Accessory Uses and Buildings. Same as prescribed in subsection XI.B. for the R-100, Residential District.

C. Conditional Uses. Same as prescribed in subsection XII.C. for the R-75, Residential District.

D. Height, Area and Yard Requirements. Same as prescribed in subsection XII.D. for the R-75 residential district.

E. Off-Street Parking Requirements. As specified in Section 166-18 of the Borough of South River Subdivision and Site Plan Ordinance.

F. Signs. Signs are subject to the sign regulations of Section XX.

Section XIV. OP, Office Professional District.

A. Permitted Principal Uses. No building, structure or premises shall be used, and no building or structure shall be erected or structurally altered, except for the following uses:

1. Business and professional offices and office buildings.
2. Finance, real estate and insurance offices.
3. Medical offices, clinics and testing laboratories.
4. Educational training centers.
5. Single-family dwellings.

B. Permitted Accessory Uses and Buildings. Uses and buildings incidental to the above uses, including but not limited to those specified below:

1. Uses permitted in the R-100, Residential District.
2. Off-street parking areas.

C. Conditional Uses. The following conditional uses may be permitted provided that all of the terms and conditions specified for the particular use in section XIX are complied with:

1. Home professional offices.
2. Home occupants
3. Quasi-public clubs and organizations.

D. Height, Area and Yard Requirements. As specified in the schedule of regulations, Section VI, except as hereinafter provided:

1. Office buildings in the OP zone shall not exceed a floor area ratio (F.A.R.) of 40%.

E. Off-Street Parking Requirements. As specified in Section 166-18 of the Borough of South River Subdivision and Site Plan Ordinance.

F. Signs. Signs are subject to the sign regulations of Section XX.

Section XV. B-1, Neighborhood Business District.

A. Permitted Principal Uses. No building, structure or premise shall be used, and no building or structure shall be erected or structurally altered, except for the following uses.

1. Uses permitted in the R-75, Residential District, subject to the restrictions of subsection XII. D.
2. Professional offices, including the office of a physician, dentist, minister, architect, engineer, attorney or member of a similar recognized profession.

3. Banks, real estate offices and insurance offices.

4. Retail shopping facilities where goods are sold only to the local trade and where nothing is fabricated, manufactured or altered, such as or similar to the following:

Grocery store, bakery, delicatessen, drug store, packaged liquor store, garden and flower shop, apparel store, restaurant, luncheonette, tavern and stationery store.

5. Personal service establishments providing a service primarily for the surrounding neighborhood such as or similar to the following:

Beauty or barber shops, dry cleaning or tailoring shops, radio and electrical repair establishments, job printing shops, and studios for instruction in music, singing, dancing or art.

6. Funeral homes.

B. Permitted Accessory Uses and Buildings. Same as prescribed in subsection XIV.B. for the OP, Office Professional District.

C. Conditional Uses. The following conditional uses may be permitted provided that all of the terms and conditions specified for the particular use in Section XIX are complied with:

1. Home professional offices.
2. Home occupations.
3. Quasi-public clubs and organizations.

D. Height, Area and Yard Requirements. As specified in the Schedule of Regulations, Section VI, except as hereinafter provided:

1. Uses permitted in the R-75, Residential District, shall comply with the bulk regulations established for the R-75 zone.

E. Off-Street Parking Requirements. As specified in Section 166-18 of the Borough of South River Subdivision and Site Plan Ordinance.

F. Signs. Signs are subject to the sign regulations of Section XX.

Section XVI. B-2, General Commercial District.

A. Permitted Principal Uses. No building, structure or premise shall be used, and no building or structure shall be erected or structurally altered, except for the following uses:

1. Uses permitted in the B-1, Neighborhood Business District.

2. Retail stores serving a widely distributed clientele, including antique and gift shops, automobile salesrooms and lots, and lumber and building material suppliers.

3. Recreational and amusement facilities operated for private profit, including bowling alleys, dance halls, skating rinks and indoor theaters.

4. Services and service agencies serving a widely distributed clientele, including tourist cabins, motels, hotels, small animal hospitals, diners and night clubs.

5. Shopping centers.

B. Permitted Accessory Uses and Buildings. Uses and buildings incidental to the above uses, including, but not limited to those specified below:

1. Uses permitted in the O-P, Office Professional District.
2. Maintenance and storage buildings for articles in connection with any of the above permitted uses.

C. Conditional Uses. The following conditional uses may be permitted provided that all of the terms and conditions specified for the particular use in Section XIX are complied with:

1. Uses permitted in the O-P, Office Professional District.
2. Gasoline service stations and public garages.

D. Height, Area and Yard Requirements. As specified in the schedule of regulations, Section VI, except as hereinafter provided:

1. Uses permitted in the R-75, Residential District shall comply with the bulk regulations established for the R-75 zone.

E. Off-Street Parking Requirements. As specified in Section 166-18 of the Borough of South River Subdivision and Site Plan Ordinance.

