



**Township of Irvington
New Jersey**

**ZONING
Chapter 197**

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ZONING
Chapter 197

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Chapter 197, Zoning

[HISTORY: Adopted by the Municipal Council of the Township of Irvington 9-9-1986 as Ord. No. MC 2813. Amendments noted where applicable.]

ARTICLE I, TITLE

§ 197-1. Short title.

This chapter shall be known and may be cited as the "Revised Zoning Ordinance of the Township of Irvington, New Jersey."

ARTICLE II, PURPOSE

§ 197-2. Construal and purpose.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals and general welfare. Among other purposes, the provisions of this chapter are intended to provide for adequate light, air and convenience of access; to lessen congestion in the streets; to secure safety from fire and other dangers; to avoid undue concentration of population by regulating and limiting the use of land and the height and bulk of buildings wherever erected; to limit and determine the size of yards, courts and other open spaces; to regulate the density of population; and to conserve the value of property and encourage the most appropriate use of land throughout the Township of Irvington; and such other purposes as more particularly set forth in N.J.S.A. 40:55D-2 et seq., as amended.

ARTICLE III, WORD USAGE AND DEFINITIONS

§ 197-3. Word usage.

For the purpose of this chapter, all words used in the present tense include the future tense; all words in the plural number include the singular number, unless the natural construction of the word indicates otherwise; the word "shall" is mandatory and directory; and the word "used" includes "designated, intended or arranged to be used."

§ 197-4. Definitions.

Certain words and terms in this chapter are to be interpreted as defined below:

ACCESSORY BUILDING OR STRUCTURE -- A subordinate building or structure, the purpose of which is customarily incidental to that of the principal use or building and on the same lot. Where an accessory building is attached to the side or front of a principal building by a wall or roof, such accessory building shall be considered part of the main building for the purpose of determining the required dimensions of yards, but if it is attached completely to the rear of the principal building, it may be considered an "accessory building" for determining required yard dimensions.

ADULT-ORIENTED STORE -- Any book store, video store, or other establishment having as a portion of its stock in trade, books, magazines, periodicals, videos, novelties, or amusements of a primarily sexual or erotic nature.

ADULT ENTERTAINMENT ESTABLISHMENT -- Any establishment which provides dancers, strippers, or other forms of entertainment of a sexual or erotic nature, whether as a principal activity or as an accessory activity to another use. Adult entertainment establishments include theaters or other facilities used for presenting cinematic or video material of a primarily sexual or erotic nature.

AISLE OR PARKING AISLE -- The travel lanes by which vehicles enter and exit parking spaces.

ALTERATION -- As applied to a building or a structure, any change in the supporting members of a building, such as bearing walls, columns, beams, girders and interior partitions, as well as any change in doors and windows or any addition to or diminution of a building.

ANTENNA -- Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

FAA -- Federal Aviation Administration.

FCC -- Federal Communications Commission.

PREEXISTING TELECOMMUNICATIONS TOWERS AND PREEXISTING ANTENNAS -- Any tower or antenna for which a building permit or conditional use permit has been properly issued prior to the effective date of this section, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

AMUSEMENT ARCADE -- An establishment utilized wholly or in part for the accommodation of six (6) or more amusement games or devices.

AMUSEMENT GAME OR DEVICE -- Any piece of equipment which is maintained or operated for the amusement, patronage, or recreation of the public, including but not limited to pinball and video games.

APARTMENT -- An independent, self-contained dwelling unit with its own sleeping, sanitary, and cooking facilities in a building containing two (2) or more such dwelling units or more than one (1) use.

AUTOMOBILE DEALERSHIP -- An establishment selling or leasing automobiles, trucks, motorcycles, any other type of motor vehicle, or trailers that can be attach to a motor vehicle, whether new or used.

AUTOMOBILE REPAIR OR BODY SHOP -- An establishment engaged in the repair, service, or maintenance of any motor vehicle or trailer and/or the repair or painting of the vehicle/trailer body.

AUTOMOBILE WASH -- An establishment used for the washing of any motor vehicle or trailer, whether by hand or by automated or mechanical equipment.

BACKHAUL NETWORK -- The lines that connect a provider's towers/cell sites to one (1) or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

BANK -- A business establishment authorized to perform financial transactions such as receiving and lending money, but not including check cashing establishments or pawnbrokers.

BAR OR TAVERN -- An establishment used for the sale of liquor, where all consumption is conducted on the premises.

BASEMENT -- A story partly underground and having more than one-half (1/2) of its height above the average level of the finished grade at the front of the building.

BIG BOX CENTER -- Any shopping center having one (1) or more retail establishments selling merchandise in bulk quantities and where at least one (1) such retail establishment has a gross floor area of fifty thousand (50,000) square feet or more.

BILLBOARD -- A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same lot.

BINGO HALL -- An establishment able to accommodate large assemblages of people for the purpose of playing bingo or similar games, but not including organized gambling.

BOARDING HOUSE -- Any house, building, or structure which contains two or more units of dwelling space arranged or intended for single room occupancy wherein meals, personal services, or other services are provided to residents, including any residential hotel.

BODY ART SHOPS -- An establishment providing as a service the decoration or embellishment of the human body including, but not limited to, tattoo parlors and piercing parlors.

BUFFER STRIP -- An area consisting of densely planted trees and shrubs or solid fencing or a combination thereof, which provides both a visual and acoustical barrier between adjacent properties.

BUILDING -- Any combination of materials to form a construction adapted to permanent, temporary or continuous occupation and having a roof.

BUILDING AREA -- The aggregate of the areas of all enclosed and roofed spaces of the principal building and all accessory buildings. Such areas shall be computed by using exterior building dimensions measured on a horizontal plane at ground level.

BUILDING HEIGHT -- The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of the ceiling of the top story in the case of a flat roof, to the decline of a mansard roof and to the average height between the plate and ridge of a gable, hip or gambrel roof.

BUILDING INSPECTOR -- The official designated as the Building Inspector and/or Construction Official of the Township of Irvington.

BUILDING LINE -- A line formed by the intersection of a horizontal plane at average grade level and a vertical plane that coincides with the exterior surface of the building; the vertical plane will coincide with the most projected surface. All yard requirements are measured to the "building line."

BUILDING, PRINCIPAL -- A structure in which is conducted the principal use of the site on which it is situated. In any residential district, any dwelling shall be deemed to be a "principal building" on the zoned lot on which it is located.

CAFE -- A restaurant which is small in size, which may have a limited menu of food and/or drinks, or which may serve primarily coffee or coffee-based drinks.

CELLAR -- A story wholly or partly above curb level, having one-half (1/2) or more of its floor-to-ceiling height below the average level of the adjoining ground. No "cellar" or portion thereof shall be used as a dwelling unit.

CEMETERY -- Any site used for burying or storing human remains.

CERTIFICATE OF OCCUPANCY -- A certificate issued by the Building Inspector upon completion of construction, alteration or change in occupancy of a building.

CHECK CASHING ESTABLISHMENT -- Any establishment primarily engaged in the business of cashing checks but not offering the full range of financial services normally associated with a bank.

CHILD CARE CENTER -- Any residence or facility which is maintained for the care, development or supervision of six (6) or more children under thirteen (13) years of age who attend for less than 24 hours a day, not including the resident's own children if the center is located in a home.

CHURCH -- A building or group of buildings, including customary accessory buildings, designed for public worship, and including chapels, congregations, cathedrals, temples and similar designations, as well as parish houses, convents and such accessory uses.

CLINIC -- A medical office or center where patients are treated by specialist physicians.

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

DANCE HALL -- An establishment able to accommodate large assemblages of people for the purpose of dancing, whether to the sound of recorded music or live performers.

DRAINAGE -- The removal of surface or ground water from land by drains, grading or other means, and includes control of runoff to minimize erosion or sedimentation during and after construction, preservation of water supplies and prevention or alleviation of flooding.

DRIVEWAY -- Any area devoted exclusively to providing vehicle access to off-street parking or garage facilities.

DRIVE-THROUGH WINDOW -- A facility attached to a retail store, restaurant, bank, or other similar establishment where customers or clients can make a purchase, pick up products, or complete transactions while seated in their automobiles.

DRY-CLEANING PLANT -- Any establishment in which clothing is dry-cleaned on the premises. Such an establishment may or may not include customer drop-off and pick-up facilities.

DRY-CLEANING SHOP -- A retail establishment used primarily for the purpose of dropping off or picking up clothing by customers for dry cleaning purposes. No dry cleaning is conducted on the premises, but clothing is sent for dry cleaning purposes to a dry cleaning plant.

DWELLING -- Any building or portion thereof designated or used exclusively as the residence or sleeping place of one (1) or more persons, except mobile homes and as otherwise provided herein.

DWELLING, GARDEN APARTMENT -- A single structure containing more than five (5) but not more than twenty (20) individual units designed and erected within a structure of not more than three (3) stories in height as an integrated development with singleness of use and operation and which utilizes such common facilities as pedestrian walks, parking and garage areas, open space or recreation areas and utility and sanitary systems.

DWELLING, ONE-FAMILY -- A detached building designated for or occupied exclusively by one (1) household and containing not more than one (1) dwelling unit.

DWELLING, THREE- AND FOUR- FAMILY -- Single structure containing, dwelling units for three (3) and four (4) households, respectively, each dwelling unit being completely separate from the others and having at least one (1) private entrance from the outside.

DWELLING, TWO-FAMILY -- A detached or semidetached building having not more than two (2) individual dwelling units which are entirely separated by vertical walls or horizontal floors, unpierced except for entryways or stairwells.

DWELLING UNIT -- One (1) or more rooms, including cooking facilities and sanitary facilities, in a dwelling structure designated as a unit for occupancy by not more than one (1) family for living and sleeping purposes.

ESSENTIAL SERVICES -- The erection, construction, alteration or maintenance, by public utilities or governmental agencies, of underground or overhead gas, electrical, steam, water, cable television or sewerage transmission or distribution systems, including buildings, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals,

hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or governmental agencies or for the public health, safety or general welfare.

FAMILY -- Two (2) or more persons related by blood or marriage living together as a single housekeeping unit in a dwelling.

FAMILY DAY CARE HOME -- A private residence in which the resident provides child care services for a fee to no less than three (3) children and no more than five (5) children under thirteen (13) years of age at any one time for no less than fifteen (15) hours per week, not including the resident's own children.

FENCE An artificially constructed barrier of wood, masonry, stone, wire, metal or any manufactured material or combination of materials erected for the enclosure of yard areas.

FIDUCIARY INSTITUTION -- A business establishment providing financial services similar to that of a bank and which may serve as a repository for savings or brokerage accounts.

FLOOR AREA – The floor area of a building is the sum of the gross area of each floor of the building, excluding mechanical space, cellar space, floor space in open balconies, elevators or stair bulkheads and, in most zoning districts, floor space used for accessory parking that is located less than 23 feet above curb level.

FLOOR AREA RATIO (F.A.R.) -- The floor area ratio (FAR) is the principal bulk regulation controlling the size of buildings. FAR is the ratio of total building floor area to the area of its zoning lot. Each zoning district has an FAR control which, when multiplied by the lot area of the zoning lot, produces the maximum amount of floor area allowable in a building on the zoning lot. For example, on a 10,000 square-foot zoning lot in a district with a maximum FAR of 1.0, the floor area of a building cannot exceed 10,000 square feet.

GARAGE, PRIVATE -- A building used as an accessory to the main building which provides for the storage of motor vehicles and in which no occupation, business or service for profit is conducted.

GARAGE, PUBLIC -- Any garage, other than a private garage, available to the public and operated for gain.

GASOLINE SERVICE STATION -- An establishment primarily used for the retail dispensing of vehicular fuel and oil to motor vehicles and the incidental or routine servicing thereof, but not including repair or body work.

GROCERY STORE -- A retail establishment primarily selling foodstuffs, cooking ingredients, and related household goods, where the vast majority of the food for sale is not ready for immediate consumption, and where consumption is primarily conducted off-premises.

GROSS HABITABLE FLOOR AREA -- The sum of the gross horizontal areas of the floors or floor of a building which are enclosed and usable for human occupancy. Said areas shall be measured between the inside face of exterior walls or from the center line of walls separating two (2) dwelling units. Said areas shall not include areas below the average level of adjoining garage space or accessory building space.

GROUP HOME -- A residence for mentally disabled persons or persons belonging to other special needs populations, who live in a group setting with shared facilities and common areas.

The group home may provide residents with meals, medical care, personal care, counseling services, transportation, and/or protective supervision.

HOME OCCUPATION -- An accessory use of a service character customarily conducted within a dwelling only by residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or cause any exterior evidence of such use, but excluding the operation of a beauty parlor, barbershop, convalescent or nursing home, tourist home, boarding house, rooming house, kennel or stable, auto repair or body shop, insurance or real estate agency, massage parlor or similar establishment.

HOME PROFESSIONAL OFFICE -- The office of a member of a recognized profession when conducted on the residential property where the professional resides and where the primary use of the property is for living purposes. Such recognized professions include, but shall not be limited to, medicine, dentistry, law, architecture, engineering, and accounting.

HOSPITAL -- An institution which maintains and operated organized facilities and services for the diagnosis, treatment, or care of persons suffering from illness, injury, or deformity and/or obstetrics, and in which all diagnosis, treatment, and care are administered by or performed under the direction of persons licensed to practice medicine in the State of New Jersey.

HOTEL -- A building which contains twenty (20) or more rooms used, rented or hired out to be occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building or as an accessory building.

HOUSEHOLD -- One or more persons who live together in a single dwelling unit, share general housekeeping tasks and expenses, and use in common all living, kitchen, and bathroom facilities.

INDOOR RECREATION FACILITY -- An enclosed structure wherein recreational games, such as handball, paddleball, tennis and skating, are conducted or automatic amusement devices are played.

INDUSTRY, HEAVY -- An establishment engaged in the transformation of raw natural materials into any secondary products by means of any industrial processes which does not meet the definition of "light industry."

INDUSTRY, LIGHT -- An establishment engaged in the transformation of raw natural materials into any secondary products by means of any industrial processes that do not emit odor, noise, smoke, dust, particulate matter, radiation, gas, vibration, glare, or heat, perceptible beyond the boundaries of the premises on which the establishment is located.

JUNKYARD -- Any area and/or structure used or intended to be used for the business of selling, buying, storing or trading in used or discarded metal, glass, paper, cordage or any used or disabled fixtures, furniture, vehicles or equipment of any kind.

LABORATORY -- An establishment or part thereof equipped and used for experimental study, testing, or analysis in a field of science.

LAUNDRY, SELF-SERVICE -- A business premises equipped with individual clothes-washing machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in a residential structure.

LIVE ENTERTAINMENT -- Any form of entertainment which is performed in person before an attending audience.

LOADING SPACE -- An off-street space or berth used for the loading or unloading of cargo, products, or materials from vehicles.

LOT -- A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings or utilized for a principal use and uses accessory or incidental to the operation thereof, together with such open spaces as required by this chapter, and having frontage on a public street.

LOT AREA -- An area of land which is determined by the limits of the lot lines bounding that area and expressed in terms of square feet or acres. Any portion of a lot included in a street right-of-way shall not be included in calculating "lot area."

LOT, CORNER -- A parcel of land at the junction of and fronting on two (2) or more intersecting streets.

LOT COVERAGE -- That percentage of the lot area which may be devoted to building area.

LOT DEPTH -- A mean horizontal distance between the front and rear lot lines, measured at right angles to the street at two (2) equidistant points on the front lot lines and in the general direction of said lot lines.

LOT FRONTAGE -- A lot line or portion thereof which is coexistent with a street line. In the case of a corner lot, the smaller of the two (2) lot lines coexistent with street lines shall be considered as the "frontage."

LOT WIDTH -- The horizontal distance between the side lot lines, measured at right angles to its depth and at a point which constitutes the rear line of the required front yard space.

MANUFACTURING -- The treatment or processing of raw materials and the production of articles or finished products from raw or prepared materials by giving them new forms and qualities.

MIXED USE BUILDING -- A mixed building is a building in a commercial district used partly for residential use and partly for community facility or commercial use. A building that contains any combination of uses is often referred to as a mixed-use building. When a building contains more than one use, the maximum FAR permitted on the zoning lot is the highest FAR allowed for any of the uses, provided that the FAR for each use does not exceed the maximum FAR permitted for that use. In a CBD district, for example, where the maximum commercial FAR is 2.0 and the maximum residential FAR is 7, the total permitted FAR for a mixed residential/commercial building would be 7, of which no more than 2.0 FAR may be applied to the commercial space.

MOTEL -- A building containing rooms or suites of rooms designed and intended to be used as overnight sleeping accommodations for transient guests, which building has a public lobby and full-time management and which may contain ancillary services and facilities, such as restaurants, shops, meeting rooms and convention facilities.

NONCONFORMING BUILDING -- A building, the size, dimension or location of which was lawful prior to the adoption, revision or amendment of this Zoning Ordinance but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

NONCONFORMING FENCE -- Any fence which does not meet the requirements of Article XVI of Chapter 197 of the Township Ordinance.

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

NONCONFORMING USE -- A use or activity which was lawful prior to the adoption, revision or amendment of this Zoning Ordinance but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

OCCUPANCY -- The specific purpose for which land or a building is used, designated or maintained.

OFFICE, BUSINESS OR PROFESSIONAL -- A room or group of rooms used for conducting the practice of a business or profession and generally furnished with desks, tables, files, file storage areas, computers, telephones, and other related furniture and electronic devices, but not including warehouse or industrial space.

OPEN SPACE -- An unoccupied space open to the sky, whether or not on the same lot with a principal and/or accessory building.

OUTDOOR STORAGE -- The keeping of any goods, merchandise, equipment, or other material outside any fully enclosed structure in the same place continuously for a period of more than twenty-four (24) hours.

OVERLAY DISTRICT --An overlay district is a district superimposed upon another district which supersedes, modifies or supplements the underlying regulations. Limited height districts and commercial overlay districts are examples of overlay districts.

PACKAGED LIQUOR STORE -- An establishment used primarily for the sale of liquor, where all consumption is conducted off-premises.

PARKING SPACE -- An off-street space of less than fifteen percent (15%) slope used for the parking of a motor vehicle, which shall measure not less than ten (10) feet wide and twenty (20) feet long, exclusive of passageways and driveways appurtenant thereto and giving access thereto. [Amended 11-28-1995 by Ord. No. MC 3026]

PAWNBROKER -- An establishment in which the proprietor lends money on the security of personal property pledged in his or her keeping.

PERSONAL SERVICE ESTABLISHMENT -- An establishment engaged in providing services involving the care of a person or his or her personal goods or apparel, including but not limited to self-service laundries, barber and beauty shops, tailor shops, and shoe repair shops.

PHILANTHROPIC OR ELEEMOSYNARY USES -- A private or public organization whose purpose is to provide a public or charitable service or carry on a trade or business on a not-for-profit basis.

PIERCING PARLOR -- An establishment providing as a service the puncture of the human skin or human body parts and the insertion of decorative objects, such as earrings.