F. Signs. Signs are subject to the sign regulations of Section XX.

Section XVII. L-I, Research and Limited Manufacturing District.

A. Permitted Principal Uses. No building, structure or premise shall be used, and no building or structure shall be erected or structurally altered, except for the following uses:

1. Uses permitted in the B-2, General Commercial District, excepting those uses which are also permitted in the R-75, Residential District.
2. Research institutions and laboratories for scientific or industrial research or testing, including experimentation and product development, provided that no such operation shall be conducted or equipment used which would create hazardous, noxious or offensive conditions beyond the boundaries of the site.
3. Public utility and service activities of an industrial character such as repair and maintenance yards, storage facilities, depots and stations.
4. Activities of an industrial nature such as light manufacturing, fabrication, processing or assembling of goods that will not result in any nuisance or hazard beyond the limits of the lot occupied by such activity.
5. Metal working, machine welding and machine shops, excluding drop hammers and similar machinery of a nuisance producing character.
6. Warehousing and storage buildings, except for bulk storage of hazardous materials.
7. Printing and publishing establishments.
8. Wholesaling and jobbing of merchandise.
9. Public automobile parking areas.

B. Permitted Accessory Uses and Buildings. Uses and buildings incidental to the above uses, including but not limited to those specified below:

1. Uses permitted in the B-2, General Commercial District.
2. A cafeteria located within a building and operated by the employer for the exclusive use of employees.
3. Employee recreational area.
4. Living quarters for watchmen, caretakers or similar employees.

C. Conditional Uses. The following conditional uses may be permitted provided that all of the terms and conditions specified for the particular use in Section XIX are complied with:

1. Billboards or outdoor advertising signs.
2. Gasoline service stations and public garages.

D. Prohibited Uses.

1. No building or premises shall be used for any trade, industry, business or purpose of any kind that is toxic, corrosive, noxious, hazardous, injurious or offensive by reason of the emission of odor, dust, refuse matter, garbage, smoke, gas fumes, vapor, or noise, or that is dangerous to the comfort, peace, enjoyment, health or safety of the community.

2. Residential uses and all other uses permitted in any residential zone in the Borough.

E. Dyking Requirements.

All chemical handling and storage areas and all above ground areas for the storage of bulk oil or gasoline shall be dyked in a manner acceptable to the Borough Engineer in order to prevent pollution due to spillage of such materials. Any dyking recommended by the Department of Environmental Protection shall also be required.

F. Height, Area, and Yard Requirements. As specified in the schedule of regulations, Section VI, except as hereinafter provided:

1. The maximum percent of lot coverage by buildings and pavement on any area determined to be an aquifer outcrop or recharge area shall be limited to 50%.

G. Off-Street Parking Requirements. As specified in Section 166-18 of the Borough of South River Subdivision and Site Plan Ordinance.

H. Signs. Signs are subject to the sign regulations of Section XX.

I. Requirements for the Storage of Materials. All materials and equipment not stored within the main buildings shall be stored in completely enclosed buildings or otherwise be screened by walls, fences or landscaping to screen such materials and equipment from outside the boundaries of the lot.

Section XVII. Heavy Industrial District.

A. Permitted Principal Uses. No building, structure or premises shall be used, and no building or structure shall be erected or structurally altered, except for the following uses:

1. Uses permitted in the L-I, Research and Limited Manufacturing District.
2. Assembly and fabrication of iron, steel and metal products.
3. Metal processes, including metal treatment and processing (such as enameling, galvanizing, electroplating); reduction, smelting and refining of precious or rare metals; and casting of light-weight nonferrous metals.
4. Manufacture of electrical equipment and machinery, alcoholic beverages, building materials, stone, clay, ceramic or cement products, foot products, glass, machine tools, porcelain products, large rubber products (including tires), wax products, paper products and plastics.
5. Textile manufacturing, including spinning, weaving and printing.

6. Chemical and chemical products manufacture not involving noxious odors or danger from fire.

7. Canning, including meats, fruits and vegetables.

8. Bulk processing of wood and lumber.

B. Permitted Accessory Uses and Buildings. Same as prescribed for the L-I, Research and Limited Manufacturing District.

C. Conditional Uses. The following conditional uses may be permitted provided that all of the terms and conditions specified for the particular use in Section XIX are complied with:

I. Billboards, or outdoor advertising signs.

D. Prohibited Uses. Same as prescribed for the L-I, Research and Limited Manufacturing District.

E. Dyking Requirement. Same as prescribed for the L-I, Research and Limited Manufacturing District.

F. Height, Area and Yard Requirements. Same as prescribed for the L-I, Research and Limited Manufacturing District.

G. Off-Street Parking Requirements. As specified in Section 166-18 of the Borough of South River Subdivision and Site Plan Ordinance.

H. Signs. Signs are subject to the sign regulations of Section XX.

I. Requirements for the Storage of Materials. All materials and equipment shall be stored in completely enclosed buildings or otherwise be screened by walls, fences or landscaping to screen such materials and equipment from outside the boundaries of the lot.