PLACE OF WORSHIP -- A building, part of a building, or group of buildings, designed and set up for public worship, including churches, chapels, meeting halls, cathedrals, temples mosques, and similar designations. A place of worship includes parish houses, convents, Sunday school

classrooms, rectories, and other such customary accessory uses and buildings, but does not include parochial schools, day care centers, homeless shelters, or soup kitchens.

PLANNING BOARD -- The Planning Board of the Township of Irvington.

PLAZA -- A plaza is an open area adjacent to a building and accessible to the public. It must generally be at the level of the sidewalk it adjoins and be unobstructed to the sky except for seating and other permitted obstructions. In certain high-density zoning districts, a floor area bonus is available for provision of a residential or urban plaza.

A residential plaza is an open area for public use adjacent to a predominantly residential building.

An urban plaza is an open area for public use adjacent to a non-residential or predominantly non-residential building.

QUASI-PUBLIC BUILDINGS AND RECREATION FACILITIES -- Buildings and recreational facilities operated for the exclusive use of nonprofit organizations, sporting or social clubs, or neighborhood or community associations. Such facilities include, but shall not be limited to, clubhouses, outdoor playing fields or courts, indoor recreational facilities, playgrounds, swimming pools, tennis courts, meeting halls, and banquet facilities.

PROFESSION -- A vocation or occupation requiring advanced education, training, and intellectual skill, such a medicine, psychology, architecture, accounting, law, and similar fields.

PROFESSIONAL -- A person engaged in a profession.

RESEARCH AND DEVELOPMENT -- The practice of scientific experimentation for the purpose of developing prototype products, machines, chemicals, medicines, or techniques, but not for the purpose of mass production.

RESIDENTIAL LOFT -- A residential space in an apartment building generally 1,200 to 1,800 square feet consisting of one room segmented into various living spaces such as a sleeping area, kitchen, entertainment area, etc.

RESTAURANT -- An establishment, however designated, at which food is sold for consumption on the premises to patrons seated within an enclosed building. A snack bar at a public or community playground, playfield, park or swimming pool operated solely for the agency or group operating the recreational facilities and for the convenience of patrons of the facility shall not be deemed to be a "restaurant."

RETAIL ESTABLISHMENT -- An establishment engaged in the selling of goods and merchandise to the general public, including automobile parts and supplies but not including automobile service.

ROOMING HOUSE -- A boarding house where no meals, personal services, or other services are provided to the residents. SHOP -- An establishment where goods or services are offered for sale.

SETBACK -- The distance of the perpendicular line between the property line and the first part of the building encountered excluding stairwells. These setback requirements determine the building envelope.

SHOPPING CENTER -- A group of retail establishments planned, constructed, and managed as a single entity, where customer parking provided on-site, where loading areas are separated from customer entry points, and where there is a unified architectural style.

SIDEWALK CAFE

A sidewalk cafe is a portion of an eating or drinking place that is located on a public sidewalk. Sidewalk cafe regulations are administered by the Township of Irvington Department Health

An enclosed sidewalk cafe is a sidewalk cafe that is contained within a structure constructed predominantly of light-weight materials.

An unenclosed sidewalk cafe contains readily removable tables, chairs or railings, with no overhead coverage other than umbrellas or a retractable awning.

A small sidewalk cafe is an unenclosed sidewalk cafe containing no more than a single row of tables and chairs adjacent to the street line.

SIGN -- Any device, structure or object for visual communication that is used for the purpose of bringing the subject thereof to the attention of others, but not including any flag, badge or insignia of any public, quasi-public, civic, charitable or religious group.

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

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

STORE -- A retail establishment.

STORY -- That portion of a building included between the surface of any floor and the surface of the upper floor or roof next above.

STREET -- A public thoroughfare which has been dedicated or deeded to the public for public use and which has been improved in accordance with municipal standards.

STREET LINE -- The line determining the limit of the highway rights of the public, either existing or contemplated.

STREET WALL - A building wall or portion of a building wall facing a street.

STRUCTURE -- A combination of materials to form a construction for occupancy, use or ornamentation, whether installed on, above or below the surface of a parcel of land.

SWIMMING CLUB, PUBLIC -- A public or privately owned pool open to the general public on a membership basis and having dressing rooms, recreational facilities and off-street parking areas.

SWIMMING POOL, PRIVATE -- A private swimming pool associated with a residential dwelling unit or units and located on an individual residential lot.

TATTOO -- A permanent, decorative design or mark on the human skin created by puncturing the skin with a needle and injecting indelible colors.

TATTOO PARLOR -- An establishment providing as a service the inscription of tattoos on the human skin.

TELECOMMUNICATIONS TOWER -- Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

TOWNHOUSE -- A residential building where there is front and rear access to the outside, but where the side walls are adjoining other structures. A townhouse is generally not more than three to four stories in height and may be designed as a one-, two-, three-, or four-family dwelling. If there are two (2) or more dwelling units in the building, each unit typically occupies at least one (1) entire floor, with windows facing both the front and the rear yards.

TRAILER COACH -- A vehicle used or so constructed as to permit it to be used as a licensed conveyance upon the public streets or highways and constructed in such a manner as will permit occupancy as a place of day-to-day habitation for one (1) or more persons. This term shall also include automobile trailers, mobile homes and house trailers and trailer coaches, excepting there from travel trailers and campers which are under eight (8) feet in width and under twenty (20) feet in length and which are not used for purposes of day-to-day habitation.

TRAILER COURT -- Land and premises upon which two (2) or more trailer coaches occupied for dwelling or sleeping purposes are located. This term shall include trailer coach parks and courts.

TRUCK TERMINAL OR BULK DISTRIBUTION TERMINAL -- A site and/or building where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.

USE -- The specific purpose for which land or a building is designed, arranged, occupied, maintained, used or intended to be used.

WAREHOUSE -- An establishment used primarily for the storage of goods, merchandise, cargo, and other materials and which may receive or distribute such materials via truck or rail.

WHOLESALE SALES AND DISTRIBUTION -- An establishment engaged in the storage and selling of merchandise to retailers, businesses, or other wholesalers, but excluding any establishment selling such materials to the general public.

WORK-LIVE LOFT -- A residential space in an apartment building generally 1,200 to 1,800 square feet consisting of one room segmented into various living and occupation spaces such as a area set aside for a permitted occupation, a sleeping area, kitchen, entertainment area, etc.

YARD, FRONT -- An open, unoccupied space on the same lot with the principal building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of that lot. Setback line shall be synonymous with the rear limit of the required front yard areas.

YARD, REAR -- An open, unoccupied space extending across the full width of the lot and lying between the rear line of the lot and the nearest line of any building on the same lot. The depth of a

rear yard shall be measured at right angles to the rear line of the lot or, if the lot is not rectangular, then in the general direction of its side building lines.

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

ZONING BOARD -- The Zoning Board of Adjustment of the Township of Irvington.

ARTICLE IV, ZONING DISTRICTS

§ 197-5. Districts established.

For the purpose of this chapter, the Township of Irvington is divided into the following zone districts:

- R-1L Single-Family Residential, Low Density District
- R-1 Single-Family Residential District
- R-2 Two-Family Residential District
- R-3 Four-Family Residential District
- R-4 Garden Apartment District
- R-5 High-rise Apartment District
- B-1 Neighborhood Business District
- B-2 Shopping Center District
- B-3 Limited Business District
- B-4 General Business District
- B-5 Big Box Center District
- CBD Central Business District, Downtown Mixed Use
- O-1 Residential-Character Office District
- M-1 Special Industrial
- M-2 Light Industrial
- M-3 Heavy Industrial
- P-1 Parks
- P-2 Institutional

§ 197-6. Zoning Map.

The boundaries of all zone districts shall be shown on a map attached to and made part of this chapter and known as the "Zoning Map of the Township of Irvington.". Said map and all notations and references thereon are hereby incorporated into and declared to be a part of this chapter. EN

§ 197-7. Boundaries.

- A. District boundary lines are intended to follow the center lines of the streets, railroad rights-of-way, streams and lot or property lines as they exist on plats of record at the time

of the passage of this chapter, unless such zone boundary lines are fixed by dimensions shown on the Zoning Map.

- B. Where such boundaries are not fixed by dimensions but appear to follow lot lines, if they do not scale more than ten (10) feet distant there from, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.

§ 197-8. Schedule.

- A. The Schedule of Area, Lot and Bulk Requirements attached hereto is made a part of this chapter. EN The regulations included in said schedule are hereby established as minimum regulations of this chapter. Municipal facilities deemed necessary and appropriate by the Municipal Council of the Township of Irvington are hereby exempted from such area and bulk requirements.

ARTICLE V, GENERAL PROVISIONS

§ 197-9. Applicability.

- A. No building shall hereinafter be erected and no existing building shall be moved, structurally altered, rebuilt, added to or enlarged nor shall any land be used for any purpose other than those included among the uses listed as permitted in each district by this chapter and meeting the requirements set forth in the appended schedule. EN
- B. In no case shall any lot be permitted to have more than one (1) primary use and one (1) accessory use.
- C. No open space contiguous to any building shall be encroached upon or reduced in any manner, except in conformity with the area and bulk requirements, off-street parking requirements and all other regulations designated in the schedule of this chapter for the zone district in which such building or space is located. In the event of any such unlawful encroachment or reduction, such building shall be deemed to be in violation of this chapter, and any certificate of occupancy issued shall be void.

§ 197-10. Modifications and exceptions.

- A. Undersized lots of record. Any lot, as defined herein, which was legally created as of October 14, 1971, that fails to comply with the minimum lot size requirements of this chapter may be used for any use not otherwise prohibited in said district in which it lies, provided that the owner thereof owns no *side*-adjoining land which, if combined with the subject lot, would result in a lot conforming to width, depth, and area requirements, and further provided that the minimum side yard shall not be less than three (3) feet. In addition, on such lots, and notwithstanding maximum building height in feet requirements of the Schedule of Area, Yard, and Heights Requirements, the maximum building height in stories shall be (3) three, provided that the first story is used for garage, half bathroom, laundry, utility, and/or recreation space only, and is not used as a separate living unit. Furthermore, on such lots, and notwithstanding accessibility and maneuverability requirements of §197-32H as well as off-street parking space requirements of §197-33, one of the spaces may be located in the front yard.
- B. Height. The height limitations of this chapter shall not apply to silos, church spires, belfries, cupolas and domes not used for human habitation nor to chimneys, ventilators, skylights, water tanks and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve. The provisions of this chapter are not intended to prohibit the erection above the building height limit of a parapet wall or cornice for ornament (and without windows) extending above such height limit not more than five (5) feet.
- C. Yards. Open fire escapes may project not more than five (5) feet into any side or rear yard in a residential zone. A paved terrace at ground level shall not be considered in the determination of side or rear yard sizes or lot coverage if such terrace is unroofed and

without walls or other form of enclosure. No paved terrace shall be permitted closer than five (5) feet to any side or rear property line.

- D. Irregularly shaped lots. In the case of irregularly shaped lots, the minimum lot width specified in the schedule may be measured at the rear line of the required front yard, provided that in no case shall the lot frontage measured at the street right-of-way line be less than seventy percent (70%) of the minimum lot frontage as specified in the schedule.
EN

§ 197-11. Restrictions.

- A. No yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be considered to provide a yard or open space for any other building.
- B. An accessory building attached to a principal building shall comply in all respects with the yard requirements of this chapter for the principal building. Detached accessory buildings shall be located to the rear of the front building line of the principal building and, if located in the side yard area, shall conform to side yard requirements of the schedule. In rear yards, common accessory buildings may be constructed to straddle the side lot between any two (2) contiguous residential lots, in which case the remaining side yard dimension shall not be less than the total required for both accessory building side yards in that zone.
- C. Every principal building shall be built upon a lot with frontage upon an approved public street.
- D. At the intersection of two (2) or more streets, no hedge, fence or wall (other than a single post or tree) which is higher than three (3) feet above the curb level, nor any obstruction to vision, shall be permitted in the triangular area formed by the intersecting street lines and a line joining each street line ten (10) feet distant from said intersection.
- E. All yards facing on a public street shall be considered front yards. Corner lots shall meet the minimum front yard requirements for the respective zone for both streets for both principal and accessory buildings.
- F. Where a building lot fronts on a street which is proposed for right-of-way widening, the required front yard area shall be measured from such proposed right-of-way line.
- G. No front yard shall be used for open storage or parking. All open storage areas shall be screened from view of residential districts by appropriate landscaping, which shall be maintained.
- H. Business structures or uses shall not display goods for sale or place coin-operated vending machines of any type on the sidewalk or in the entranceway in the front of the structure in which business activity is conducted.
- I. (Reserved)EN
- J. Off-street parking shall be provided with all new construction in accordance with Article VIII of this chapter. In the event of enlargement or extensive alteration of any building, off-street parking shall be provided in accordance with Article VIII to the extent possible.

- K. Essential services and utilities shall be permitted as authorized and regulated by law and other ordinances of the township in any district. It is the intent of this chapter to exempt such erection, construction, alterations and maintenance from the application of this chapter.
- L. Whenever any street, alley or other public way is vacated by the Municipal Council, the zone district shall be extended automatically to the center of such vacated way.
- M. For the purpose of regulating the locations of accessory buildings on corner lots, all portions of a corner lot or a through lot which fronts on a public street shall be subject to the front yard requirements of the zone district in which said corner lot or through lot is located. No accessory building shall be permitted in any required front yard.
- N. No residential lot shall be less than seventy-five (75) feet in depth.
- O. Any use not specifically permitted in a zoning district established by this chapter is hereby specifically prohibited in that district. The following uses and activities shall be specifically prohibited in the Township of Irvington:
- (1) The keeping or raising of any animals other than domestic pets.
 - (2) Trailer courts, trailer coaches, campers, vans, mobile homes and house trailers used as a dwelling and commercial activities related to the outdoor storage or display of trailer coaches; provided, however that nothing in this subsection shall be deemed to prohibit the placement on a lot of one (1) trailer coach for the sole purpose of providing temporary living accommodations for persons whose dwelling unit located on said lot has been damaged by fire. Placement of said trailer coach shall be by permit of the Township Engineer, valid for sixty (60) days and renewable for not more than two (2) additional thirty-day periods.
 - (3) The use of a building or premises in such a manner as to endanger the health, morals, safety or welfare of the community.
 - (4) Any use which emits excessive and objectionable amounts of dust, fumes, noise, odor, smoke, vibration, glare or waste products.
 - (5) (Reserved)EN
 - (6) Restaurants in any building containing one (1) or more dwelling units.
 - (7) Junkyards, hazardous or toxic waste disposal or treatment facilities, solid waste transfer stations and liquid gas or gasoline storage tanks.
- P. All exterior lighting shall be shielded, directed or buffered so that glare or direct lighting or reflection will not be a nuisance to surrounding properties.
- Q. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance be deposited which can contaminate an underground aquifer or otherwise render such underground aquifer undesirable as a source of water supply or recreation or which will destroy aquatic life. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or

insects shall be stored indoors or enclosed in appropriate containers adequate to eliminate such hazards. Containers shall not be stored or placed in any front yard.

- R. The storage or manufacture of liquefied petroleum gases, hydrogen gas or other material, whether in liquid or gaseous phase, which is flammable or explosive when mixed with air in sufficient proportions or which may be toxic or poisonous if inhaled by any person is prohibited in all zoning districts; provided, however, that nothing in this subsection shall be deemed to prohibit the use as fuel for domestic purposes of liquefied petroleum gases when stored in cylinders constructed in accordance with regulations of the Interstate Commerce Commission and located on the exterior of the building supplied; and provided, further, that the systems in connection with said cylinders are listed by the Underwriters Laboratories. The existing storage and use of anhydrous ammonia as of the effective date of this chapter may continue.

§ 197-12. Recycling areas for multifamily developments. [Added 4-12-1994 by Ord. No. MC 2994]

- A. As used in this section, the following terms shall have meanings indicated:

MULTIFAMILY HOUSING DEVELOPMENT -- A building containing three (3) or more dwelling units occupied or intended to be occupied by persons living independently of each other, or a group of such buildings.

RECYCLING AREA -- Space allocated for collection and storage of source-separated recyclable materials.

- B. There shall be included in any new multifamily housing development that requires subdivision or site plan approval an indoor or outdoor recycling area for the collection and storage of residentially generated recyclable materials. The dimensions of the recycling area shall be sufficient to accommodate recycling bins or containers which are of adequate size and number, and which are consistent with anticipated usage and with current methods of collection in the area in which the project is located. The dimensions of the recycling area and the bins or containers shall be determined in consultation with the Municipal Recycling Coordinator and shall be consistent with the District Recycling Plan adopted pursuant to Section 3 of P.L. 1987, c. 102 (N.J.S.A. 13:1E-99.13), EN and any applicable requirements of the Municipal Master Plan adopted pursuant to Section 26 of P.L. 1987, c. 102. EN
- C. The recycling area shall be conveniently located for the residential disposition of source-separated recyclable materials, preferably near, but clearly separated from, a refuse dumpster.
- D. The recycling area shall be well lit and shall be safely and easily accessible by recycling personnel and vehicles. Collection vehicles shall be able to access the recycling area without interference from parked cars or other obstacles. Reasonable measures shall be taken to protect the recycling area, and the bins or containers placed therein, against theft of recyclable materials, bins or containers.
- E. The recycling area or the bins or containers placed therein shall be designed so as to provide protection against adverse environmental conditions which might render the collected materials unmarketable. Any bins or containers which are used for collection of

recyclable paper or cardboard and which are located in an outdoor recycling area shall be equipped with a lid or otherwise covered so as to keep the paper or cardboard dry.

- F. Signs clearly identifying the recycling area and the materials accepted therein shall be posted adjacent to all points of access to the recycling area. Individual bins or containers shall be equipped with signs indicating the materials to be placed therein.
- G. Landscaping and/or fencing shall be provided around any outdoor recycling area and shall be developed in an aesthetically pleasing manner.

ARTICLE VI, ZONING DISTRICT USE REGULATIONS

§ 197-13. R-1L Single-Family Residential, Low Density District

- A. Permitted uses in the R-1L District shall be as follows:
- (1) One-family dwellings.
 - (2) Group homes.
 - (3) Parks and playgrounds.
 - (4) Municipal buildings and other governmental uses as deemed necessary and approved by the Planning Board and Township Council.
 - (5) Temporary buildings incidental to construction work, provided that such buildings are removed upon completion or abandonment of the construction work.
- B. Permitted accessory buildings and structures in the R-1L District shall be as follows:
- (1) Public garages.
 - (2) Signs, subject to the provisions of this chapter.
 - (3) Storage buildings of one hundred (100) square feet or less in area.
 - (4) Animal shelters for domestic pets, provided that the building area does not exceed twenty-five (25) square feet.
 - (5) Off-street parking facilities as required by Article VIII.
 - (6) Essential utilities.
 - (7) Home occupations, subject to the provisions of Article IX.
 - (8) Family day care homes, subject to the provisions of Article IX.
- C. Uses permitted with a conditional use permit. The following may be permitted in the R-1L District with a conditional use permit, subject to the provisions of Article IX:
- (1) Hospitals or philanthropic or eleemosynary uses.
 - (2) Public, parochial or private schools.
 - (3) Places of worship.
 - (4) Home professional offices.
 - (5) Public utility uses.
- D. Uses not permitted in the R-1L District shall be as follows:
- (1) Child care centers.