Section XIX. Conditional Uses.

A. Intent. Recognizing the necessity for certain specific uses, while at the same time appreciating the fact that they may be, or may become, inimical to the public health, safety and general welfare of the community if improperly designed or located without due consideration to the existing conditions and surroundings, the standards and procedures in this section are hereby established.

A conditional use is a permitted use, not as a matter of right, but rather at the discretion of the Planning Board based upon satisfactory compliance with articulated criteria and standards as specified herein.

These standards are intended to provide the Planning Board with a guide for the purpose of reviewing applications for conditional uses as provided for by this Chapter. In reviewing an application, the Planning Board may act on site plans submitted to it or may suggest modifications and changes. In approving an application, the Planning Board may require, in addition to features specified, such other features or design, in keeping with the intent thereof, that will further the purpose of these standards and regulations. Such features shall be provided and maintained as a condition of the establishment and maintenance of any use to which they are a condition of approval.

Notwithstanding compliance with specific conditional use standards hereinafter set forth, no conditional use will be permitted if the use at the proposed location would be detrimental to the health, safety and general welfare of the community.

B. Licensed Nursing Homes and Convalescent Homes. Licensed nursing homes and convalescent homes may be permitted in the R-100, R-75 and R-2 zones, provided that:

1. Such use fronts upon a street classified in the Borough's Master Plan as other than a local street.

2. Such building shall be not less than 150 feet from any other dwelling, house or structure used for the housing of human beings, or from a church, library, school or other public building.

3. The applicant shall comply with all State requirements for such use.

4. Such building shall be set back at least forty (40) feet from the street and rear lot lines and at least twenty (20) feet from side lot lines.

5. Off-street parking shall be provided for at least (1) space for each three (3) beds, plus one (1) space for each staff member and employee, based upon the maximum number estimated to be on duty at any one time. Such off-street parking area shall be suitably screened from adjoining residential lots by appropriate landscaping and/or fencing.

6. Areas for outdoor recreation of a size and location sufficient to properly serve the needs of the occupants are provided.

7. It is ascertained by the Planning Board that the use will meet a community need without adversely affecting the character of the neighborhood.

C. Nursery Schools. Nursery schools may be permitted in the R-100, R-75 and R-2 zones, provided that:

1. Ingress and egress to the facility is such that the safety of the children is protected to the satisfaction of the Planning Board.

2. The building is appropriately designed and provides adequate fenced yard space developed for recreational purposes.

3. There are no home professional or home occupation uses carried on in the building.

4. The nursery school shall be licensed by the State of New Jersey Board of Education.

5. It is ascertained by the Planning Board that the use will meet a community need without adversely affecting the character of the neighborhood.

D. Gasoline Service Stations and Public Garages. Gasoline service stations and public garages may be permitted in the B-2, and L-1 zones provided that:

1. Such use shall not have an entrance or exit on the same side of the street and within two hundred (200) feet of an entrance or exit to a public or private school, public library, theater, church, public park or playground, orphanage or children's home, nursery school or fire station, nor within fifty (50) feet of a residential district, except where and when the property is in another block or on another street which the lot in question does not abut. Such distance is to be measured along a straight line between the properties involved.

2. A description of the nature and extent of the proposed use shall be provided to the Planning Board.

3. No gasoline pumps shall be placed within twenty (20) feet of any street or lot line.

4. There shall be no more than two (2) access driveways along any one (1) street. The minimum distance between driveways

on the site shall be fifteen (15) feet, and access driveways shall be at least ten (10) feet from the nearest lot line and at least twenty (20) feet from the nearest street intersection.

5. No part of any garage shall be nearer than twenty-five (25) feet to any street line or fifteen (15) feet to any lot line.

6. No commercial repair work, except minor repair work, shall be conducted outdoors on the property.

7. Such use shall be adequately buffered and screened from any adjacent residential use as determined by the Planning Board.

8. The use of strings of pennants, flags, or similar decorations such as whirling displays are expressly prohibited, but shall be allowed for a period of one (1) week to mark a grand opening.

9. No more than three (3) vehicles per service bay shall be stored outside overnight on the premises, excluding vehicles owned or leased by the proprietor(s).

E. Quasi-Public Clubs and Organizations. Quasi-public nonprofit clubs and organizations, as well as philanthropic and charitable uses, may be permitted in the R-100, R-75, R-2, O-P, B-1 and B-2 zones, provided that:

1. Such use, when taken in conjunction with other existing land uses, will not generate traffic that would result in an undue burden upon the available access streets, resulting in a traffic movement on adjacent streets.

2. A statement setting forth full particulars of the operation of the use and the total number of proposed charter members (for membership clubs) shall be filed with the Planning Board.

3. It is ascertained by the Planning Board that the proposed use is a bonafide non-profit organization operated solely for the recreation and enjoyment of the members of said organization or for civic, humanitarian or charitable purposes.

4. It is ascertained by the Planning Board that the proposed use in the proposed location shall in no way adversely affect the safe and comfortable enjoyment of property rights in the area in which it is located or otherwise adversely affect the value of adjacent properties.

5. That the design of any structures erected in connection with such use are in keeping with the general character of the area, and that sufficient landscaping, including trees, shrubs and lawns are provided to serve as a buffer between said use and adjoining residential properties.

6. The maximum membership limit of said organization shall be fixed at the time of application and shall be commensurate to the amount of land to be used and the exact nature of the use. No further expansion of said membership shall be made unless supplemental approval is granted by the Planning Board.

7. Off-street parking shall be provided for at least one space for each 200 square feet of floor area, plus additional spaces determined by the Board, based upon anticipated usage. Such off-street parking area shall be suitable screened from adjoining residential lots by appropriate landscaping and/or fencing.

F. Home Occupations. Home occupations may be permitted in the R-100, R-75, R-2, O-P, B-1 & B-2 zones, provided that:

1. The dwelling unit proposed to house such use is a single-family unit.
2. Such occupation shall be conducted solely by members of the resident family.
3. Such use shall occupy an area equivalent to not over thirty-five percent (35%) of the floor area of one story.
4. There shall be no conspicuous display of goods or advertising to be seen from outside the premises.
5. Such use does not involve the use of any machinery or equipment which will cause electrical or other interference with radio and television reception in adjacent residences, or which will cause offensive noise or vibration.
6. Such use shall in no way be objectionable or detrimental to the well-being or to the harmonious character of the neighborhood.

G. Home Professional Offices. Home professional offices may be permitted in the R-100, R-75, R-2, O-P, B-1, B-2 zones, provided that:

1. The lot meets the minimum requirements of the Zoning Ordinance with respect to lot area and lot width.
2. No structural alterations to accommodate the use of the dwelling for office use is required.
3. Such use shall occupy an area equivalent to not over fifty percent (50%) of the floor area of one (1) story.
4. Such use shall not involve the sale of any goods, products or merchandise.
5. The dwelling unit proposed to house such use is a single-family unit.
6. Sufficient off-street parking space, as determined by the Planning Board on a case-by-case basis, is provided in the rear or side yards. Such parking area is to be suitably shielded from adjacent properties by means of appropriate landscaping and/or fencing.

H. Community Residences for the Mentally and Physically Handicapped.

Community residences for the placement of more than six (6) but less than sixteen (16) mentally or physically handicapped persons, exclusive of resident staff, may be permitted in the R-100, R-75 and R-2 zones provided that:

1. Sufficient off-street parking space, as determined by the Planning Board on a case-by-case basis, is provided in the rear or side yards. Such parking is to be suitably shielded from adjacent properties by means of appropriate landscaping and/or fencing.
2. The lot area for such use is equal to at least the minimum lot area required for the zone in which the use is to be located; provided, however, that greater lot area on a case-by-case basis depending upon the anticipated number of occupants.
3. In order that the health and safety of the occupants not be endangered by heavy traffic volumes, such use shall not be located on any street other than those classified as local streets in the Master Plan of the Borough of South River.
4. Ingress and egress to the building is such that the safety of the occupants is protected to the satisfaction of the Planning Board.

5. Sufficient off-street area is provided for the pick-up and discharge of occupants by vans or other vehicles servicing the handicapped.

6. Such use shall not have an entrance or exit on the same side of the street and within two hundred (200) feet of an entrance or exit to a public or private school, garage or service station, theater, Rescue Squad or Fire Station, except where and when the property is in another block or on another street which the lot in question does not abut.

I. Billboards and Outdoor Advertising Signs. Billboards, signboards and advertising signs may be permitted in the L-I and H-I zones provided that:

1. No structure for this purpose shall be closer than fifteen (15) feet to any front lot line or ten (10) feet to any side lot line.

2. No such sign shall be within fifty (50) feet of a residential district.

3. No billboard or outdoor advertising sign shall have less than four (4) feet of clear space between it and the ground, or shall at any point be higher than sixteen (16) feet above ground level.

4. No billboard or outdoor advertising sign shall have a horizontal dimension of more than fifteen (15) feet.

5. All rubbish and vegetation more than six (6) inches high shall be kept constantly removed from a space at least five (5) feet in all directions around such billboards or signboards.

J. Multi-Family Dwellings. Multi-family dwellings may be permitted in the R-100, R-75 and R-2 zones provided that:

1. The project shall be developed in an area of not less than three (3) acres.

2. The development shall not exceed a gross density of fifteen (15) units per acre.

3. The area of lot coverage by buildings, other than garages, and exclusive of public ways, shall not be greater than 25 percent.

4. No structure shall contain in excess of $2\frac{1}{2}$ habitable stories above curb level.

5. No structure shall be built closer than 25 feet to any property line, nor 50 feet from the center line of any public way.