- E. Height, area and bulk requirements in the R-1L District shall be as specified in the schedule attached hereto. EN

§ 197-14. R-1 Single-Family Residential District.

- A. Permitted uses in the R-1 District shall be as follows:
- (1) One-family dwellings.
 - (2) Group homes.
 - (3) Parks and playgrounds.
 - (4) Municipal buildings and other governmental uses as deemed necessary and approved by the Planning Board and Township Council.
 - (5) Temporary buildings incidental to construction work, provided that such buildings are removed upon completion or abandonment of the construction work.
- B. Permitted accessory buildings and structures in the R-1 District shall be as follows:
- (1) Public garages.
 - (2) Signs, subject to the provisions of this chapter.
 - (3) Storage buildings of one hundred (100) square feet or less in area.
 - (4) Animal shelters for domestic pets, provided that the building area does not exceed twenty-five (25) square feet.
 - (5) Off-street parking facilities as required by Article VIII.
 - (6) Essential utilities.
 - (7) Home occupations, subject to the provisions of Article IX.(8) Family day care homes, subject to the provisions of Article IX.
- C. Uses permitted with a conditional use permit. The following may be permitted in the R-1 District with a conditional use permit, subject to the provisions of Article IX:
- (1) Hospitals or philanthropic or eleemosynary uses.
 - (2) Public, parochial or private schools.
 - (3) Places of worship.
 - (4) Home professional offices.
 - (5) Public utility uses.
- D. Uses not permitted in the R-1 District shall be as follows:
- (1) Child care centers.

- E. Height, area and bulk requirements in the R-1 District shall be as specified in the schedule attached hereto. EN

§ 197-15. R-2 Two-Family Residential District.

- A. Permitted uses in the R-2 District shall be as follows:
 - (1) One- and two-family dwellings.
 - (2) Reserved EN
 - (3) Group homes.
 - (4) Parks and playgrounds.
 - (5) Municipal buildings other governmental uses as deemed necessary and approved by the Planning Board and the Municipal Council.
 - (6) Temporary buildings as provided in § 197-14A(5)
- B. Permitted accessory buildings and structures in the R-2 District shall be as specified for the R-1 District in § 197-14(B).
- C. Uses permitted with a conditional use permit in the R-2 District shall be as specified for the R-1 District in § 197-14(C).
- D. Uses not permitted in the R-2 District shall be as follows:
 - (1) Child care centers.
- E. Height, area and bulk requirements in the R-2 District shall be as specified in the schedule attached hereto. EN

§ 197-16. R-3 Four-Family Residential District.

- A. Permitted uses in the R-3 District shall be as follows:
 - (1) One- and two-family dwellings.
 - (2) Three- and four-family dwellings, subject to the provisions of Article IX.
 - (3) Townhouses.
 - (4) Group homes.
 - (5) Parks and playgrounds.
 - (6) Municipal buildings and other governmental uses as deemed necessary and approved by the Planning Board and Municipal Council.
 - (7) Temporary buildings as provided in § 197-14A(5)
- B. Permitted accessory buildings and structures in the R-3 District shall be as specified for the R-1 District in § 197-14(B).

- C. Uses permitted with a conditional use permit. The following may be permitted in the R-3 District with a conditional use permit, subject to the provisions of Article IX:
 - (1) As specified for the R-1 District in § 197-14(C).
 - (2) Quasi-public buildings and recreational facilities.
- D. Uses not permitted in the R-3 District shall be as follows:
 - (1) Child care centers.
- E. Height, area and bulk requirements in the R-3 District shall be as specified in the schedule attached hereto. EN

§ 197-17. R-4 Garden Apartment District.

- A. Permitted uses in the R-4 District shall be as follows:
 - (1) One- and two-family dwellings.
 - (2) Three- and four-family dwellings, subject to the provisions of Article IX.
 - (3) Townhouses.
 - (4) Group homes.
 - (5) Parks and playgrounds.
 - (6) Two and three-story garden apartments, subject to the provisions of Article IX.
 - (7) Municipal buildings and other governmental uses as deemed necessary and approved by the Planning Board and Municipal Council.
 - (8) Temporary buildings as provided in § 197-14A(5)
- B. Permitted accessory buildings and structures in the R-4 District shall be as specified for the R-1 District in § 197-14(B), but excepting animal shelters.
- C. Uses permitted with a conditional use permit. The following may be permitted in the R-4 District with a conditional use permit, subject to the provisions of Article IX:
 - (1) Hospitals or philanthropic or eleemosynary uses.
 - (2) Public, parochial or private schools.
 - (3) Places of worship.
 - (4) Public utility uses.
 - (5) Quasi-public buildings and recreational facilities.
- D. Height, area and bulk requirements in the R-4 District shall be as specified in the schedule attached hereto. EN

§ 197-18. R-5 High-rise Apartment District.

- A. Permitted uses in the R-5 Residential District shall be as follows:
 - (1) Two- and three-story garden apartments, subject to the provisions of Article IX.
 - (2) High-rise apartments, subject to the provisions of Article IX.
 - (3) Group homes.
 - (4) Parks and playgrounds.
 - (3) Municipal buildings and other governmental uses as deemed necessary and approved by the Planning Board and Municipal Council.
 - (4) Temporary buildings as provided in § 197-14A(5)
- B. Permitted accessory buildings and structures in the R-5 District shall be as follows:
 - (1) Off-street parking facilities as required by Article VIII, to include public garages.
 - (2) Signs, subject to the provisions of Article VII.
 - (3) Storage buildings of one hundred (100) square feet or less in area.
 - (4) Essential utilities.
 - (5) Home occupations, subject to the provisions of Article IX.
- C. Uses permitted with a conditional use permit in the R-5 District shall be as specified for the R-4 District in § 197-17(C).
- D. Height, area and bulk requirements in the R-5 District shall be as specified in the schedule attached hereto. EN

§ 197-19. B-1 Neighborhood Business District.

- A. Permitted uses in the B-1 District shall be as follows:
 - (1) Retail and personal service establishments.
 - (a) Retail and personal service establishments, such as or similar in nature to:
 - [1] Grocery stores.
 - [2] Drug stores.
 - [3] Meat, fish and poultry stores.
 - [4] Produce stores.
 - [5] Baked goods stores.
 - [6] Flower shops.
 - [7] Confectionery stores.

- [8] Barber or beauty shops.
- [9] Dry-cleaning shops, but not including dry cleaning plants.
- [10] Tailor shops.
- [11] Self-service laundries, subject to the provisions of Article IX.
- [12] Shoe repair shops.
- [13] Video rental establishments.(b) Up to fifty percent (50%) of the building area may be devoted to the processing, manufacture or storing of goods or products to be retailed on the premises, provided that no such area shall front on a public street at street level.
- [14] Financial Services firms (without check cashing services)**
- [15] Book stores**
- [16] Haberdashery, apparel, and jewelry stores**
- [17] Personal and Business Service uses (Photocopying, Internet cafes, Mail- bulk, express and regular.**

- (2) Restaurants and cafes. *(sidewalk seating with a conditional use permit, subject to the provisions of Article IX).*
- (3) Banks and fiduciary institutions.
- (4) Municipal buildings and other governmental and/or public uses as deemed necessary and approved by the Planning Board and Municipal Council.
- (5) Temporary buildings as provided in § 197-14A(5)
- (6) Business and professional offices**

B. Permitted accessory buildings and structures in the B-1 District shall be as follows:

- (1) Signs, subject to the provisions of Article VII.
- (2) Off-street parking facilities and loading and unloading ramps in accordance with the requirements of Article VIII.

C. Uses permitted with a conditional use permit. The following may be permitted in the B-1 District with a conditional use permit, subject to the provisions of Article IX:

- (1) Business and professional offices, provided that they are located above a ground-floor commercial use and provided that they do not front on a public street at street level, subject to the provisions of Article IX.

- (2) Residential dwelling units, provided that they are located above a ground-floor commercial use and provided that they do not front on a public street at street level, subject to the provisions of Article IX.
- (3) Child care centers.
- (4) Public utilities.
- (5) Hospitals or philanthropic or eleemosynary uses.
- (6) Quasi-public buildings and recreational facilities.
- (7) Indoor recreational facilities.
- (8) *Check-cashing establishments.***
- (15) *Reserved EN***

D. Height, area and bulk requirements in the B-1 District shall be as specified in the schedule attached hereto. EN

E. Uses not permitted in the B-1 District shall be as follows:

- (1) Bingo halls.
- (2) Billiard parlors or dance halls.
- (3) Pawnbrokers.
- (4) Any business conducted outside the confines of a building, with the exception of outdoor seating associated with a restaurant or cafe.
- (5) Clinics for the treatment of drug addiction.
- (6) Drive-through windows.
- (7) Bars and taverns.
- (8) Packaged liquor stores.
- (9) Gasoline service stations.
- (10) Auto repair or body shops
- (11) Auto dealerships.
- (12) Auto washes.
- (13) Adult entertainment establishment.
- (14) Adult-oriented store.
- (15) Check-cashing establishments.
- (16) Live entertainment.

§ 197-20. B-2 Shopping Center District.

A. Permitted uses in the B-2 District shall be as follows:

(1) Retail and personal service establishments.

(a) Retail and personal service establishments, such as or similar in nature to:

[1] Grocery stores.

[2] Drug stores.

[3] Produce stores.

[4] Meat, fish and poultry stores.

[5] Baked goods stores.

[6] Flower shops.

[7] Confectionery stores.

[8] Household supplies stores.

[9] Stationery supplies stores.

[10] Furniture and appliance stores.

[11] Hardware stores.

[12] Appliance and electronics repair establishments.

[13] Barber or beauty shops.

[14] Dry-cleaning shops, but not including dry cleaning plants.

[15] Tailor shops.

[16] Self-service laundries, subject to the provisions of Article IX.

[17] Shoe repair shops.

[18] Video rental establishments.

[19] Financial Services firms (without check cashing services)

[20] Book stores

[21] Haberdashery, apparel, and jewelry stores

[22] Personal and Business Service uses (Photocopying, Internet cafes, Mail- bulk, express and regular.

(b) Up to fifty percent (50%) of the building area may be devoted to the processing, manufacture or storing of goods or products to be retailed on

the premises, provided that no such area shall front on a public street at street level.

- (2) Restaurants and cafes. *(sidewalk seating with a conditional use permit, subject to the provisions of Article IX)*
 - (3) Banks and fiduciary institutions.
 - (4) Shopping centers, containing a combination of permitted retail and personal service establishments, and/or restaurants and cafes, and/or banks and fiduciary institutions.
 - (5) Public garages and parking lots, except within seventy-five (75) feet of an R-1, R-2, R-3 or R-4 Zone.
 - (6) Municipal buildings and other governmental and/or public uses as deemed nary and approved by the Planning Board and Municipal Council.
 - (7) Temporary buildings as provided in 197-14A(5)
 - (8) *Business and professional offices***
- B. Permitted accessory buildings and structures in the B-2 District shall be as specified for B-1 District in § 197-19(B).
- C. Uses permitted with a conditional use permit. The following may be permitted in the B-2 District with a conditional use permit, subject to the provisions of Article IX:
- (1) Drive-through windows, as accessory uses to restaurants, banks, drug stores, or other similar uses.
 - (2) ***(Reserved)EN***
 - (3) Public utilities.
 - (4) Hospitals or philanthropic or eleemosynary uses.
 - (5) Quasi-public buildings and recreational facilities.
 - (6) Indoor recreational facilities.
 - (7) Child care centers.
 - (8) *Pawnbrokers.***
- D. Height, area and bulk requirements in the B-2 District shall be as specified in the schedule attached hereto. EN

E. Uses not permitted in the B-2 District shall be as follows:

- (1) (Reserved)EN
- (2) Clinics for the treatment of drug addiction.
- (3) Bingo halls.
- (4) Billiard parlors or dance halls.
- (5) ***(Reserved)EN***
- (6) Any business conducted outside the confines of a ***building , with the exception of outdoor seating associated with a restaurant or cafe.***
- (7) Bars and taverns.
- (8) Gasoline service stations.
- (9) Packaged liquor stores.
- (10) Auto repair or body shops
- (11) Auto dealerships.
- (12) Auto washes.
- (13) Adult entertainment establishment.
- (14) Adult-oriented store.
- (15) Check-cashing establishments.
- (16) Live entertainment.

§ 197-21. B-3 Limited Business District.

A. Permitted uses in the B-3 District shall be as follows:

- (1) Retail and personal service establishments.
 - (a) Retail and personal service establishments, such as or similar in nature to:
 - [1] Drug stores.
 - [2] Household supplies stores.
 - [3] Stationery supplies stores.
 - [4] Furniture and appliance stores.
 - [5] Hardware stores.
 - [6] Video rental establishments.
 - [7] ***Financial Services firms (without check cashing services)***

- [8] **Book stores**
- [9] **Fitness Centers, Spas, Tanning Salons**
- [10] **Career Training Centers**
- [11] **Tailor shops.**
- [12] **Shoe Repair.shops**
- [13] **Grocery stores**
- [14] **Haberdashery, apparel, and jewelry stores.**
- [15] **Personal and Business Service uses (Photocopying, Internet cafes, Mail- bulk, express and regular.**

(b) Up to fifty percent (50%) of the building area may be devoted to the processing, manufacture or storing of goods or products to be retailed on the premises, provided that no such area shall front on a public street at street level.

- (2) Restaurants and cafes. ***(sidewalk seating with a conditional use permit, subject to the provisions of Article IX) .***
- (3) Banks and fiduciary institutions.
- (4) Public garages and parking lots, except within seventy-five (75) feet of an R-1, R-2, R-3 or R-4 Zone.
- (5) Municipal buildings and other governmental and/or public uses as deemed nary and approved by the Planning Board and Municipal Council.
- (6) Temporary buildings as provided in § 197-14A(5)
- (7) ***Business and professional offices***

B. Permitted accessory buildings and structures in the B-3 District shall be as specified for B-1 District in § 197-19(B).

C. Uses permitted with a conditional use permit. The following may be permitted in the B-3 District with a conditional use permit, subject to the provisions of Article IX:

- (1) Gasoline service stations.
- (2) Drive-through windows, as accessory uses to restaurants, banks, drug stores, or other similar uses.
- (3) Public utilities.
- (4) Child care centers.

- (5) *Charter Schools*
- (6) *Pawnbrokers.*
- (7) *Check-cashing establishments.*

D. Height, area and bulk requirements in the B-3 District shall be as specified in the schedule attached hereto. EN

E. Uses not permitted in the B-3 District shall be as follows:

- (1) Clinics for the treatment of drug addiction.
- (2) Bingo halls.
- (3) Billiard parlors or dance halls.
- (4) *(Reserved)EN*
- (5) Any business conducted outside the confines of a *building , with the exception of outdoor seating associated with a restaurant or cafe.*
- (6) Bars and taverns.
- (7) Packaged liquor stores.
- (8) Automobile repair or body shops
- (9) Automobile dealerships.
- (10) Automobile washes.
- (11) Adult entertainment establishment.
- (12) Adult-oriented store.
- (13) *(Reserved)EN*
- (14) Live entertainment.

§ 197-22. B-4 General Business District.

- A. Permitted uses shall be as specified for the B-3 District in § 197-21(A).
- B. Permitted accessory buildings and structures in the B-4 District shall be as specified for B-1 District in § 197-19(B).
- C. Uses permitted with a conditional use permit. The following may be permitted in the B-4 District with a conditional use permit, subject to the provisions of Article IX:
 - (1) Gasoline service stations.
 - (2) Drive-through windows, as accessory uses to restaurants, banks, drug stores, or other similar uses.

- (3) Public utilities.
- (4) Pawnbrokers.
- (5) Packaged liquor stores.
- (6) Automobile repair or body shops
- (7) Automobile dealerships.
- (8) Automobile washes.
- (9) Check-cashing establishments.
- (10) Adult-oriented store.
- (11) Child care centers.
- (12) ***Charter Schools***

D. Height, area and bulk requirements in the B-4 District shall be as specified in the schedule attached hereto. EN

E. Uses not permitted in the B-4 District shall be as follows:

- (1) Clinics for the treatment of drug addiction.
- (2) Any business conducted outside the confines of a building , ***with the exception of outdoor seating associated with a restaurant or cafe.***
- (3) Bingo halls.
- (4) Billiard parlors or dance halls.
- (5) Bars and taverns.
- (6) Adult entertainment establishment.
- (7) Live entertainment.

§ 197-23. B-5 Big Box District.

A. Permitted uses in the B-5 District shall be as follows:

- (1) Retail and personal service establishments.
 - (a) Retail and personal service establishments, such as or similar in nature to:
 - [1] Household supplies stores.
 - [2] Stationery supplies stores.

- [3] Furniture and appliance stores.
- [4] Hardware stores.
- [5] Book stores.
- [6] Reserved EN**
- [7] Financial Services firms (without check cashing services)**
- [8] Department Stores**
- [9] Financial Service Centers**
- [10] Career Training Centers**
- [11] Fitness Centers, Spas, Tanning Salons**
- [12] Shoe repair shops.**
- [13] Haberdashery, apparel, and jewelry stores.**
- [14] Personal and Business Service uses (Photocopying, Internet cafes, Mail- bulk, express and regular.**
- [15] Check-cashing establishments.**

(b) Up to fifty percent (50%) of the building area may be devoted to the processing, manufacture or storing of goods or products to be retailed on the premises, provided that no such area shall front on a public street at street level.

- (2) Big box centers, containing a combination of permitted retail and personal service establishments **and restaurants and cafes with sidewalk seating.**
- (3) Public garages and parking lots, except within seventy-five (75) feet of an R-1, R-2, R-3 or R-4 Zone.
- (4) Municipal buildings and other governmental and/or public uses as deemed nary and approved by the Planning Board and Municipal Council.
- (5) Temporary buildings as provided in § 197-14A(5).
- (6) Business and professional offices**

B. Permitted accessory buildings and structures in the B-5 District shall be as follows:

- (1) Signs, subject to the provisions of Article VII.
- (2) Off-street parking facilities and loading and unloading ramps in accordance with the requirements of Article VIII.

- (3) Outdoor storage, subject to the provisions of Article IX.
- C. Uses permitted with a conditional use permit. The following may be permitted in the B-5 District with a conditional use permit, subject to the provisions of Article IX:
 - (1) *Charter Schools*
 - (2) Public utilities.
 - (3) Child care centers.
- D. Height, area and bulk requirements in the B-5 District shall be as specified in the schedule attached hereto. EN
- E. Uses not permitted in the B-5 District shall be as follows:
 - (1) Bingo halls.
 - (2) Billiard parlors or dance halls.
 - (3) *Any business conducted outside the confines of a building , with the exception of outdoor seating associated with a restaurant or cafe.*
 - (4) Clinics for the treatment of drug addiction.
 - (5) Drive-through windows.
 - (6) Bars and taverns.
 - (7) Packaged liquor stores.
 - (8) Gasoline service stations.
 - (9) Auto repair or body shops
 - (10) Auto dealerships.
 - (11) Auto washes.
 - (12) Adult entertainment establishment.
 - (13) Adult-oriented store.
 - (14) *(Reserved)EN*
 - (15) Live entertainment.