6. Each structure shall be so designed or so located in the project site that the distance from at least one window of every room used for human habitation shall be not less than 60 feet from the wall of any structure on the site, and the distance from all other windows shall be not less than 30 feet from the wall of any structure on the site, such distance to be measured by a line perpendicular to the plane of the surface of said window, except that this distance may be reduced to not less than 30 feet for one exposure where a room is a bathroom. No separate free standing building shall be closer than 15 feet to any other building on the site.

7. Adequate potable water and electricity must be available, and all water lines, sanitary sewers, storm sewers and electrical distribution facilities shall be installed in accordance with the Borough's Subdivision and Site Plan Ordinance.

8. A minimum of fifteen percent (15%) of the site shall be allocated, developed and improved for usable recreation space or spaces such as tot lots, tennis courts and other similar organized activity areas as may be recommended by the Bond.

No such space shall be less than 2500 square feet in size or less than seventy-five (75) feet wide.

9. All areas of a garden apartment development not used for the construction of buildings, roads, accessways, parking areas or sidewalks shall be fully landscaped or grassed.

10. No parking shall be permitted on any road or accessway within the garden apartment development.

11. No parking area may be placed closer to a building than twenty (20) feet.

12. There shall be only one (1) central television antenna in each building for use of occupants therein.

13. No front yard shall contain service facilities for the dwellings, such as clothes drying, storage, or the like.

14. The development shall exert no detrimental effect upon surrounding areas due to poor design, inadequate parking, traffic danger or destruction of neighborhood character.

K. Zero Line Houses. Zero lot line houses wherein one side yard may be omitted entirely and two houses built semi-detached may be permitted in the R-75 and R-2 zones, provided that:

1. Two zero lot line houses are built at the same time with a common party wall.

2. Each remaining other side yard shall have a width equal to the aggregate prescribed for both side yards on any one lot.

3. If the two lots upon which the zero lot line houses are proposed are under separate ownership, then application for conditional use shall be made jointly by both parties.

4. All adjoining structures shall be constructed so as to be of the same exterior architectural style and design; and no structure shall be constructed, renovated, maintained or altered in any manner so as to change the exterior architectural style and design of said structure from that of the adjoining structure.

Section XX. Sign Regulations.

A. Definitions. For the purposes of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section.

BILLBOARD OR OUTDOOR ADVERTISING SIGN. A sign which directs attention to a business, industry, profession, commodity, service or entertainment not sold or offered upon the premises where the sign is located.

BUSINESS SIGN. A sign which directs attention to a business, industry, profession, commodity, service or entertainment sold or offered upon the same premises where such sign is located.

ERECT. To construct, build, raise, assemble, place affix, attach, create, paint, draw or in any other way bring into being or establish, but it shall not include any of the foregoing activities when performed as an incident to the change of advertising message or normal maintenance or repair of a sign or sign structure.

EXTERNALLY ILLUMINATED SIGN. Any illuminated sign whose illumination is derived from an external artificial source outside the display portion of the sign.

FLASHING SIGN. A sign with an illumination which is not kept constant in intensity at all times when in use.

FREE-STANDING SIGN. Any sign attached to a structure, the sole purpose of which is to support the sign. Supporting frames for all such signs shall be of permanent materials, such as steel, concrete or masonry.

INTERNALLY ILLUMINATED SIGN. Any sign whose sole source of artificial illumination is contained within the display portion of the sign.

NAMEPLATE SIGN. A sign which states the name and/or address of the occupant of the lot where the sign is located.

PROFESSIONAL SIGN. A sign listing only the name, profession and/or specialty of each practitioner.

ROOF SIGN. A sign constructed or supported upon the roof of any building or structure.

SIGN AREA. The area contained within the outside of a framed or enclosed sign, or the area within a parallelogram drawn so as to include all elements of the sign.

TEMPORARY SIGN. A sign which is intended to advertise for a limited period of time, community or civic projects, real estate for sale or lease, or a special offer of products or services, or which endorses a political cause or candidate.

WALL SIGN. A sign which is attached to the wall of a building with the face in a plane parallel to such wall.

B. General Provisions.

1. Reference to Zoning Districts. Except as otherwise provided in this Section, no outdoor sign or other form of exterior advertising shall be erected or maintained unless the same complies with the requirements of this subsection and those established for the zoning district in which such sign is located.

2. Drop awnings attached to buildings shall extend not more than 5 feet out from a building and the curtain of the awning shall be no closer to the ground than 7 feet.

3. Illumination. Lighted signs shall comply with the National Electrical Code and bear the Underwriters Laboratories seal. All externally illuminated signs shall be lighted from the bottom, with said source of illumination so placed and screened as to prevent direct rays of light from being cast beyond the premises.

4. Setback from Residential District. No sign permitted in a nonresidential district shall be located closer than ten (10) feet to any residential zone boundary, and further, no sign shall be located in a required buffer area.

5. Non-Conforming Signs. Non-conforming signs may be continued in use but may not be enlarged, relocated, altered or rebuilt. Failure to keep signs painted and in good repair for a period of six (6) consecutive calendar months shall constitute abandonment and such sign may not then be replaced or reused and must be removed by the owner upon notice in writing from the Building Inspector.

6. Maintenance. The issuance of a permit shall not relieve the owner or lessee of the premises from the duty of maintaining any such structure. Every sign constructed or maintained shall be plainly marked with the name of the person, firm or corporation erecting or maintaining such sign. All signs shall be painted, properly illuminated and maintained in good repair at all times. Any sign that is or shall become dangerous or unsafe in any manner whatsoever shall be repaired and made safe, in conformity with this Ordinance or shall be removed by the owner, lessor, agent or occupant of the building, property or land upon which it is placed or to which it is attached. A written notice shall be served upon the owner, lessor, agent, or occupant of a building, property or land upon which a dangerous or unsafe sign is located. Said notice shall require necessary action to be taken within ten (10) days from the date of service of the notice upon such person, or within such lesser time as shall be deemed reasonable in the case where the danger to public health, safety and general welfare is so imminent as to require more immediate abatement.

7. Height. No attached sign shall be higher at any point than the roof line of the building to which said sign is attached. Except in the residential zones, where height limitations are more restrictive, free-standing signs shall be permitted up to a height of twenty-four (24) feet or the height of the principal building on the lot, whichever is less.

8. Location Outside of Site Triangles. All signs shall be located to allow a clear, unobstructed sight triangle at intersections in accordance with subsection VIII.C.5.

9. Two-Sided Signs. Two-sided signs shall be measured for area by using the surface area of one side of the sign only. Both sides may be used.

10. Temporary Signs. Temporary signs shall not be lighted nor displayed more than sixty (60) days.

C. Exempt Signs. The following signs are exempt from the provisions of this section.

1. Residential nameplate signs and professional nameplate signs indicating the name and profession of the occupant of a dwelling, provided such signs do not exceed two (2) square feet in area and are not lighted between the hours of 9 p.m. and 8 a.m.

2. Temporary signs inside windows of commercial establishments, provided that these signs shall not unreasonably obstruct light and visibility and shall be removed within seven (7) days after completion of the business being advertised.

3. Temporary signs of non-profit or charitable organizations, provided such signs do not exceed thirty-two (32) square feet in area. Said signs shall be removed within seven (7) days after completion of said event or function.

4. Bulletin boards not over twenty-four (24) square feet in area for public, charitable or religious institutions when same are located on the premises of said institutions.

5. On-site directional and parking signs, warning signs and signs posting property as "private property," "no trespassing" or similar signs not to exceed two (2) square feet in area.

6. Temporary signs denoting the architect, engineer or contract when placed upon work under construction, and not exceeding sixteen (16) square feet in area. Said signs shall be removed within seven (7) days of issuance of certificate of occupancy.

7. Temporary signs indicating a political preference or a political event provided such signs do not exceed thirty-two (32) square feet in area on any one (1) side in non-residential zones and six (6) square feet in area in residential zones. Such sign shall be removed within fourteen (14) days after the completion of said political function.

8. Garage sales signs located on the premises only, not exceeding two (2) square feet and containing the date of sale. Such sign shall be removed within twenty-four (24) hours after the last day of sale.

9. Real estate signs temporarily advertising the sale, rental or lease of the premises or portion thereof, provided such signs do not exceed nine (9) square feet in area. Such signs shall be removed within seven (7) days after the purpose of the sign is fulfilled.

10. Subdivision signs for a subdivision of more than two (2) contiguous lots may have one (1) sign along each road which the tract in question abuts. Such signs shall not exceed forty (40) square feet in area and shall be removed within seven (7) days after the purpose of the sign is fulfilled.

11. Signs of a non-commercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of his public duty, such as safety signs, memorial plaques, signs of historical interest and the like.

D. Prohibited Signs.

1. No sign shall be erected, used or maintained which in any way simulates official, directional or warning signs erected

or maintained by the State, the county or the Borough, or by any public utility or similar agency concerned with the protection of the public health or safety.

2. No sign other than official traffic control or street signs shall be erected within, or encroach upon, the right-of-way of any street.

3. No sign may obstruct any window, door, fire escape, stairway or opening intended to provide light or ingress and egress to or from any building or structure except as herein provided.

4. Animated or flashing signs using mechanical or electrical devices to revolve, flash, or display movement, or the illusion of movement, except for clocks or weather information, are prohibited.

5. Signs projecting more than one (1) foot from the wall of a building are prohibited.

6. No portion of any sign shall be located within or suspended over a public right-of-way or pedestrian walkway.

E. District Regulations. They following regulations shall apply in the specific districts to all signs other than those specifically exempted.