§ 197-24. CBD Central Business District, Downtown Mixed Use.

- A. Permitted uses in the CBD shall be as follows:
 - (1) Retail and personal service establishments.
 - (a) Retail and personal service establishments, such as or similar in nature to:
 - [1] Drug stores.

- [2] Meat, fish, and poultry stores.
- [3] Produce stores.
- [4] Baked goods stores.
- [5] Flower shops.
- [6] Confectionery stores.
- [7] Household supplies stores.
- [8] Stationery supplies stores.
- [9] Furniture and appliance stores.
- [10] Hardware stores.
- [11] Appliance and electronics repair establishments.
- [12] Haberdashery, apparel, and jewelry stores.
- [13] Barber or beauty shops.
- [14] Dry-cleaning shops, but not including dry cleaning plants.
- [15] Tailor shops.
- [15] Self-service laundries, subject to the provisions of Article IX.
- [16] Shoe repair shops.
- [17] Video rental establishments.
- [18] Book stores.
- [19] *Financial Services firms (without check cashing services)***
- [20] *Department Stores***
- [21] *Financial Service Centers***
- [22] *Career Training Centers***
- [23] *Fitness Centers, Spas, Tanning Salons***
- [24] *Grocery Stores***
- [25] *Personal and Business Service uses (Photocopying, Internet cafes, Mail- bulk, express and regular.***
- [26] *Haberdashery, apparel, and jewelry stores.***

- (b) Up to fifty percent (50%) of the building area may be devoted to the processing, manufacture or storing of goods or products to be retailed on

the premises, provided that no such area shall front on a public street at street level.

- (2) Restaurants and cafes (*sidewalk seating with a conditional use permit, subject to the provisions of Article IX*)
 - (3) Banks and fiduciary institutions.
 - (4) Municipal buildings and other governmental and/or public uses as deemed necessary and approved by the Planning Board and Municipal Council.
 - (5) Temporary buildings as provided in § 197-14A(5).
 - (6) ***Business and professional offices***
- B. Permitted accessory buildings and structures in the CBD shall be as follows:
- (1) Signs, subject to the provisions of Article VII.
 - (2) Off-street parking facilities and loading and unloading ramps in accordance with the requirements of Article VIII.
 - (3) Live entertainment, as an accessory uses to permitted restaurants, cafes, billiard parlors, dance halls, bars, or taverns, subject to the provisions of Article IX.
- C. Uses permitted with a conditional use permit. The following may be permitted in the CBD with a conditional use permit, subject to the provisions of Article IX:
- (1) ***Reserved EN***
 - (2) Residential dwelling units, provided that they are located above a ground-floor commercial use.
 - (3) Public utilities.
 - (4) Hospitals or philanthropic or eleemosynary uses.
 - (4) Quasi-public buildings and recreational facilities.
 - (5) Indoor recreational facilities.
 - (6) Bingo halls.
 - (7) Billiard parlors or dance halls.
 - (8) Bars and taverns.
 - (9) Bowling alleys.
 - (10) Amusement arcades.
 - (11) Child care centers.

(12) Tattoo parlors, piercing parlors, and other body art shops.

(13) *Charter Schools*

(14) *Check-cashing establishments.*

D. Height, area and bulk requirements in the CBD shall be as specified in the schedule attached hereto. EN

E. Uses not permitted in the CBD shall be as follows:

(1) Pawnbrokers.

(2) Any business conducted outside the confines of a building, with the exception of outdoor seating associated with a restaurant or cafe.

(2) Clinics for the treatment of drug addiction.

(4) Drive-through windows.

(5) Packaged liquor stores.

(6) Gasoline service stations.

(7) Auto repair or body shops

(8) Auto dealerships.

(9) Auto washes.

(10) Adult entertainment establishments.

(11) Adult-oriented stores.

(12) **Reserved EN**

§ 197-25. O-1 Residential Character Office District.

(1) One-family dwellings.

(2) Two-family dwellings, but only for properties fronting along Sanford Avenue south of Clinton Avenue.

(2) Group homes.

(3) Home Professional Offices

(4) Parks and playgrounds.

(5) Municipal buildings other governmental uses as deemed necessary and approved by the Planning Board and the Municipal Council.

(6) Temporary buildings as provided in § 197-14A(5)

- (7) Business and professional offices. Any proposed development will not significantly change the prevailing physical character of adjacent uses.
- B. Permitted accessory buildings and structures in the O-1 District shall be as specified for R-1 District in § 197-14(B).
- C. Uses permitted with a conditional use permit. The following may be permitted in the O-1 District with a conditional use permit, subject to the provisions of Article IX:
 - (1) *Reserved EN.*
 - (2) Hospitals or philanthropic or eleemosynary uses.
 - (3) Public, parochial or private schools.
 - (4) Places of worship.
 - (5) Home professional offices.
 - (6) Public utility uses.
 - (7) Child care centers.
- D. Height, area and bulk requirements in the O-1 District shall be as specified in the schedule attached hereto. EN

§ 197-26. M-1 Special Industrial Manufacturing District.

- A. Permitted uses in the M-1 District shall be as follows:
 - (1) Light industry, subject to the provisions of Article IX, such as or similar in nature to:
 - (a) Manufacturing of light machinery, such as but not limited to carburetors, small machine parts, sewing machines, cash registers, typewriters, calculators and other office machines.
 - (b) Fabrication of metal products, such as but not limited to baby carriages, bicycles and other light vehicles, metal foils (aluminum, gold, etc.), metal furniture, musical instruments, sheet metal products and toys.
 - (c) Fabrication of paper products, such as but not limited to bags, books, bookbinding, boxes, packaging materials and office supplies.
 - (d) Fabrication of wood products, such as but not limited to boats, boxes, cabinets and woodworking, furniture and toys.
 - (e) Other light industry uses, such as but not limited to brush and broom manufacturing, electronics products, glass and glass products, jewelry manufacturing (including polishing), laundering and cleaning establishments, sporting goods manufacturing, storehouses, warehouses and leather goods manufacturing.
 - (2) Wholesale sales and distribution.

- (3) Research and development, subject to provisions of Article IX.
- (4) Laboratories, subject to provisions of Article IX.
- (5) Business and professional offices.
- (6) Municipal buildings and other governmental uses as approved by the Planning Board and Municipal Council.
- (7) Temporary buildings as provided in § 197-14A(5).
- (8) *Off-street parking lots and facilities in accordance with the requirements of Article VIII.***
- (9) *Personal and Business Service uses (Photocopying, Internet cafes, Mail- bulk, express, and regular.***

B. Accessory buildings and uses in the M-1 District shall be as follows:

- (1) Private garages for the storage of vehicles operated exclusively as part of a legally permitted use thereon.
 - (2) Such accessory uses as are customarily incident to the foregoing permitted uses.
 - (3) Outdoor storage, subject to the provisions of Article IX.
 - (4) Signs, subject to the provisions of Article VII.
 - (5) Loading and unloading ramps and off-street parking facilities in accordance with the requirements of Article VIII.
- (6) Retail sales only as an accessory to an industrial uses and subject to the provisions of Article IX. C. Uses permitted with a conditional use permit. The following may be permitted in the M-1 District with a conditional use permit, subject to the provisions of Article IX:
- (1) Other light industry uses upon a finding by the Planning Board that such use;
 - (a) Is of the same general character as those permitted; and
 - (b) Will not be detrimental to the other uses within the district or the adjoining land uses.
 - (2) Public utilities.
 - (3) Places of worship.
 - (4) Child care centers.

D. Height, area and bulk requirements in the M-1 District shall be as specified in the schedule attached hereto. EN

E. Prohibited uses in the M-1 District shall be as follows:

- (1) Those uses such as or similar in nature to those uses set forth in § 197-22E(1).
 - (2) Any residential use.
 - (3) (Reserved)EN
 - (4) Retail sales and services.
 - (5) Truck terminals and bulk distribution terminals.
 - (6) Bars and taverns.
 - (7) Adult entertainment establishment.
 - (8) Adult-oriented store.
- F. All development in the M-1 District shall be subject to the supplementary standards included in Article IX.

§ 197-27. M-2 Light Industrial Manufacturing District.

- A. Permitted uses in the M-2 District shall be as follows:
- (1) Light industry, subject to the provisions of Article IX.
 - (2) Research and development, subject to provisions of Article IX, including fabrication, assembly, packing, repackaging and shipping of previously manufactured products.
 - (3) Laboratories, subject to provisions of Article IX.
 - (4) Wholesale sales and distribution.
 - (5) Business and professional offices.
 - (6) Warehouses.
 - (7) Auto dealerships
 - (8) Auto-Truck repair/body shops
 - (9) Auto washes
 - (10) Gasoline Stations
 - (11) Municipal buildings and other governmental uses as approved by the Planning Board and Municipal Council.
 - (12) Temporary buildings as provided in § 197-14A(5).
 - (13) Dry cleaning plants, subject to the provisions of Article IX. B.
 - (14) *Off-street parking lots and facilities in accordance with the requirements of Article VIII.*

(15) Personal and Business Service uses (Photocopying, Internet cafes, Mail- bulk, express, and regular.

Permitted accessory buildings and structures in the M-2 District shall be as follows:

- (1) Signs, subject to the provisions of Article VII.
 - (2) Loading and unloading ramps and off-street parking facilities in accordance with the requirements of Article VIII.
 - (3) Outdoor storage, subject to the provisions of Article IX.
 - (4) Retail sales, including showrooms, only as an accessory to an industrial uses and subject to the provisions of Article IX.
 - (5) Child care centers, subject to the provisions of Article IX.
- C. Uses permitted with a conditional use permit. The following may be permitted in the M-2 District with a conditional use permit, subject to the provisions of Article IX:
- (1) Clinics for the treatment of drug addiction.
 - (2) Public utilities.
 - (3) Places of worship.
 - (4) Bars and taverns
 - (5) Bowling alleys.
 - (6) Amusement arcades.
 - (7) Billiard parlors and dance halls.
 - (8) Bingo halls.
 - (9) Tattoo parlors, piercing parlors, and other body art shops.
 - (10) Boarding houses and rooming homes.
 - (11) Truck terminals and bulk distribution terminals.
- D. Height, area and bulk requirements in the M-2 District shall be as specified in the schedule attached hereto.
- E. Other requirements for the M-2 District.
- (1) Prohibited uses shall be as follows:
 - (a) Any such use as or similar to:
 - [1] Acetylene gas manufacture.

- [2] Ammonia, chlorine or bleaching powder manufacture.
- [3] Asphalt manufacturing or refining.
- [4] Assaying (other than gold or silver).
- [5] Blast furnace, forge or smelter.
- [6] Boilerworks.
- [7] Brick, tile or terra cotta manufacture.
- [8] Candle manufacture.
- [9] Celluloid and other cellulose products manufacture.
- [10] Creosote treatment or manufacture.
- [11] Distillation of coal, wood or bones.
- [12] Disinfectant, insecticide or poison manufacture.
- [13] Dye stuff manufacture.
- [14] Emery cloth and sandpaper manufacture.
- [15] Explosives manufacture or storage.
- [16] Fat rendering.
- [17] Fertilizer manufacture.
- [18] Foundry, coke and metal rolling and drawing mill.
- [19] Gas manufacture or storage in excess of ten thousand (10,000) cubic feet.
- [20] Glue, size or gelatin manufacture.
- [21] Incineration or reduction of garbage, offal, dead animals or refuse.
- [22] Iron, steel, brass or copper foundry.
- [23] Junkyard.
- [24] Lamp black manufacture.
- [25] Lime, cement or plaster of Paris manufacture.
- [26] Oilcloth or linoleum manufacture.
- [27] Petroleum refining or storage of petroleum products above ground, but nothing herein contained shall prevent the storage of petroleum products not in excess of ten thousand (10,000) gallons, provided that such storage is made in tanks below the surface of the ground covered with two (2) feet of well-tamped

earth; provided, however, that fuel oil for use in fuel oil burners for heating purposes may be stored underground as above indicated in tanks not exceeding twenty thousand (20,000) gallons' capacity.

- [28] Printing ink manufacture.
 - [29] Pyroxylin plastic manufacture or the manufacture of articles therefrom.
 - [30] Storage, curing or tanning of raw hides or skins.
 - [31] Rock or stone crusher.
 - [32] Rolling mill.
 - [33] Rubber manufacture.
 - [34] Sale of used lumber, used plumbing and heating pipes and fixtures and used mason or building materials.
 - [35] Sauerkraut or sausage manufacture.
 - [36] Shoe blacking or stove polish manufacture.
 - [37] Slaughterhouse or slaughtering of animals or fowl.
 - [38] Soap manufacture.
 - [39] Starch, glucose, yeast or dextrin manufacture.
 - [40] Stockyard.
 - [41] Stone crushing.
 - [42] Sugar refining.
 - [43] Sulfurous, sulfuric, nitric or hydrochloric acid manufacture.
 - [44] Tallow, grease or lard manufacture or refining.
 - [45] Tar distillation or manufacture.
 - [46] Tar roofing or tar waterproofing manufacture.
 - [47] The dismantling or storage of dismantled automobiles or used parts thereof or the storage or baling of scrap paper, iron, bottles, rags or junk.
 - [48] Any other trade, industry or use that is noxious or offensive by reason of the emission of odor, dust, smoke, gas or noise.
- (b) Any residential use.
 - (c) Retail sales and services.

- (d) Any use which, by its nature, would create objectionable conditions due to the emission of smoke, dust, noise, gas or odor or in any way result in a detrimental effect upon the surrounding area and the general community.
- (2) All areas not occupied by structures or required off-street parking shall be appropriately landscaped and buffered in accordance with the requirements of the Planning Board.
- (3) Wherever a residential district is adjacent to an industrial use, an appropriate buffer strip shall be provided and maintained to screen the residential district.
- (4) Bars and taverns.
- (5) Adult entertainment establishments.
- (6) Adult-oriented stores.

§ 197-28. M-3 Heavy Industrial Manufacturing District.

A. Permitted uses in the M-3 District shall be as follows:

- (1) Heavy industry, subject to the provisions of Article IX, including storing, processing, polishing, laundering, cleaning and manufacture of raw materials.
- (2) Light industry, subject to the provisions of Article IX.
- (3) Research and development, subject to provisions of Article IX.
- (4) Laboratories, subject to provisions of Article IX.
- (5) Business and professional offices.
- (6) Wholesale sales and distribution.
- (7) Warehouses.
- (8) Public utilities.
- (7) Auto dealerships
- (8) Auto-Truck repair/body shops
- (9) Auto washes
- (10) Gasoline Stations
- (11) Municipal buildings and other governmental uses as approved by the Planning Board and Municipal Council.
- (12) Temporary buildings as provided in § 197-14A(5)
- (13) Dry cleaning plants, subject to the provisions of Article IX.
- (14) *Off-street parking lots and facilities in accordance with the requirements of Article VIII.*

(15) Personal and Business Service uses (Photocopying, Internet cafes, Mail- bulk, express, and regular.

- B. Permitted accessory buildings and structures in the M-3 District shall be as follows:
 - (1) Signs, subject to the provisions of Article VII.
 - (2) Loading and unloading ramps and off-street parking facilities in accordance with the requirements of Article VIII.
 - (3) Outdoor storage, subject to the provisions of Article IX.
 - (4) Retail sales only as an accessory to an industrial uses and subject to the provisions of Article IX.
 - (5) Child care centers.

- C. Uses permitted with a conditional use permit. The following may be permitted in the M-3 District with a conditional use permit, subject to the provisions of Article IX:
 - (1) Clinics for the treatment of drug addiction.
 - (2) Public utilities.
 - (3) Places of worship
 - (4) Bars and taverns.
 - (5) Bowling alleys.
 - (6) Amusement arcades.
 - (7) Billiard parlors and dance halls.
 - (8) Bingo halls.
 - (9) Tattoo parlors, piercing parlors, and other body art shops.
 - (10) Adult entertainment establishments.
 - (11) Adult-oriented stores.
 - (12) Boarding houses and rooming houses
 - (13) Truck terminals and bulk distribution terminals.

- D. Height, area and bulk requirements in the M-3 District shall be as specified in the schedule attached hereto. EN

- E. Other requirements for the M-3 District.
 - (1) Prohibited uses shall be as follows:
 - (a) Any residential use.

- (b) Retail sales and services.
 - (c) Any use which, by its nature, would create objectionable conditions due to the emission of smoke, dust, noise, gas or odor or in any way result in a detrimental effect upon the surrounding area and the general community.
- (2) All areas not occupied by structures or required off-street parking shall be appropriately landscaped and buffered in accordance with the requirements of the Planning Board.
 - (3) Wherever a residential district is adjacent to an industrial use, an appropriate buffer strip shall be provided and maintained to screen the residential district.

§ 197-29. P-1 Parks District.

- A. Permitted uses in the P-1 Parks District shall be as follows:
 - (1) Parks and playgrounds.
 - (2) Indoor recreational facilities, subject to the provisions of Article IX.
 - (3) Cemeteries.
 - (4) Temporary buildings as provided in § 197-14A(5).
- B. Uses permitted with a conditional use permit. The following may be permitted in the P-1 District with a conditional use permit, subject to the provisions of Article IX:
 - (1) Municipal buildings and other governmental uses as deemed necessary and approved by the Planning Board and Municipal Council.
- C. Height, area and bulk requirements in the P-1 District shall be as specified in the schedule attached hereto.EN

§ 197-30. P-2 Institutional District.

- A. Permitted uses in the P-2 Institutional District shall be as follows:
 - (1) Municipal buildings and other governmental uses as deemed necessary and approved by the Planning Board and Municipal Council.
 - (2) Parks and playgrounds.
 - (3) Indoor recreational facilities, subject to the provisions of Article IX.
 - (4) Temporary buildings as provided in § 197-14A(5)
- B. Height, area and bulk requirements in the P-2 District shall be as specified in the schedule attached hereto.EN

ARTICLE VII, SIGNS [ADDED 4-14-1987 BY ORD. NO. MC 2825]

§ 197-31. Permitted signs.

A. Permits required:

- (1) It is unlawful for any person to erect, structurally alter or relocate any sign without first obtaining a permit and making payment of the required fee. Any sign erected or maintained in violation of this Article shall be removed by the property owner, tenant or agent.
- (2) No sign permit will be issued without the written consent of the landowner or the one in control of the premises.
- (3) A permit to erect a sign shall only apply to the premises for which it was obtained and the sign for which it was obtained and shall not be transferable to another premises or sign.
- (4) Any sign not specifically permitted by this Article is prohibited.

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

- (1) **ABANDONED SIGN** - sign which no longer identifies or advertises a bona fide business, lessee, service, owner, product, or activity or for which no legal owner can be found, or a sign which is in a state of disrepair.
- (2) **ADVERTISING SIGN** — A sign which may be a changeable sign and which provides information in addition to that included in the definitions for **IDENTIFICATION SIGN** and for **DIRECTORY SIGN**.
- (3) **ANIMATED SIGN** — A sign or display having action, motion, flashing lights, color changes, rotating or moving parts, banners, spinners, flags, or pennants, except for barber poles.

- (4) **AWNING SIGN** — A fireproof space frame structure with translucent, flexible, reinforced vinyl covering designed in awning form, but whose principal purpose and use is signage. Such signs are wholly supported by the building to which they are attached and may be internally illuminated by fluorescent or other light sources in fixtures approved under National Electrical Code and BOCA Code.
- (5) **CHANGEABLE SIGN** — A sign whose informational content can be changed or altered by manual, electric, electromechanical, or electronic means.
- (6) **DIRECTIONAL SIGN** — A sign containing directional information about public places owned or operated by federal, state, or local governments or their agencies or pursuant to government statute, order, or regulation; publicly or privately owned natural phenomena or historic, cultural, scientific, educational, and religious sites; and areas of natural beauty or naturally suited to outdoor recreation; and a sign containing directional information whose purpose it is to regulate and control the flow of vehicular and pedestrian traffic to identify sidewalks, parking areas, loading zones, entrances, exits, fire lanes, handicapped spaces, private parking, and similar areas.
- (7) **DIRECTORY SIGN** — A freestanding sign lists the occupants or tenants of a site or building, and may cite the building owner or manager and telephone number.
- (8) **ERECT** — To construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish, but not any of the foregoing activities when performed as an incident to the changes of an advertising message or normal maintenance or repair of a sign or sign structure.
- (9) **FACADE SIGN** — A sign attached to, painted on, or erected against the exterior wall of a building, with the sign face parallel to such wall, the highest portion of which sign is not higher than the lowest portion of the roofline of the building and is not wider than the building.
- (10) **FLASHING SIGN** — A sign, the illumination of which, is not kept constant in intensity at all times when in use.
- (11) **FREESTANDING SIGN** — A sign which may be a changeable sign and which

is supported by poles, columns, uprights, or foundations affixed to the ground but not attached to any part of any building.

- (12) IDENTIFICATION SIGN — A sign which states the name, address, and/or telephone number of the occupant(s) therein or identifies a place or development or the name and profession of a home occupation conducted on the premises.
- (13) ILLUMINATED SIGN — A sign which is illuminated either indirectly from an external artificial source with non-glaring lights or directly by shielded floodlights.
- (14) MEMORIAL SIGNS — Historical tablets, cornerstones, memorial plaques, building name, erection date and emblems which do not exceed six square feet in surface area and which are cut into any masonry and which are constructed of bronze or other durable material.
- (15) NONCONFORMING SIGN — A sign which was erected legally, but which does not comply with current sign restrictions and regulations.
- (16) OUTDOOR DISPLAY STRUCTURE OR BILLBOARD - A sign which advertises a product or service or which directs attention to a business, industry, profession, commodity, service, organization, or entertainment not sold or offered upon the premises where the sign is located and any sign unrelated to the premises on which the sign is erected.
- (17) PARAPET — The extension of a false front or wall above a roofline.
- (18) PERSON — Any individual, association, partnership, firm or corporation.
- (19) PROJECTING SIGN — A sign which is attached to a building wall and extends from the face of such wall.
- (20) ROOF SIGN — A sign constructed or supported upon the roof or above the roof line of any building or structure.

- (21) SIGN — Any device, structure, fixture, or placard using graphics, symbols, and written copy for the primary purpose of identifying, providing directions or advertising any establishment, product, goods, or services, provided that the display of public notices in connection with a public entity or the flag, emblem or insignia of a nation or political unit shall not be considered signs under the provisions of this title.
- (22) SHOPPING CENTER OR OFFICE PLAZA — A collection of more than two stores, businesses, offices, or separate commercial uses with shared, on-site parking for customers in one or more connected lots.
- (23) SIGN AREA — The entire display space available for print, including decorative trim, or, in the case of individual box letters, the box dimensions encompassing all the letters, including decorative trim. If there is no background, the sign area shall be the smallest rectangular area required to encompass all lines of lettering, illustration, or display.
- (24) DOUBLE-FACED SIGN — One sign with print on both sides or two signs attached to each other back-to back. Whenever there is an angle between two or more faces, each shall be considered as separate signs.
- (25) SPECIAL EVENT SIGN — A sign in connection with special events in the community.
- (26) SIGN STRUCTURE — Any structure which supports or is capable of supporting any sign or signs.
- (27) TEMPORARY SIGN — A non-illuminated sign which advertises a political election or a political event, a community or civic project, real estate for sale or lease, garage or other sale or special event on a temporary basis and is removed within seven days of completion of the event.

C. Exempt signs: Exempt signs shall not be included in the calculations of maximum signage area as specified elsewhere in this Article. The following signs are permitted where specified and with the following conditions. Such signs shall not require permits or

the payment of fees, but are subject to the other provisions of this Article:

- (1) Any sign erected by the federal, state, county, or Township government or agency thereof;
- (2) Non-illuminated facade identification signs on any building, provided that such signs do not exceed two square feet in area;
- (3) Decals not exceeding one square foot in area;
- (4) Permanent painted or neon letters with no background and not exceeding twenty-five percent of any window of a commercial establishment;
- (5) Non-illuminated temporary signs inside windows of commercial establishments covering not more than twenty-five percent of any window and not unreasonably obstruct light or visibility;
- (6) Directional signs not exceeding three square feet in area;
- (7) Non-illuminated signs denoting the architect, engineer, or contractor, who is completing work under construction and not exceeding twelve square feet in area, and which shall be removed within seven days after the issuance of a certificate of occupancy. Such sign may either be a facade sign or a freestanding sign not exceeding eight feet in height nor located within fifteen feet of any lot line;
- (8) Memorial signs;
- (9) Non-illuminated signs forbidding trespassing, hunting, fishing, or trapping as authorized by the fish and game laws, provided that the signs shall not exceed two square feet in area;
- (10) One non-illuminated, temporary sign, per lot, indicating a political preference, election, or event, or advertising public functions or fund-raising events for

charitable or religious organizations for a period of sixty days prior to the event, provided that such signs do not exceed twelve square feet in area, not exceeding eight feet in height. Such sign may be a facade sign or a changeable and/or freestanding sign not located within ten feet of any lot line;

- (11) One non-illuminated, temporary sign, per lot, advertising a garage or yard sale only on the premises on which the sign is located, not to exceed four square feet, and containing the date(s) of the sale, and shall be removed within twenty-four hours after the last day of the sale and limited to no more than ten sale days per calendar year;
- (12) One non-illuminated, temporary sign, per 25 foot of road frontage, advertising the sale or rental of the premises upon which they are situated, provided that such signs do not exceed twenty-four square feet in area and may contain such phrases as, "inquire within," a telephone number, the name and address of the owner or agent, and which shall be removed within seven days of when the purpose of the sign is fulfilled;
- (13) One non-illuminated, temporary sign, per lot, on a sold premises, provided that such signs do not exceed four square feet in area and may contain the word, "sold" and the name, address, and telephone number of the owner or agent, and which shall be removed within fourteen days after the sale;
- (14) One non-illuminated, temporary sign, per twenty-five foot of road frontage, on a premises for sale announcing an "open house," but only on the day that such open house is being conducted, and only once in any seven day period, provided that such signs do not exceed four square feet in area;
- (15) Temporary and permanent traffic signs and signals installed by the township, county, and state for the purpose of directing and regulating the flow of traffic;
- (16) Signs indicating public transportation stops when installed by the township or a public transportation utility;
- (17) Flags or emblems of religious, educational, civic or governmental organizations flown from supports on the buildings or grounds occupied by the organization and the American flag or an official State flag whenever and wherever flown in

accordance with the laws and rules promulgated by the government;

(18) For a single-family residential building, one lawn sign identifying residents, not exceeding two square feet in area. The sign shall not contain any advertising message and shall be non-illuminated except by a light which is an integral part of a lamppost if used as support for the sign;

(19) Gasoline price signs, not exceeding one square foot in area limited to one per nozzle. Such signs shall be mounted on the pump or canopy support;

D. Pre-existing nonconforming signs.

(1) A pre-existing nonconforming sign may continue to exist (except for prohibited specified herein at §197-33.E.1 through 13, which shall be removed upon passage of this Article) at its present location, but shall not be rebuilt, relocated, enlarged, extended, replaced, or altered in any way (except for change in lettering or printed content and its backboard) unless the change results in a sign conforming in all aspects to this Article. Alterations include, but shall not be limited to, any change made to the supporting members, frame, backing, or lighting system.

(2) In owner-occupied or one-tenant occupancy of a building, no permit shall be issued for any additional sign if the property contains a nonconforming sign.

E. Prohibited Signs and Sign Features.

(1) No sign shall be erected, used or maintained which in any way simulates or is similar to official, traffic, directional, or warning signs erected or maintained by the state, any county, any municipality, or by any public utility or similar agency concerned with the protection of the public health or safety.

(2) No portion of any sign shall be located within or suspended over a public right-of-way, street, or pedestrian walkway, or public sidewalk, except for official Township functions, unless specifically authorized by ordinance or regulations of the Township.

- (3) No sign (except for official signs) shall be of such color, shape, or lettering, or placed in such a position as to diminish or detract in any way from the effectiveness, obscure visibility of, or potentially cause a danger near any traffic signal or similar safety or warning device.
- (4) No portion of a sign may obstruct any window, door, fire escape, stairway, or opening intended to provide light, ingress, or egress to or from any building or structure, with the exception of those allowed in §197-31C(2)
- (5) No sign may be placed in such a position as to cause a danger to traffic by obscuring visibility.
- (6) No portion of a sign shall be attached to any fire escape or fire escape support. No portion of a sign shall be closer than two feet from the edges of a fire escape platform. No sign, brace or guy wire shall obstruct access to a fire escape or other means of egress.
- (7) No sign may be animated with the exception of clocks and weather information or banners used as Special Event Signs.
- (8) No sign visible from the street may use the word “stop” or “danger” or any other word, phrase, symbol, or character which simulates a public safety warning or traffic signal.
- (9) No sign may have advertising matter of an illegal, indecent, or obscene nature.
- (10) No sign, other than officially-authorized signs, may be placed, painted, or attached to stand pipes, trees, fences, utility poles, sidewalks, curbs, other signs, or motor vehicles which are continuously or repeatedly parked in a conspicuous location to serve as a sign, but nothing herein contained prohibits directional or identification signs.
- (11) No sign shall advertise a proposed use for a property without having been issued a Zoning Permit from the Township.

- (12) No sign shall cause glare or have a direct source of light which is not shielded in such a manner that it is not visible from the street or any adjacent residential property.
- (13) No sign shall be on a balloon.
- (14) No sign shall be a sequential series of two or more signs placed in a line parallel to the highway, or in similar fashion, all carrying a single advertisement message, part of which is contained on each sign.
- (15) No sign shall be a flashing sign or have exposed high intensity illumination or exposed neon tubes or reflective material or neon tubes encased in a transparent material.
- (16) No sign shall be a roof sign on buildings, structures, parapets, or vehicles, excluding licensed and registered taxi cabs for hire.
- (17) No sign may be an outdoor display structure or a billboard.
- (18) No freestanding sign or projecting sign shall be erected on lots facing 40th Street.
- (19) No freestanding sign shall exceed the height of or extend above the first story or roofline.
- (20) No projecting sign shall exceed four square feet in area or extend outward more than eighteen inches from the exterior wall surface of the supporting sign structure or be closer than ten feet to the ground.
- (21) Abandoned signs shall be removed by the tenant, property owner, or agent.

F. Administration and filing procedure.

- (1) The Building Inspector shall only issue a permit for the erection of a sign which

complies with this Article and, where applicable, in accordance with approvals granted by the Planning Board or Zoning Board of Adjustment.

- (2) Applications for permits to erect a sign shall be submitted on forms obtainable from the Building Inspector. Each application shall be accompanied by plans showing the sign area, dimensions, square footage, printing, symbols, materials, method of illumination if any, location, method of fastening, vertical distance between the bottom of the sign and the ground, and the horizontal distance between the sign and property lines. The application must include the name and address of the applicant, as well as the name, address, and written consent of the owner of the property, and the name and address of the person erecting the sign. The applicant shall specify whether the sign will be an advertising sign, an awning sign, a directional sign, a directory sign, or an identification sign and whether the sign will be temporary or permanent.

G. Permitted signs in residential districts (R-1, R-2, R-3, R-4, and R-5).

- (1) For a single-family residential building, either one non-illuminated facade identification sign located on the house not to exceed two square feet in area, or one non-illuminated freestanding identification sign in the front yard not to exceed four feet in height and not less than ten feet from a property line.
- (2) For a Home Professional Occupation or a pre-existing nonconforming use or a conditional use other than residential, either one non-illuminated facade identification sign located on the principal building not to exceed two square feet in area or one non-illuminated freestanding identification sign not exceeding two square feet in area nor exceeding four feet in height and not located less than ten feet from a property line.
- (3) Religious institutions, hospitals, nursing homes, private schools, service organizations and public buildings and facilities may have one non-illuminated freestanding sign or changeable sign not more than thirty-five square feet in area, not to exceed six feet in height, and not less than ten feet from a property line, on each major street bordering the property, as necessary to provide directions or describe the use and upcoming events.
- (4) Signs are permitted in connection with each housing or multibuilding development complex, as follows:

- (a) At each entrance to the multi-building development complex, two freestanding signs, which may be illuminated, stating the name of the development only. Each sign shall not exceed twenty-five square feet in area and not more than eight feet in height.
- (b) At the rental or sales office of the development, one freestanding sign, which may be illuminated, advertising the office, not to exceed fifteen square feet in area and not more than five feet in height.
- (c) Non-illuminated temporary real estate unit for lease or sale signs, the sole purpose of which is to direct the public to a housing or land development under construction. Not more than one such sign shall be permitted per three hundred feet of street frontage of a lot. Each sign shall not exceed fifteen square feet in area and five feet in height above ground and shall be set back at least ten feet from each property line. The signs must be removed after construction of the complex is completed.
- (d) Directional signs as necessary and one directory sign per complex not closer than ten feet to a property line.
- (e) At each building entrance, one non-illuminated identification facade sign which sole purpose shall be to identify residents' doorbells and which sign shall not exceed one square foot.

H. Signs in business districts (B-1, B-2, and 0-1).

(1) Facade signs shall be permitted as follows:

- (a) One facade advertising sign, which may be illuminated, attached to the front of a building shall not exceed ten percent of the front first story surface area of the portion of the building allocated to that particular business.
- (b) For lots served by a rear parking lot, one facade advertising sign, which

may be illuminated, attached to the rear building wall shall not exceed five percent of the rear first story surface area of the portion of the building allocated to that particular business.

- (c) For lots served by a parking lot in a side yard, one facade sign, which may be illuminated, attached to the side building wall shall not exceed five percent of the side first story surface area of the portion of the building allocated to that particular business.
 - (d) No one sign shall exceed one hundred fifty square feet in area, unless the front wall area exceeds one thousand five hundred square feet. In such case, the sign(s) shall be permitted to increase in size by one square foot for each two hundred additional square feet of front wall area, but not to exceed three hundred square feet of area for any one sign.
 - (e) No sign shall project more than twelve inches from the building facade; provided, however that where a sign extends more than three inches from the face of the wall, the bottom edge of the sign shall not be less than eight feet from the ground.
 - (f) No sign shall have a top height higher than twenty feet from ground level nor project above the roofline, whichever is less.
 - (g) Such signs may be illuminated. Lettering and backing material shall be coordinated with other adjacent sign colors.
- (2) Freestanding and changeable signs for business uses other than shopping centers or office plazas shall be permitted as follows:
- (a) Not more than one such sign shall be permitted per three hundred feet of street frontage on any one lot.
 - (b) No one surface of any such sign shall exceed seventy-five square feet in area or one square foot for each five feet of street frontage, whichever is less.

- (c) No such sign shall be higher than twenty feet nor project above the roof line of the building, whichever is less; the bottom of the sign shall not be closer than eight feet to the ground level.
 - (d) All such signs shall be located in the front yard and must be set back from the front lot line at least fifteen feet.
- (3) Freestanding and changeable signs in shopping centers or office plazas shall be permitted as follows:
- (a) One per main driveway entrance to identify the center and occupants therein, not to exceed two hundred fifty square feet or one square foot for each five feet of street frontage, whichever is less. The total area of such signs shall not exceed five hundred square feet and shall not be closer to one another than one thousand six hundred feet on the same street frontage.
 - (b) Such signs shall not exceed twenty-five feet in height and shall be set back ten feet from the front lot line, and no such sign shall encroach upon the required side yard or rear yard setbacks.
 - (c) Such signs may be illuminated.
- (4) Awning signs for business uses are permitted as follows:
- (a) All frames are to be manufactured from tubular or structurally shaped steel or aluminum with finishes or coatings as required to insure against corrosion.
 - (b) Vinyl fabric coverings are to be fourteen ounces per yard minimum weight with certification as to tensile strength and flame resistance to meet industry and NFPA and BOCA codes.
 - (c) Fastenings and/or structural attachments to buildings must be only to

structural members and of sufficient size and strength to meet BOCA standards.

- (d) Electrical components and/or lighting equipment is to be labeled and rated for protected outdoor use and installed by a licensed electrical contractor.
- (e) Ceilings are optional and may consist of “egg crate,” mesh fabric, or solid plastic material. Removable panels or sections must be provided to allow access for service and cleaning.
- (f) Awning signs which project over or above backup walls are to be covered and weather protected with structural plastic, rustproofed metal, or aluminum.
- (g) Such signs may be illuminated. Lettering and backing material shall be coordinated with other adjacent sign colors.
- (h) Letter copy on awning signs is to be applied with manufacturer-approved processes.
- (i) Minimum height clearance shall be eight feet between the bottom of the awning and the ground level, including any fringe or valance, and may not project over a public right-of-way.
- (j) Such signs shall be limited to single-story buildings or to the first level only of multistory buildings.
- (k) Such signs may be attached to buildings not to exceed property lines. In shopping centers or multi-unit developments, such signs may not exceed control curbs or safety zones. Awnings shall not protrude from the wall more than adjacent signs.
- (l) Only the copy area of such signs shall be considered in the square footage limitations. The remaining portion shall be considered as awning

area only.

- I. Signs in Manufacturing Districts (M-1, M-2, and M-3).
 - (1) Facade signs for nonresidential uses: the same regulation as specified for business districts herein at §197-25.H(1).
 - (2) Freestanding and changeable signs for nonresidential uses shall be permitted as follows: the same regulations as specified for shopping centers herein at §197-25.H(3).

ARTICLE VIII, OFF-STREET PARKING AND LOADING [ADDED 4-14-1987 BY ORD. NO. MC 2825]

§ 197-32. Off-street parking regulations.