1. Residential Districts.

a. Signs on churches, schools and other institutions of a public or quasi-public nature may be erected provided that the size of any free-standing sign shall not exceed twenty (20) square feet and not more than one (1) such sign shall be placed on each road upon which such use fronts. Signs attached to the facade of the structure shall be permitted provided the area of the sign shall not exceed five percent (5%) of the building facade.

b. All signs in residential districts shall have a setback of at least fifteen (15) feet from all lot lines. No sign shall be greater than ten (10) feet in height. No sign on a residential lot shall be greater than six (6) square feet in area and the total area of all signs on the lot shall not exceed twelve (12) square feet.

c. Identifying signs for garden apartments shall not exceed thirty-two (32) square feet. The sign shall be a permanent structure and shall not be located less than twenty (20) feet from the lot lines.

d. Permanent signs in residential districts may be lighted if such illumination is from an external source.

2. Office Professional District.

a. Any sign permitted in the residential districts shall be permitted.

b. Signs must be accessory to the main use, advertising only businesses conducted on the premises where the sign is located. Such sign shall state only the name of the occupant of the premises, and in concise form, the nature of the business or professional activity or activities there conducted.

c. One sign may be attached to the main building advertising the business or businesses conducted on the premises. Such sign shall not project more than twelve (12) inches from the building facade to which it is attached; however, where a sign extends more than three (3) inches from the face of said wall, the bottom of said sign shall not be closer than ten (10) feet from the ground level of said sign. Signs attached to a wall of a building shall not exceed ten percent (10%) of the area of wall or fifty (50) square feet whichever is less.

d. Not more than one (1) free-standing sign per business premise shall be permitted on any one (1) street frontage. Such sign may be internally or externally illuminated and shall not exceed thirty-two (32) square feet in area. No free-standing sign shall be located closer than fifteen (15) feet to a lot line.

e. All of the foregoing shall not be construed to prohibit painted signs lettered on windows and doors.

3. Commercial and Industrial Districts.

a. Any sign permitted in residential and office professional districts shall be permitted.

b. Signs must be accessory to the main use, advertising only businesses conducted on the premises where the sign is located.

c. One (1) sign may be attached to the main building advertising the business or businesses conducted on the premises. Such sign shall not project more than twelve (12) inches from the building facade to which it is attached; however, where a sign extends more than three (3) inches from the face of said wall, the bottom of said sign shall not be closer than ten (10) feet from the ground level or said sign. Signs attached to a wall of a building shall not exceed twenty percent (20%) of the area of wall or 100 square feet, whichever is less.

d. Not more than one (1) free-standing sign per business premise shall be permitted on any one (1) street frontage. Such sign may be internally or externally illuminated and shall not exceed one-hundred (100) square feet in area. No free-standing sign shall be located closer than ten (10) feet to a lot line.

e. Billboards and outdoor advertising signs may be permitted only in the L-I and H-I zones as a conditional use.

f. Shopping centers in the General Commercial District shall be governed by these additional regulations:

1. A shopping center may have one (1) free-standing, lighted sign identifying the shopping center, along each road which the tract in question abuts.

2. Each individual use may also have a facade sign, but may not have a free-standing sign. However, where uses share a common walkway, each use served by the walkway may have one (1) additional principal sign identifying the use suspended in perpendicular fashion from the roof over the walkway.

3. There shall be a consistent design theme among signs in a shopping center.

Section XXI. Performance Standards and Procedures.

A. General Intent. As a condition to approval and as a condition to continuance of any building, process, production or other use in the L-I, Research and Limited Manufacturing District, and the H-I, Heavy Industrial District, the applicant shall supply evidence, satisfactory to the Planning Board, that the proposed building, process, production or other use will conform fully with all applicable performance standards. As evidence of compliance, the Board may require certification of tests by appropriate government agencies or by recognized testing laboratories, any costs to be borne by the applicant. The Planning Board may require that specific types of equipment, machinery or devices be installed or that specific operating procedures or methods be followed if the government agencies or testing laboratories examining the proposed operation shall determine that the use of such specific types of machinery, equipment, devices, procedures or methods are required in order to assure compliance with applicable performance standards.

B. Industrial Waste. No industrial waste shall be discharged into the public sewage collection and disposal system unless the appropriate officials of the Borough of South River shall have first investigated the character and volume of such waste and shall have certified that it will accept the discharge of the waste material into the system. The applicant shall comply with any requirements of the Borough, including the pre-treating of such wastes, control of pH, and other methods of improving such wastes prior to discharge, as a condition of acceptance by the Borough.

C. Noise and Vibration. All uses and activities shall comply with noise and vibration standards promulgated by the New Jersey Department of Environmental Protection. Further, no use shall cause an increased vibration beyond the limits of the property on which located, nor increase the ambient noise levels present at boundaries of the site, nor cause intermittent or point audible noise or noise vibration to adversely impact adjoining property.

D. Heat. No process or use shall be permitted that produces heat to the extent that such temperature has an adverse effect of any kind upon adjoining properties and uses.