- A. Every use or activity constructed or created within the Township of Irvington subsequent to the passage of this chapter shall be accompanied by off-street parking space as defined within this chapter according to the requirements set forth below and shall be furnished with all necessary passageways and driveways.
1. All such space shall be deemed to be required space on the lot on which it is situated and shall not be encroached upon or reduced in any manner. Such space may be considered as yard area in meeting the requirements of the schedule.
 2. In the CBD zoning district, for lots fronting on Springfield Avenue, Clinton Avenue, New Street, Nye Avenue (east of Lincoln Place), Union Avenue, and Washington Avenue, the following provisions shall apply:
 - a. Any change of use and any renovation or reconstruction of an existing building that does not involve any increase in building footprint or floor area may be permitted, and no additional on-site parking spaces will be required.
 - b. Any new development or any expansion of the building footprint or floor area of an existing building shall not be permitted unless the applicant can demonstrate that there are adequate, available parking spaces on the street, in public parking lots or garages, or in publicly accessible private lots within a walking distance of the main building entrance of one thousand five hundred (1,500) linear feet. The applicant must take into account the competing demand for available spaces from adjacent uses. The applicant must demonstrate that an adequate number of spaces will be available to serve all the proposed uses within the building on an average weekday between the hours of noon and 2 p.m. and between the hours of 4 p.m. and 8 p.m., and on an average Saturday between the hours of noon and 2 p.m.
 - c. To the greatest extent practicable, no private garage doors, driveways, or parking lots shall front on these streets, in order to promote pedestrian safety and maintain the pedestrian activity that the retail businesses in those locations rely upon.
 3. All parking areas, passageways and driveways, except when provided in connection with one- or two-family residences, shall be surfaced with a concrete or bituminous concrete surface, clearly marked for car spaces, shall be adequately drained and maintained free of obstruction and snow, all subject to the approval of the Township Engineer.
- B. Additional off-street parking as required by this chapter shall not be required for any existing building or use unless said building shall be enlarged or extensively altered or if the use is changed, in which case off-street parking shall be provided up to the requirements of this section.

- C. Parking areas may be located in any yard space for uses in the industrial districts and in any yard except the front yard for other uses.
- D. The collective provisions of off-street parking areas by two (2) or more buildings or uses located on adjacent lots is permitted, provided that the total of such facilities shall not be less than the sum required of the various buildings or uses computed separately, and further provided that the land upon which the collective facilities are located is owned or is leased for a minimum period of ten (10) years by one (1) or more of the collective owners. [See § 197-37A(1).]
- E. All parking areas and appurtenant passageways and driveways serving commercial or industrial uses shall be illuminated during the hours between sunset and sunrise when the use is in operation. [See Ordinance No. MC 2492, Article X, Section 2C(7).EN]
- F. All parking spaces shall have a slope of less than fifteen percent (15%).
- G. Where more than one (1) use or activity is present within a single building or on a single parcel, off-street parking shall be provided for each of the uses or activities according to § 197-33.
- H. Access lanes shall be provided to allow for ingress and egress and maneuverability, with no parking on any aisles, driveways or access lanes, based on the degree of angle parking: ninety-degree shall be twenty-five (25) feet in depth, sixty-degree and forty-five-degree shall be twenty-two (22) feet in depth, except in the M-1 Zone.
- I. Exemption: Municipal garages and multistory parking garages maintained and operated by the Township of Irvington or the Parking Authority are exempted and excluded from the requirements of this Article.

§ 197-33. Off-street parking standards.

The following off-street parking spaces are required:

- A. All residential uses: one (1) parking space per dwelling unit.
- B. Motels: one (1) parking space per sleeping or dwelling unit.
- C. Retail establishment, wholesale store and personal service establishment:
 - (1) Each retail store, wholesale store and personal service shop in any one (1) building or structure, which building or structure contains not more than two thousand five hundred (2,500) square feet of floor areas: no parking spaces shall be required.
 - (2) Each retail store, wholesale store or personal service shop in any one (1) building or structure, which building or structure contains more than two thousand five hundred (2,500) square feet of floor area but not more than twenty thousand square feet of floor area: four (4) parking spaces, plus one (1) parking space for each three hundred thirty-three (333) square feet above two thousand five hundred (2,500) square feet of floor area.
 - (3) Each retail store, wholesale store and personal service shop in any one (1) building or structure, which building or structure contains more than twenty

thousand (20,000) square feet of floor area: sixty-two (62) parking spaces, plus one (1) parking space for each two hundred fifty (250) square feet above twenty thousand (20,000) square feet of floor area.

- D. Banks, financial and business offices and professional and commercial offices:
- (1) Banks, financial and business offices and professional and commercial offices: one (1) parking space for every four hundred (400) square feet of building area or major fraction thereof.
 - (2) Exceptions.
 - (a) Those premises which lie within the business zone as delineated on the Zoning Map of the Township of Irvington, fronting on Springfield Avenue, northerly side of the street, between Maple Avenue westerly to Florence Avenue; and those premises which lie in the business zones as delineated on the Zoning Map of the Township of Irvington, fronting on Springfield Avenue, southerly side of street, between Maple Avenue westerly to 40th Street, and which are used and maintained as a commercial or professional office-type of enterprise shall be required to maintain two (2) parking spaces for each one thousand two hundred (1,200) square feet of floor area.
 - (b) Those premises which lie in a business zone as delineated on the Zoning Map of the Township of Irvington and which are used as a commercial or professional office type of enterprise and which lie within three hundred fifty (350) feet of a municipal parking lot need not provide off-street parking, provided that they rent space from the municipal parking garage on a yearly basis.
- E. Supermarkets, self-service food stores: one (1) parking space for every two hundred fifty (250) square feet of building area.
- F. Automobile service stations: one (1) parking space for each service bay, plus one (1) parking space for every employee present for duty at the time the highest number are present on a daily basis. [See Ord. No. MC 2492, Article X, Section 2C and 2D.EN]
- G. Motor vehicle sales and service:
- (1) Any building or structure containing not more than two thousand five hundred (2,500) square feet of floor area: two (2) parking spaces shall be required.
 - (2) Any building or structure containing more than two thousand five hundred (2,500) square feet of floor area but not more than twenty thousand (20,000) square feet of floor area: two (2) parking spaces, plus one (1) parking space for each three hundred thirty-three (333) square feet above two thousand five hundred (2,500) square feet of floor area.
 - (3) Any building or structure which contains more than twenty thousand (20,000) square feet of floor area: sixty-two (62) parking spaces, plus one (1) parking space for each two hundred fifty (250) square feet above twenty thousand (20,000) square feet of floor area.

- H. Used car sales: five (5) parking spaces, plus one (1) parking space for each employee present for duty at the time the highest number are present, on a daily basis.
- I. Restaurants, cafeterias, taverns and bars, having more than one thousand five hundred (1,500) square feet of floor area: ten (10) parking spaces, plus one (1) parking space for each one hundred (100) square feet of floor area over one thousand five hundred (1,500) square feet. [See § 197-24H(2).]
- J. Bowling alleys: four (4) parking spaces for each bowling lane.
- K. Auditoriums, exhibition halls, union halls, community centers, dance halls, churches, theaters, stadiums, assembly halls and similar places of public assembly having fixed seating facilities: one (1) parking space for every one hundred (100) square feet of total building area.
- L. Hospitals, nursing homes and similar institutional uses for care of the ill or aged: two (2) parking spaces for every six (6) beds.
- M. Mortuaries and funeral homes: two (2) parking spaces for every fifty (50) square feet of floor area in the slumber rooms, parlors or individual funeral service rooms.
- N. Industrial manufacturing establishments: three (3) parking spaces for every five (5) employees on the largest shift.
- O. Public swim clubs: one (1) parking space for every full-time employee, and one (1) parking space for every four (4) separate memberships.
- P. Within the B-1 Primary Business District, off-street parking space shall be provided for each employee present at the time of the greatest number of employees present.
- Q. Research and office building uses in any district shall provide one (1) off-street parking facility for every four hundred (400) square feet of floor space, unless an amount is required under any other ordinance. Said required area shall be permitted in the side and rear yards, but not in the front yard, provided that said permitted area is at no point closer than twenty-five (25) feet to any property line and not closer than ten (10) feet to any residential zone.
- R. For the M-1 Zone, see § 197-26 of this Zoning Ordinance.
- S. Off-street parking for schools shall be provided in the following ratio: elementary schools shall provide one (1) parking space for each staff member and/or employee, plus adequate space for buses and delivery vehicles. All other schools shall provide one and one-half (1 1/2) parking spaces for each member or employee, plus adequate space for buses and delivery vehicles. These requirements may be increased if, in the judgment of the Board of Adjustment and/or the Planning Board, the unavailability of bus services, the particular location or a relatively high percentage of pupils driving or anticipated to be driving cars to school make such increased requirements desirable.
- T. Driveways shall have a minimum width of ten (10) feet.

§ 197-34. Off-street loading and unloading.

- A. For every building, structure or part thereof having over three thousand (3,000) square feet of gross building area erected and occupied for commerce, hospital, laundry, dry-cleaning, places of public and quasi-public assembly industry and other similar uses involved in the receipt and distribution by vehicles of materials or merchandise, there shall be provided and permanently maintained adequate space for standing, loading and unloading services in order to avoid undue interference with the public use of streets or alleys. Every use or activity constructed or created within the Township of Irvington subsequent to the passage of this chapter which complies with the above definitions shall be provided with at least one (1) truck standing, loading and unloading space on the premises of not less than twelve (12) feet in width, fifty-five (55) feet in length and with at least fourteen (14) feet overhead clearance. One (1) additional truck space of these dimensions shall be provided for every additional ten thousand (10,000) square feet or fraction thereof of gross floor area in the building. No zones are excepted from this requirement.
- B. Access to truck standing, loading and unloading space shall be directly from any public street or alley or from any right-of-way that will not interfere with public convenience and will permit the orderly and safe movement of traffic.
- C. Loading space as required under this section shall be provided in addition to off-street parking space and shall not be considered as supplying off-street parking space.
- D. Off-street loading and unloading area shall be surfaced with a concrete or bituminous concrete surface, which shall be adequately drained, all subject to the approval of the Township Engineer.
- E. Whenever an off-street loading and unloading area shall be located adjacent to or across the street from a residential zone, appropriate evergreen planting or attractive non-corrosive fencing shall be provided and maintained, thereby screening the residential zone.
- F. Off-street loading spaces shall be located entirely on the lot, and no truck or trailer truck occupying any such berth shall project into or encroach upon a public sidewalk or upon the roadway of a public street.

§ 197-35. Parking lot layout and landscaping.

- A. Except for parking lots serving single-family and two-family dwellings, suitable landscaping shall be provided, as required pursuant to Articles VI and IX, along the periphery of parking lots and within parking lots.
- B. All parking lots and loading spaces shall be curbed, screened, and landscaped with appropriate trees, shrubs, hedges, ground cover, and other plant materials along the periphery of parking lots and within parking lots to assure the establishment of a safe, convenient, and attractive facility. Parking lots serving single-family and two-family dwellings and parking lots with less than ten (10) spaces shall be exempt from this requirement.
- C. Such landscaping as required under paragraph B above shall be planted and maintained in accordance with the following standards. For certain uses, Article IX requires alternate

landscaping standards. In case of any discrepancy between the following provisions and those in Article IX, the more stringent shall be required.

- (1) The entire perimeter of the parking lot shall be surrounded by a landscaped area having a minimum width of five (5) feet.
 - (2) Not including landscaped areas along the periphery of the parking, at least six (6) percent of the total parking lot shall be landscaped.
 - (3) There shall be a minimum of one landscaped island the size of a single normalized parking space for every fifteen (15) parking spaces. The islands shall be evenly distributed throughout the parking lot. Each landscaped island shall be planted with at least one (1) evergreen or deciduous tree of not less than three (3) inches caliper.
 - (4) All landscaped areas shall be protected from adjacent parking and loading areas by curbs or concrete, metal, or wood bumpers at least six (6) inches in height and securely anchored to the ground.
 - (5) Raised planting islands shall be provided in appropriate locations in order to guide vehicle movement, to provide adequate space for plant growth, and to accommodate pedestrian circulation or vehicle overhang. Such raised planting islands and the landscaping within them shall be designed and arranged so as to provide vertical definition to major traffic circulation aisles, entrances, and exits, to channel internal traffic flow, to prevent indiscriminate diagonal movement of vehicles, and to provide cooling shade and visual relief from the visual monotony and summer heat of a large paved parking lot. Curbs of such islands shall be designed so as to facilitate surface drainage and prevent vehicles from overhanging sidewalks and damaging landscaping materials.
- D. The selection, amount, and location of all landscaping materials shall be subject to approval by Planning Board, based upon considerations of the adequacy of the proposed landscaping to serve its intended purpose with minimal maintenance problems, including plant care, snow plowing, and lead removal.
- E. All landscaped areas shall be attractively planted, and all landscaping shall be maintained in a manner satisfactory to the Township at all times.
- F. The placement of landscaping shall not obstruct a driver's vision at traffic intersections or driveway openings.
- G. All off-street parking lots shall be designed in accordance with the following standards:
- (1) Unobstructed access from a parking or loading area to and from a street, shall be designed so as to not require the backing of any vehicle across a sidewalk or into a street except for permitted single-family and two-family homes.
 - (2) In order to provide maximum efficiency, minimum curb cuts, and encourage safe and convenient traffic circulation, an applicant may request, as part of the site plan application, an interconnection of parking lots via access drives within and between adjacent lots, provided that the applicant has obtained the written consent of the owners of those adjacent lots. The Planning Board may require

deed restrictions to be adopted in order to bind the owner of the properties to maintain the interconnection permanently.

- (3) Off-street parking areas shall be designed to prevent the maneuvering of vehicles into or out of parking spaces or the parking or storage of vehicles within any portion of an entrance driveway or driveways that is within ten (10) feet of the right-of-way line of any road.
 - (4) No required off-street parking space, including adjacent parking access lanes or maneuvering space, shall be located within an existing or proposed right-of-way of any road, nor within ten (10) feet of any existing or proposed right-of-way line or any public street or highway. Fire lanes shall be provided to give access to buildings for fire fighting, as required.
 - (5) Parking spaces shall be useable without requiring excessive maneuvering when all other spaces are occupied by vehicles. The Planning Board shall make a determination of whether a parking space is useable. Parking spaces that are not useable shall not count toward satisfying any parking requirement and shall not be approved.
 - (6) In order to provide visibility and definition at the ends of parking aisles, a planted area enclosed by concrete curbing shall be provided. Such planted islands may be used to partially satisfy the landscaping requirements of this section.
 - (7) Dead-end parking aisles shall not be permitted except where unavoidable, as determined by the Planning Board.
 - (8) Concrete wheel stops or raised curbing shall be provided as required by the Planning Board and shall be so located as to prevent the overhang of any vehicle into any pedestrian sidewalk or landscaped area or required buffer strip.
 - (9) Each parking space shall not be less than nine (9) feet wide and eighteen (18) feet long, except that where a parking space is bounded by a curb or the wall of a building, each space shall be a minimum of ten (10) feet wide. Parallel parking spaces shall be minimum of ten (10) feet wide and twenty-two (22) feet long. Handicapped parking spaces shall be designed in accordance with the Americans with Disabilities Act.
 - (10) The side perimeter of each parking space shall be delineated by painted lines on the pavement.
 - (11) The facilities provided in any parking lot and their arrangement shall not be changed without due consideration and approval by the Planning Board. Furthermore, any modification of fire lanes in a parking lot shall be reviewed and approved by the Township.
- G. Appropriate signs shall be provided in parking lots to direct internal traffic flow. Such signs shall generally not exceed one (1) square foot in area.
- H. Lighting.
- (1) Mounting heights shall not exceed twenty (20) feet above grade. Lower heights shall be used for walkways.

- (2) All luminaires shall be shielded to eliminate glare, especially on any other property and public streets off the site, to the greatest extent possible. Lamps shall be recessed in the luminaire.
- (3) All wires and cables shall be undergrounded.
- (4) At least fifty (50) percent of all lighting shall be turned off after business hours, when only lights necessary for security purposes shall be left on.
- (5) Luminaires shall be manufactured by a major manufacturer of illumination equipment.
- (6) The lighting plan shall be designed by an experienced lighting designer who shall certify that the lighting plan conforms with these standards.

ARTICLE IX, LIMITED AND CONDITIONAL USES

§ 197-36. All conditional uses.

Any use permitted with a conditional use permit in any zoning district pursuant to Article VI, shall be required to meet the following minimum standards. Additional standards pursuant to the specific use may be required over and above these standards.

- A. The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to the use and the location of the site with respect to existing and future streets and roads providing access shall be in harmony with the orderly development of the zoning district and neighborhood in which the proposed use would be located.
- B. The location, nature and height of the buildings, structures, equipment, walls and fences and the nature and intensity of intended operations will not discourage the appropriate development of adjacent land and buildings or impair the value thereof.
- C. All proposed traffic entrances to the site shall be adequate but not excessive in number; adequate in width, grade, alignment and visibility; sufficiently separated from street intersections; and meet similar safety considerations pursuant to Article VIII of this chapter. Adequate off-street parking and loading spaces shall be provided, pursuant to Article VIII of this chapter.
- D. In all residential and business zoning districts, the location, design, and character of the proposed use shall allow for adequate pedestrian access, circulation, and safety by providing direct and safe walkways between public sidewalks, parking lots, and building entrances.
- E. All proposed buildings, structures, equipment and/or material shall be readily accessible for fire and police protection, as well as for ambulance, rescue, and other emergency response.
- F. The character and appearance of the proposed use, buildings, structures and/or outdoor signs shall be in general harmony with the character and appearance of the surrounding neighborhood, shall not be more objectionable to nearby properties by reason of noise, fumes, vibration or flashing lights than would the operations of any permitted principal use and shall not adversely affect the health, safety, and general welfare of the residents of the Township of Irvington.
- G. The use shall meet the prescribed area and bulk requirements for the zoning district in which it is located, or as further specified by the regulations of this chapter, including such matters as minimum setback, maximum height, required off-street parking and sign regulations.
- H. The utility services required to support the proposed activity or use are, or will be, available to meet the needs of the proposed activity or use. This consideration shall include the suitability of water supply and sanitary sewage facilities to accommodate the intended use.

- I. The use shall be carried out in a manner compatible with its natural and man-made surroundings and with due consideration to drainage patterns, streams, wetlands, and steep slopes.
- J. The Planning Board may impose additional conditions and restrictions upon the special permit as may be reasonably necessary to assure continual conformance with all applicable standards and requirements, including reasonable assurance that these conditions and restrictions can be responsibly monitored and enforced.
- K. The Board of Appeals may, when reasonable, waive any preestablished requirement for special permit approval contained in this Article, or in Articles V or VIII of this chapter, if the Board finds that any such requirement is found not to be requisite in the interest of the public health, safety or general welfare or inappropriate to a particular special use permit.

§ 197-37. All development in the M-1 Zoning District.

- A. Driveway and loading requirements.
 - (1) Common driveways on adjoining properties are permitted.
 - (2) No loading dock or platform shall face a street unless said dock or platform is at least fifty (50) feet from the property line; provided, however, that no loading dock or platform face shall 40th Street or Chancellor Avenue.
 - (3) All spaces provided for standing, loading and unloading services shall be subject to the approval of the Town Engineer and Chief of Police.
- B. Off-street parking facilities.
 - (1) Industrial use. There shall be a minimum of one (1) parking space for each one thousand (1,000) square feet or fraction thereof of floor area devoted to an industrial use.
 - (2) Restaurant use. There shall be a minimum of one (1) parking space for each two hundred (200) square feet or fraction thereof of floor area devoted to restaurant use.
 - (3) Banking and office uses. There shall be a minimum of one (1) parking space for each four hundred (400) square feet or fraction thereof of floor area devoted to banking and office use.
 - (4) There shall be no on-street parking on any street within the M-1 District.
 - (5) All parking areas shall provide service aisles in accordance with the following minimum standards:

Type of Parking	Minimum Aisle Width (feet)
Parallel	10
30-degree angle	11
45-degree angle	13
60-degree angle	18
90-degree angle	20

C. Signs.

- (1) No sign shall be erected, reerected, constructed, altered, painted on a wall or mounted except as permitted herein and a permit for the same having been issued by the Building Inspector.
- (2) Signs shall be permitted only in connection with a business lawfully conducted upon the premises, except temporary signs of a civic, political, religious, philanthropic or commemorative nature and institutional flags. Only the following types of signs shall be permitted: ground signs, pole signs, projecting signs, wall signs and temporary signs. The following signs shall be prohibited: roof signs, marquee signs, billboards, strings of pennants, advertising flags and any modifications thereof.
- (3) Pole signs and projecting signs shall be prohibited on lots facing 40th Street. [Amended 6-28-1988 by Ord. No. MC 2860]
- (4) Signs shall be permitted to the extent of one and one-half (1 1/2) square feet for each foot of width of the front elevation of the building but need not be less than forty (40) square feet, but the total gross area of all signs on the premises shall not exceed one hundred fifty (150) square feet. Projecting signs shall not exceed four (4) square feet in area.
- (5) The direct source of light of an illuminated sign shall be shielded in such a manner that it is not visible from the street or any adjacent residential property.
- (6) No sign shall be erected nearer to any street or road than one-half (1/2) the setback distance required for the principal building.
- (7) A temporary sign shall not exceed fifteen (15) square feet in area. A temporary sign shall be removed within twenty-four (24) hours after its purpose has been met.
- (8) In the interpretation of the area of signs, the size shall be the display surface available for advertising, including decorative trim, or, in a case of individual box letters, the box dimensions encompassing all the letters, including decorative trim.
- (9) No part of a ground sign shall exceed a height of fourteen (14) feet above the ground.

- (10) No projecting sign shall extend outward more than eighteen (18) inches from the exterior wall surface of the building or supporting structure. Such signs shall have a clear space of not less than ten (10) feet between all parts of the sign and the ground.
- (11) No rotating beacon or flashing color beacon shall be permitted on any pole, building or sign. Colored lights similar to those used in traffic control are prohibited within one hundred fifty (150) feet of any traffic signal light.

D. Landscaping.

- (1) All that area of the lot not used for walks, driveways or off-street parking shall be devoted to the planting of grass, trees, shrubs, flowers and ornamental plants.
- (2) The integrity of the planting plan shall be preserved by the maintenance or replacement of planting by the owner or occupant.
- (3) There shall be a minimum of one (1) tree and five (5) deciduous or evergreen shrubs for each seven-thousand (7,000) square feet of lot area.
- (4) Buffering shall be required wherever a residential district is adjacent to or across the street from the M-1 District.
- (5) Shade trees shall be planted along any existing street abutting the M-1 District or new street constructed therein. Such trees shall be of the type and species and shall be planted at locations as shall be approved by the Town Engineer.

E. Buffering and screening.

- (1) Whenever buffering and screening shall be required by this chapter or by the Planning Board or Zoning Board of Adjustment, the screen shall meet the following minimum requirements:
 - (a) All planted screens shall consist of a strip not less than four (4) feet wide, densely planted (or having equivalent natural growth) with shrubs or evergreens not less than four (4) feet high at the time of planting, and of a type that will form a year-round screen not less than six (6) feet in height within three (3) years from the date of planting.
 - (b) Evergreens or conifers shall be used in screen planting. No deciduous screening shall be used.
 - (c) Screen shall be maintained in good condition at all times.
 - (d) There shall be no encroachment of any kind into the buffering or screening area.
- (2) The integrity of buffering and screening shall be preserved by the maintenance and replacement of buffering and screening, and such maintenance and replacement shall be a condition of approval by the Planning Board or Zoning Board of Adjustment.

F. Road requirements. The minimum road requirements of any street wholly within the S-1 District shall be as follows:

- (1) Right-of-way: fifty (50) feet.
- (2) Paved road: thirty-six (36) feet; curb to curb.

G. Sidewalks.

- (1) Sidewalks shall be required along 40th Street and Chancellor Avenue.
- (2) The westerly side of any street wholly within the M-1 District shall have sidewalks.

§ 197-38. Adult entertainment establishment.

Adult entertainment establishments, wherever permitted as-of-right or with a conditional use permit pursuant to Article VI, shall be required to meet the following minimum standards:

- A. No adult entertainment establishment shall be located within five hundred (500) feet of another such use, nor within five hundred (500) feet of a residential use, residential zoning district boundary, school, place of worship, hospital, philanthropic or eleemosynary institution, park, or playground.
- B. The building in which the use is housed shall be designed and built so as to contain any noise-generating activities within the building. All interior spaces shall be sufficiently sound-insulated. Sounds emanating from such uses shall not be audible beyond the property line.
- C. All entertainment shall be conducted within fully enclosed buildings. With the exception of parking, no outdoor activity of any kind shall be permitted in conjunction with such a use.
- D. The lot upon which an adult entertainment establishment is located shall have a minimum size of fifteen thousand (15,000) square feet.
- E. Landscaped areas and buffer strips shall be provided as follows:
 - (1) A minimum landscaped area ten (10) feet wide shall be provided and maintained along all property lines abutting public streets, except where curb cuts are permitted.
 - (2) Where such use abuts another property, a landscaped buffer strip with a minimum width of fifteen (15) feet shall be provided and maintained.
 - (3) All buffer strips abutting adjacent properties shall be planted with evergreen trees, shrubs, or hedges with a minimum height of six (6) feet and shall have opaque fencing with a minimum height of six (6) feet. Where a buffer strip is located along a side property line, it shall extend all the way from the front to the back property line, except that the required fence may terminate ten(10) feet back from the front property line.
 - (4) All landscaped areas and buffer strips shall be attractively planted, and all landscaping shall be maintained in a manner satisfactory to the Township at all times.

F. Signs.

- (1) The following types of signs shall be prohibited in conjunction with such uses: freestanding signs, roof-mounted signs, flashing signs, neon signs, and internally illuminated signs.
- (2) One wall-mounted sign may be attached to the front-facing exterior wall of the structure, not to exceed thirty (30) square feet in size. In addition, one hanging sign may be suspended from the front-facing exterior wall, not to exceed fifteen (15) square feet in size.
- (3) Signs provided in conjunction with such uses shall not depict sexual activity, human genitalia or female breasts, persons or genitalia in a state of sexual arousal, or any other depictions that may be deemed pornographic in nature.

§ 197-39. Adult-oriented stores.

Adult-oriented stores, wherever permitted as-of-right or with a conditional use permit pursuant to Article VI, shall be required to meet the following minimum standards:

- A. No adult entertainment establishment shall be located within two hundred (200) feet of another such use, nor within two hundred (200) feet of a residential use, residential zoning district boundary, school, place of worship, hospital, philanthropic or eleemosynary institution, park, or playground.
- B. All adult-oriented products shall be displayed and sold within fully enclosed buildings.
- C. Signs provided in conjunction with such uses shall not depict sexual activity, human genitalia or female breasts, persons or genitalia in a state of sexual arousal, or any other depictions that may be deemed pornographic in nature.

§ 197-40. Automobile-oriented uses.

Automobile dealerships, automobile repair or body shops, automobile washes, and gasoline service stations, wherever permitted as-of-right or with a conditional use permit pursuant to Article VI, shall be required to meet the following minimum standards:

- A. All such uses shall comply with the use and bulk regulations of the districts in which they are located, pursuant to Article VI.
- B. All lighting shall be so designed, arranged, and installed as to reflect all light down and away from adjoining properties.
- C. A solid, enclosed area shall be provided for the temporary storage of trash, garbage, and unusable automobile parts. Except for tires, all trash shall be stored in tight containers. The enclosed area shall be so designed such that the trash shall be visible from a public street or from adjacent properties.
- D. Curb cuts and driveways:
 - (1) Driveways shall not be less than twenty (20) feet wide and no more than twenty-four (24) feet wide at any point. Driveways shall be flared or slanted to facilitate vehicular ingress and egress.

- (2) Driveways and curb cuts must be at least five (5) feet from any adjacent property line and twenty-five (25) feet from the intersection as measured along the property line.
 - (3) No more than two (2) driveways shall be permitted for each one hundred (100) feet of street frontage.
 - (4) There shall not be more than two (2) curb cuts providing access to any one (1) street. Any two (2) driveways giving access to a single street shall be separated by a curbed island of least twenty (20) feet.
- E. No motor vehicle parts or partially dismantled motor vehicles shall be stored outside of an enclosed building.
- F. Landscaped areas and buffer strips shall be provided as follows:
- (1) A minimum landscaped area five (5) feet wide shall be provided and maintained along all property lines abutting public streets, except where curb cuts are permitted.
 - (2) Where such use abuts another property, a landscaped buffer strip with a minimum width of five (5) feet shall be provided and maintained. Where such use abuts a residential property or zoning district, the landscaped buffer strip shall be increased to a minimum width of ten (10) feet.
 - (3) All buffer strips abutting adjacent properties shall be planted with evergreen trees, shrubs, or hedges with a minimum height of six (6) feet and shall have opaque fencing with a minimum height of six (6) feet. Where a buffer strip is located along a side property line, it shall extend all the way from the front to the back property line, except that the required fence may terminate ten(10) feet back from the front property line.
 - (4) All landscaped areas and buffer strips shall be attractively planted, and all landscaping shall be maintained in a manner satisfactory to the Township at all times.
- G. The Planning Board shall affirmatively find that:
- (1) The use will not constitute a nuisance because of noise, fumes, odors or physical activity in the location proposed.
 - (2) The use at the proposed location will not create a traffic hazard or traffic nuisance because of its location in relation to similar uses, necessity of turning movements in relation to its access to public roads or intersections or its location in relation to other buildings or proposed buildings on or near the site and the traffic pattern from such buildings or by reason of its location near a vehicular or pedestrian entrance or crossing to a public or private school, park, playground or hospital or other public use or place of public assembly.
 - (3) The use at the proposed location will not adversely affect nor retard the logical development of the general neighborhood or zone in which the station is proposed, considering service required, population, character, density and number of similar uses.

- H. No such use shall be located within five hundred (500) feet of any entrance to a school, library, hospital, place of worship, child care center, family day care home, public park or playground, or charitable institution. No gasoline service station shall be located within 200 feet of a residential property line, a residential zoning district boundary, or the pedestrian entrance or any retail establishment, not including other auto-oriented uses. Such distances shall be measured in a straight line from said entrance to the lot line nearest said entrance along the street line.
- I. The storage of inoperable vehicles on the site shall be prohibited.

§ 197-41. Automobile dealerships.

Automobile dealerships, wherever permitted as-of-right or with a conditional use permit pursuant to Article VI, shall be required to meet the following minimum standards:

- A. All automobile dealerships shall be required to meet the requirements for auto-oriented uses, pursuant to § 197-40.
- B. The principal use of the property shall be the sale of automobiles, with minor service and repair as accessory uses. All service and repair activity shall be conducted within fully enclosed and sound-proofed buildings.
- C. An automobile dealership shall have a fully enclosed sales building.
- D. Front yards may be used only for necessary driveways and customer parking, as well as required landscaping. As an accessory use, the side and rear yards not devoted to required buffer strips and landscaping may be used for the storage, display, or sale of automobiles.
- E. Display lighting shall be shielded and shall be so located and maintained as not to constitute a hazard or nuisance to the traveling public or neighboring uses. In particular, so-called "string lights," banners, temporary signs, balloons, flags shall be prohibited.
- F. No vehicle awaiting service or repair may be stored outdoors overnight.
- G. No tractors, trailers or trucks shall be parked outdoors overnight.

§ 197-42. Automobile repair or body shops.

Automobile repair or body shops, wherever permitted as-of-right or with a conditional use permit pursuant to Article VI, shall be required to meet the following minimum standards:

- A. All automobile repair or body shops shall be required to meet the requirements for auto-oriented uses, pursuant to § 197-40.
- B. Garage bays and doors shall be at least fifty (50) feet distant from the nearest point of the street line.
- C. Front yards may be used only for necessary driveways and customer parking, as well as required landscaping.
- D. All repair and body work shall be entirely conducted in a fully enclosed building.
- E. No motor vehicle shall be offered for sale or rental on the site.

- F. No vehicles shall be permitted to be standing or parked on the premises of an automobile wash other than those used or serviced by the employees in the operation of the establishment. No vehicle awaiting repairs may be stored outdoors for more than three (3) consecutive days. Not more than five (5) passenger vehicles awaiting repairs or parts shall be stored outdoors overnight.
- G. No tractors, trailers or trucks shall be parked outdoors overnight.

§ 197-43. Automobile washes.

Automobile washes, wherever permitted as-of-right or with a conditional use permit pursuant to Article VI, shall be required to meet the following minimum standards:

- A. All automobile washes shall be required to meet the requirements for auto-oriented uses, pursuant to § 197-40.
- B. An adequate off-street automobile stacking area shall be provided, which shall not be less than fifteen (15) spaces per bay. Stacking areas shall be designed such that the presence of stacked cars in no way hinders or impairs normal traffic flow on any adjacent property or public street.
- C. Automobile washes shall be completely enclosed for all operations, except final hand drying.
- D. Automobile washes shall not provide services other than washing, drying, waxing, simonizing, or similar treatment.
- E. The exit from the automobile wash for automobiles that have completed the washing process shall be at least fifty (50) feet distant from the nearest point of street line.
- F. Any automatic automobile wash shall be so sound-proofed, the entire development shall be so arranged, and the operations so conducted that the noise emanating from the car wash shall be no more audible than the ambient street noise, as measured at the edges of the property.
- G. No motor vehicle shall be offered for sale or rental on the site.
- H. No vehicles shall be permitted to be standing or parked on the premises of an automobile wash other than those used or serviced by the employees in the operation of the establishment. No vehicle may be stored on the site overnight.
- I. No tractors, trailers or trucks shall be parked outdoors overnight.

§ 197-44. Bars and taverns.

Bars and taverns, wherever permitted as-of-right or with a conditional use permit pursuant to Article VI, shall be required to meet the following minimum standards:

- A. Bars or taverns shall not be located within five hundred (500) feet of schools, places of worship, hospitals, philanthropic or eleemosynary institutions, parks, or playgrounds.
- B. The building in which the use is housed shall be designed and built so as to contain any noise-generating activities within the building. All interior spaces shall be sufficiently

sound-insulated. Sounds emanating from such uses shall not be audible beyond the property line.

- C. Bars and taverns have a valid liquor license issued by the Township of Irvington.

§ 197-45. Big box centers.

Big box centers, wherever permitted as-of-right or with a conditional use permit pursuant to Article VI, shall be required to meet the following minimum standards:

- A. The tract area for the big box center shall be no less than five (5) acres.
- B. The big box center shall be located on an arterial street, upon which it has a minimum frontage of three hundred (300) feet.
- C. A traffic study shall be prepared by certified and licensed traffic engineer indicating that the local road network can accommodate the weekday and weekend peak hour traffic generated by the use without causing significant adverse traffic conditions. In any circumstances where a deterioration in the levels of service at any impacted intersection reaches level "D" or worse, the Township shall require the applicant to pay for the costs of mitigation measures to ameliorate traffic conditions to satisfactory levels.

§ 197-46. Billiard parlors and dance halls.

Billiard parlors and dance halls, wherever permitted as-of-right or with a conditional use permit pursuant to Article VI, shall be required to meet the following minimum standards:

- A. If liquor is sold on the premises, such uses shall not be located within five hundred (500) feet of schools, places of worship, hospitals, philanthropic or eleemosynary institutions, parks, or playgrounds.
- B. The building in which the use is housed shall be designed and built so as to contain any noise-generating activities within the building. All interior spaces shall be sufficiently sound-insulated. Sounds emanating from such uses shall not be audible beyond the property line.
- C. If liquor is sold on the premises, such uses have a valid liquor license issued by the Township of Irvington.

§ 197-47. Bowling alleys.

Bowling alleys, wherever permitted as-of-right or with a conditional use permit pursuant to Article VI, shall be required to meet the following minimum standards:

- A. The building in which the use is housed shall be designed and built so as to contain any noise-generating activities within the building. All interior spaces shall be sufficiently sound-insulated. Sounds emanating from such uses shall not be audible beyond the property line.

§ 197-48. Check-cashing establishments.

Check-cashing establishments, wherever permitted as-of-right or with a conditional use permit pursuant to Article VI, shall be required to meet the following minimum standards:

- A. No such use shall be located within five hundred (500) feet of another such use, nor within five hundred (500) feet of a residential use, school, place of worship, hospital, philanthropic or eleemosynary institution, park, or playground.

§ 197-49 Child care centers.

Child care centers, wherever permitted as-of-right or with a conditional use permit pursuant to Article VI, shall be required to meet the following minimum standards:

- A. Any residence or facility used for the purpose of providing a child care center shall be required to be licensed with the New Jersey Department of Health Services, Division of Youth and Family Services and to place on file with the Township a copy of the license, prior to the Township granting a Certificate of Occupancy for the use.
- B. Child care centers shall not be located near or adjacent to areas determined to be hazardous to the physical health and safety of the children.
- C. The building or portion thereof used for such purposes shall be required to meet all of the applicable standards and regulations for non-residential buildings in the zoning district in which it is located. However, pursuant to N.J.S.A. § 40-55D-66.6 and 66.7, the floor area occupied in any building as a child care center shall be excluded in calculating any parking requirement and shall not be counted toward the maximum permitted floor space under this chapter.

§ 197-50. Drive-through windows.