E. Glare. Any process producing intense glare or flashing of lights shall be performed within a completely enclosed building in such manner that no discomforting glare shall be disseminated beyond the building. Parking and loading and unloading areas that are in use after dark shall be so situated as to provide maximum shielding and concealment of lighting from adjoining properties. Lighting of any sign, building exterior, fountain or decorative fixture shall be placed in such a manner that is directed toward the object to be lighted and does not disseminate glare. The section shall not be construed to prohibit lighting required by police or other enforcement agencies for the safety and protection of employees and of the general public.

F. Additional Standards and References. In order to satisfy itself that the applicant will comply fully with all of the applicable performance standards, the Planning Board or its designated representative may examine and refer to any or all of the available standards, codes, regulations and requirements of the federal, State county or local government, and recognized professional organizations, associations and societies.

G. Testing Procedures and Technical Assistance. In all cases where the Planning Board shall deem that it is advisable to determine whether or not the facility will be in conformance with applicable performance standards, the Planning Board or its designated representatives shall require adequate testing procedures and shall utilize expert assistance at the expense of the applicant.

Section XXII. General Administration

A. Plats

No construction of any building, dwelling or structure shall be commenced before an application for a building permit under this Ordinance shall be made to the construction official. The application shall be accompanied by a plat or plan of the site in duplicate drawn to scale showing the following: the dimensions of the lot to be built upon, the location of and accurate dimension of the proposed building and all existing structures of the site, the intended use of the proposed building and all existing structures, the number of stories in the building, the number of families the building is designed to accommodate, dimensions of yards, the established building lines within the block, proposed improvements to the lot such as sidewalks and curbs, existing road and lot elevation, proposed finished floor elevation of the lowest floor, the proposed location of water and sewer services; and such other information as may be required by the office of the construction official to provide for the enforcement of this ordinance.

B. Permits.

1. No land shall be occupied or used and no building shall be hereafter erected, extended, moved or altered until a

building permit shall have been issued by the construction official. Applications for building permits shall be made to the office of the construction official.

2. It shall constitute a violation of this Ordinance for any person, firm or corporation, either owner or agent, to erect or move any building for which a building permit is required under the provisions of this Section or to commence any excavation for any such building without first have obtained said building permit; and any such building permit issued upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of said construction official, he shall forthwith revoke the permit by notice in writing to be delivered by him to the owner or is such holder not be found there, by posting the said notice of revocation in some conspicuous place upon the said premises. Any person who shall proceed thereafter with such work or use without having obtained a new permit in accordance with the provisions of this Ordinance shall be deemed guilty of a violation thereof.

3. Work shall be initiated and diligently pursued toward completion within a year from the date of issuance of any permit for the construction of any structure. Upon failure to do so, the permit shall become void one year after date of issuance.

C. Certificates of Occupancy.

1. It shall be unlawful for an owner to use or permit the use of any building or premises or part thereof hereafter created, located, erected, changed, converted or enlarged wholly or partly until the construction official has issued a certificate of occupancy for that premise certifying that the structure or use complies with the provisions of this Chapter. A new certificate of occupancy shall be required for any change in use.

2. A certificate of occupancy, either for the whole or part of a building, shall be applied for at the same time as the application for a building permit and shall be issued immediately after the erection or alteration of such building shall have been completed in conformity with the provisions of this Ordinance and in conformity with the provisions of all other applicable ordinances.

3. In case the construction official shall decline to issue a certificate of occupancy, his reasons for doing so shall be so stated on one copy of the application and that copy returned to the applicant.

4. Upon written request from an owner or tenant, the Construction Official shall issue a certificate of occupancy for any building or use of land existing at the time of enactment of this ordinance certifying, after inspection, the extent and kind of use made of the building and whether such use conforms to the provisions of this Ordinance. Such a certificate shall be issued without charge within 6 months of the enactment of this Ordinance for any non-conforming use or building.

5. The construction official may issue a temporary certificate of occupancy for use of land or building which is related to the development of the property for its permitted use. Such permits may be issued for a 6 month period, and no more than one six month's extension may be granted.

Section XXII. Miscellaneous provisions.

A. Severability. If any section, subsection, paragraph, clause or provision of this chapter shall be adjudged invalid, such adjudication shall apply only to the section, subsection, paragraph, clause or provision so adjudged, and the remainder of this chapter shall remain in full force and effect.

B. Amendability. This chapter may be amended at any time by the Borough Council in accordance with Chapter 291, of the Laws of New Jersey 1975.

C. Repealer. All ordinances inconsistent with this chapter, are hereby repealed.

D. Saving Clause. The repeal of any ordinance or parts of ordinances effectuated by the enactment of this ordinance shall not be construed as abating any actions now pending under or by virtue of such ordinance, or as discontinuing, abating, modifying the or altering any penalty accruing or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the Borough of South River under any section or provision existing at the time of the passage of this ordinance.

E. Effective date. This chapter shall take effect upon its final passage and publication as provided by law.

APPROVED/AS TO FORM:

/s/ Gary M. Schwartz
Borough Attorney

APPROVED:

James W. Genecki, Mayor

ATTEST:

William A. Reichenbach, Jr.
Borough Clerk