Drive-through windows, wherever permitted as-of-right or with a conditional use permit pursuant to Article VI, shall be required to meet the following minimum standards:

- A. No lot with a total lot area of less than ten thousand (10,000) square feet shall be permitted to have a drive-through window. All drive-through lanes shall be located on the site, and in no case shall public streets or right-of-ways be utilized as drive-through lanes.
- B. In no case shall drive-through windows be permitted if the drive-through window and/or lanes area would occupy land necessary for required parking spaces, landscaping, or other required features of the development site.
- C. Each drive-through lane shall have a minimum width of ten (10) feet. In addition, a single lane of at least ten (10) feet in width shall be provided adjacent to the outermost stacking or queuing lane to allow vehicles not entering the stacking lane to exit the property.
- D. There shall be sufficient space between the property line and the entrance of the stacking or queuing lane to allow for safe entry, access to parking spaces, and on-site circulation.
- E. The drive-through window shall be located at least thirty (30) feet from the street curbline to provide sufficient space for vehicles to safely exit the property. The drive-through window shall not be located on any building façade that faces a public street.

- F. Drive-through lanes shall be set back at least five (5) feet from all property lines, except in the case of residential property lines or residential zoning district boundaries, where the setback shall be increased to fifteen (15) feet. Drive-through lanes shall be screened from adjacent residential property by means of a solid, opaque fence or wall with a minimum height of six (6) feet and evergreen trees, shrubs, or hedges with a minimum height of six (6) feet.
- G. All drive-through vehicular circulation shall be in a counter-clockwise direction.
- H. In conjunction with restaurants, a minimum of eight (8) stacking or queuing spaces of at least twenty (20) feet in length per space shall be provided for each drive-through lane.
- I. In conjunction with banks, drug stores, or any other use, a minimum of five (5) stacking or queuing spaces of at least twenty (20) feet in length per space shall be provided for each drive-through lane.

§ 197-51. Dry cleaning plant.

Dry cleaning plants, wherever permitted as-of-right or with a conditional use permit pursuant to Article VI, shall be required to meet the following minimum standards:

- A. No such establishment shall be permitted in any building containing residential uses, places of worship, schools, hospitals, philanthropic or eleemosynary uses, or child care centers.
- B. Such processes shall be conducted entirely within an enclosed building.
- C. Such uses shall comply with all pertinent rules, regulations, and guidelines promulgated by the U.S. Environmental Protection Agency, the U.S. Department of Labor's Occupational Safety and Health Administration, and the New Jersey Department of Environmental Protection with regard to dry cleaning practices.

§ 197-52. Family day care homes.

Family day care homes, wherever permitted as-of-right or with a conditional use permit pursuant to Article VI, shall be required to meet the following minimum standards:

- A. Any residence used for the purpose of providing a family day care home shall be required to register with the New Jersey Department of Health Services, Division of Youth and Family Services and to place on file with the Township a Certificate of Registration, prior to the Township granting a Certificate of Occupancy for the use.
- B. Family day care homes shall be permitted in all residential zones, but they shall be permitted only in conjunction with single-family houses.
- C. Family day care homes shall not be located near or adjacent to areas determined to be hazardous to the physical health and safety of the children.
- D. The residence used for such purposes shall be required to meet all of the applicable standards and regulations for single-family houses in the zoning district in which it is located, pursuant to N.J.S.A. § 40-55D-66.5d.

§ 197-53. Grocery stores.

- A. The minimum lot area shall be two (2) acres, and the minimum lot width shall be two hundred (200) feet.
- B. All outside loading berths, docks, or delivery areas shall be provided to the rear of the building, and where adjacent to a residential use or zoning district boundary shall be located a minimum distance of thirty (30) feet to such property line or boundary.
- C. Any outside storage of trucks, pallets, cases, etc. shall be completely fenced with appropriate access gates sufficient for the movement of large commercial vehicles, and such areas shall be adequately screened from view on all sides.
- D. Internal traffic circulation for a grocery store shall be so arranged that off-street parking for retail customers shall be in an area distinct and separate from any maneuvering areas for any loading berths or truck storage for employee parking.

§ 197-54. Home occupations.

Home occupations, wherever permitted as-of-right or with a conditional use permit pursuant to Article VI, shall be required to meet the following minimum standards:

- A. A home occupation shall be carried on entirely within the principal building and shall under no circumstances exceed twenty percent (20%) of the total gross habitable floor area of the principal building.
- B. No home occupation shall require interior or exterior alterations of the principal structure.
- C. No sign shall be permitted in connection with such home occupation. No other outward display shall be permitted which indicates that the dwelling is being used in whole or in part for any other purpose other than residential. There shall be no display of goods or advertising.
- D. No mechanical or electrical equipment shall be permitted which exceeds five (5) horsepower, or which creates heat, glare, smoke, noise, or vibration which is perceptible beyond the boundary of the premises.
- E. No commodity shall be sold on the premises.
- F. Only residents who occupy the dwelling shall be engaged in the home occupation. No outside employees shall be permitted to work on the premises.
- G. On a typical workday, there shall be on average not more than 1 visitor or client per hour visiting the home occupation during the normal workday of 9 a.m. to 6 p.m. and none at other times.
- H. With the exception of U.S. mail or other conventional mail courier services, no truck deliveries shall be permitted in conjunction with the home occupation.
- I. No outdoor storage shall be permitted.

§ 197-55. Home professional offices.

Home professional offices, where permitted as-of-right or with a conditional use permit pursuant to Article VI, shall be required to meet the following minimum standards:

- A. A home professional office shall be carried on entirely within the principal building and shall not under any circumstances exceed forty percent (40%) of the total gross habitable floor area of the building.
- B. No home professional office shall require exterior alterations of the principal structure which will cause the structure to be at a variance or further at variance with the minimum and maximum building bulk standards required for the district in which it is located.EN
- C. The professional conducting the practice shall also be the resident who occupies the dwelling. No home professional office shall permit the employment of more than two (2) employees who are not permanent residents of the dwelling.
- D. No home professional office shall be permitted to have any advertising display other than a professional nameplate as provided in Article VII. C. With the exception of the nameplate, there shall be no exterior feature of the building which indicates that the dwelling is being used in whole or in part for any other purpose other than residential.
- E. No exterior feature of the building shall change or modify its residential character and appearance. There shall be no display of goods or advertising.
- F. Sufficient on-site parking shall be provided for the employees, visitors, and clients of the professional, in addition to the residents occupying the residential portion of the structure.
- G. On a typical workday, there shall be on average not more than 3 visitors or clients per hour visiting the home professional office during the normal workday of 9 a.m. to 6 p.m. and none at other times.
- H. No home professional office shall be permitted on a property that does not front on an arterial or collector street, as identified in the adopted Township Master Plan.
- I. With the exception of U.S. mail or other conventional mail courier services, no truck deliveries shall be permitted in conjunction with the home occupation.
- J. No outdoor storage shall be permitted.
- K. Home professional offices shall be permitted only in single-family or two-family houses.

§ 197-56. Hospitals or philanthropic or eleemosynary uses.

Hospitals or philanthropic or eleemosynary uses, wherever permitted as of right or with a conditional use permit pursuant to Article VI, shall be required to meet the following minimum standards:

- A. That the principal building will not occupy more than twenty-five percent (25%) of the lot area, that all other requirements as set forth in this chapter for the zone in which it is to be located are observed, that such use will not be detrimental to the surrounding neighborhood and that the structure or proposed use will serve the general welfare of the township.

- B. That the front, rear and side yards shall be increased one (1) foot for each foot by which such building exceeds the height limit herein established for the zone in which it is located.
- C. That the appropriate area and number of off-street parking spaces have been established and that adequate buffer areas, as well as an attractive and functional landscaping scheme, are provided.
- D. That signs shall be limited to an area of not more than thirty (30) square feet on any one (1) side and shall not be closer than fifteen (15) feet to any property line or five (5) feet to any street line. Signs may be illuminated.

§ 197-57. Industrial Performance Standards

Wherever permitted as of right or with a conditional use permit pursuant to Article VI, shall be required to meet the following minimum standards:

- A. Fire and explosion hazards. All activities shall be carried on only in fireproof structures which conform to the standards of the National Board of Fire Underwriters, Township Building Code or Fire Prevention Code, whichever is the more restrictive. All explosive raw materials, fuels, liquids and finished products shall be stored in accordance with the standards of said National Board of Fire Underwriters.
- B. Radioactivity. Any and all machines, devices, testing equipment or anything similar which emits any radiation or radioactive rays is prohibited, except where any and all emissions of radiation or radioactive rays do not exceed the maximum permissible limits established by either a federal or state agency having jurisdiction over emissions of radiation or radioactive rays and where such machines, devices, testing equipment or anything similar is registered with and approved by either a federal or state agency having jurisdiction over the same.
- C. Air Quality and Emissions.
 - (1) No substance shall be emitted into the atmosphere in quantities which are injurious to human, plant, or animal life or to property or which unreasonably interfere with the enjoyment of life and property anywhere in the Township.
 - (2) All uses shall be required to comply with Title 7, Chapter 27 of the New Jersey Administrative Code (N.J.A.C.) regarding Air Pollution Control.
 - (3) No open burning shall be permitted in any district.
- D. Odor. No odorous material may be emitted into the atmosphere in quantities sufficient to be detected beyond property lines.
- E. Liquid or solid waste.
 - (1) The discharge of industrial wastes into the sanitary sewer system shall be in accordance with Rules and Regulations Relating to the Use of the Sewer System for the Discharge of Sewerage, Industrial Wastes and Other Wastes established by the Joint Meeting, and its amendments and revisions. In addition, no industrial use shall discharge into any public sanitary sewer system quantities of water or

industrial wastes beyond the capacity of said sewer system. The amount of effluent permitted shall be approved by the Township Engineer.

- (2) No industrial operation shall discharge industrial wastes of any kind into any reservoir, pond or lake. The discharge of untreated industrial wastes into a stream is prohibited.
 - (3) No waste shall be discharged into a water body or watercourse without all necessary permits from the New Jersey Department of Environmental Protection. All methods of sewerage and industrial waste treatment and disposal shall be approved by the Township.
 - (4) No effluent shall contain any acids, oils, dust, toxic metals, corrosives or other toxic substances in solution or suspension which would create odors or discolor, poison or otherwise pollute water in any way.
- F. Vibration. No vibration is permitted which is discernible to the human sense of feeling beyond the lot on which such use is conducted.
- G. Noise. All uses shall be required to comply with the provisions of Title 7, Chapter 29 of the New Jersey Administrative Code (N.J.A.C.) regarding Noise Control.
- H. Glare. All glare shall be prevented from escaping the site to the greatest extent possible. Industrial processes resulting in glare shall be conducted entirely within enclosed structures.
- I. All industrial uses shall be located at least twenty (20) feet from any street or property line and thirty-five (35) feet from any residential property line or residential zoning district boundary.
- J. Landscaped areas and buffer strips shall be provided as follows:
- (1) A minimum landscaped area ten (10) feet wide shall be provided and maintained along all property lines abutting public streets, except where curb cuts are permitted.
 - (2) Where such use abuts another property, a landscaped buffer strip with a minimum width of eight (8) feet shall be provided and maintained. Where such use abuts a residential property or zoning district, the landscaped buffer strip shall be increased to a minimum width of fifteen (15) feet.
 - (3) All buffer strips abutting adjacent properties shall be planted with evergreen trees, shrubs, or hedges with a minimum height of six (6) feet. Where a buffer strip is located along a side property line, it shall extend all the way from the front to the back property line, except that the evergreen shrubbery may terminate eight (8) feet back from the front property line.
 - (4) All landscaped areas and buffer strips shall be attractively planted, and all landscaping shall be maintained in a manner satisfactory to the Township at all times.

§ 197-58. Reserved

§ 197-59. Laboratories.

Laboratories, wherever permitted as-of-right or with a conditional use permit pursuant to Article VI, shall be required to meet the following minimum standards:

- A. Such uses shall not include the mass production or manufacture of products for sale to the general public.
- B. Such uses shall take place entirely within enclosed buildings.
- C. All laboratory uses shall be required to meet the requirements for light industry uses, pursuant to § 197-57.

§ 197-60. Laundries, Self-service.

Self-service laundries, wherever permitted as-of-right or with a conditional use permit pursuant to Article VI, shall be required to meet the following minimum standards:

- A. No substance shall be emitted into the atmosphere in quantities which are injurious to human, plant, or animal life or to property or which unreasonably interfere with the enjoyment of life and property anywhere in the Township.
- B. No such use shall discharge into any public sanitary sewer system quantities of water or industrial wastes beyond the capacity of said sewer system. The amount of effluent permitted shall be approved by the Township Engineer. No effluent shall contain any acids, oils, dust, toxic metals, corrosives or other toxic substances in solution or suspension which would create odors or discolor, poison or otherwise pollute water in any way.

§ 197-61. Packaged liquor stores.

Liquor stores, wherever permitted as-of-right or with a conditional use permit pursuant to Article VI, shall be required to meet the following minimum standards:

- A. No such use shall be located within five hundred (500) feet of another such use, nor within five hundred (500) feet of a residential use, school, place of worship, hospital, philanthropic or eleemosynary institution, park, or playground.
- B. Liquor stores have a valid liquor license issued by the Township of Irvington.

§ 197-62. Live entertainment.

Live entertainment, wherever permitted as-of-right or with a conditional use permit pursuant to Article VI, shall be required to meet the following minimum requirements:

- A. Live entertainment such as singing, dance, theater, concerts, and other live performances shall only be permitted in association with and accessory to permitted restaurants, bars, and taverns.

- B. Such live entertainment uses shall take place entirely within an enclosed building which shall be sufficiently sound insulated and separated from adjacent uses, particularly residential uses, so as to avoid any noise nuisances.
- C. No outdoor music or public address system shall be permitted.
- D. No live entertainment shall be permitted after midnight Sundays through Thursdays or after 2:00 a.m. Saturday morning or Sunday morning.

§ 197-63. Meat, fish and poultry stores.

Meat, fish and poultry stores, wherever permitted as-of-right or with a conditional use permit pursuant to Article VI, shall be required to meet the following minimum requirements:

- A. Such processes shall be conducted entirely within an enclosed building.
- B. Buildings shall be so designed and built and meat, fish, and poultry shall be so handled as to reduce the potential for spoilage, limit the emission of odors, prevent untreated wastewater from leaking out of the building, and keep from attracting rodents, vermin, or scavenging animals, to the greatest extent possible.
- C. No slaughtering, skinning, or feather-plucking shall be permitted on the site.
- D. No storage or sale of live animals shall be permitted on the site.
- E. Such uses shall comply with all pertinent rules, regulations, and guidelines promulgated by the U.S. Department of Agriculture and the New Jersey Department of Agriculture.

§ 197-64. Office uses, business and professional, above a ground-floor commercial use.

Business and professional offices, wherever permitted above a ground-floor commercial use, shall be required to meet the following minimum standards:

- A. Each office suite shall have its own entrance to a hallway, staircase, or to the exterior.
- B. The ground-floor entrance to the office suite or suites shall be separate from the entrance to the ground-floor commercial use.
- C. Sufficient parking spaces shall be made available and/or reserved in either public or private off-street parking lots for parking of tenants' vehicles.

§ 197-65. Office uses, business and professional, in the O-1 Zone.

Business and professional offices may be permitted in the O-1 zone subject to the approval of a conditional use permit and shall be required to meet the following minimum requirements:

- A. The building shall maintain the appearance of a residential use. The façade shall use materials and colors that are compatible with adjacent residential structures. The architectural design, fenestration, orientation of doors, landscaping, and parking shall also be compatible with adjacent residential structures.

- B. Off-street parking spaces needed for the office uses shall be provided on the site, pursuant to Article VIII. However, parking spaces shall not be located in the front yard.
- C. Landscaped areas and buffer strips shall be provided in the rear and side yards as follows:
 - (1) A minimum landscaped area five (5) feet wide shall be provided and maintained along all rear and side property lines. Where such use abuts a residential property or zoning district, the landscaped area shall be increased to a minimum width of ten (10) feet.
 - (3) All such landscaped strips shall be planted with evergreen trees, shrubs, or hedges with a minimum height of six (6) feet. Where a buffer strip is located along a side property line, it shall extend all the way from the front to the back property line, except that the required fence may terminate at the required front yard setback line.
 - (4) All landscaped areas shall be attractively planted, and all landscaping shall be maintained in a manner satisfactory to the Township at all times.

§ 197-66. Outdoor storage.

Outdoor storage, wherever permitted as-of-right or with a conditional use permit pursuant to Article VI, shall be required to meet the following minimum requirements:

- A. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground. Tanks or drums of fuel directly connecting with heating devices or appliances located on the same premises as the tanks or drums of fuel are excluded from this requirement, provided they meet the requirements of the National Board of Fire Underwriters. No more fuel than is required for the principal use(s) shall be stored on the premises.
- B. No materials or wastes shall be deposited on any premises in such form or manner that they may be transferred off the premises by natural causes or forces, such as wind or rain.
- C. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to animals or vermin shall be stored outdoors only in enclosed containers.
- D. All outdoor storage areas shall be enclosed by a solid, opaque fence or wall adequate to fully conceal such facilities and the contents thereof from adjacent properties and shall meet all required setbacks for the district in which they are located. This provision shall not apply to outdoor storage of automobiles in conjunction with automobile sales uses.
- E. No material or equipment stores outdoors shall exceed a height of ten (10) feet above grade within fifty (50) feet of a property line. In no case shall material or equipment stored exceed the height of the principal building on the property.
- F. In no case shall areas with grades in excess of eight (8) percent be utilized for the purposes of outdoor storage.
- G. In industrial zoning districts, the area utilized for outdoor storage shall not exceed fifteen (15) percent of the total lot area. In business zoning districts, the area utilized for outdoor

storage shall not exceed twenty (20) percent of the ground-floor area of the principal building on the site.

- H. In no case shall outdoor storage be permitted if the outdoor storage area would occupy land necessary for required parking spaces, landscaping, or other required features of the development site.
- I. Outdoor storage shall be permitted only in the side or rear yards and shall be prohibited in the front yard.

§ 197-67. Pawnbrokers.

Pawnbrokers, wherever permitted as-of-right or with a conditional use permit pursuant to Article VI, shall be required to meet the following minimum standards:

- A. No such use shall be located within five hundred (500) feet of another such use, nor within five hundred (500) feet of a residential use, school, place of worship, hospital, philanthropic or eleemosynary institution, park, or playground.

§ 197-68. Places of worship.

Places of worship, wherever permitted as-of-right or with a conditional use permit pursuant to Article VI, shall be required to meet the following minimum requirements:

- A. The minimum lot area in any residential zoning districts shall be fifteen thousand (15,000) square feet, and the minimum lot width shall be one hundred fifty (150) square feet.
- B. Banquet halls, cafeteria or kitchen facilities, classrooms, libraries, and other similar uses which are customarily accessory to places of worship shall be permitted.
 - (1) Child care centers may be permitted as an accessory use only with the approval of a conditional use permit, provided that it complies with the requirements of § 197-49.
 - (2) With the exception of a parsonage, no housing or dormitories, whether for temporary or permanent occupancy, shall be permitted as accessory uses.
- C. No building, parking lot, or outdoor facility shall be located closer than twenty-five (25) feet to any residential property line or residential zoning district boundary. A landscaped buffer, berm, fence, hedge, or other screening material shall be provided along such property lines or district boundaries to a height of no less than six (6) feet.
- D. All required parking shall be provided on the site.
- E. Building coverage shall not exceed fifty (50) percent.

§ 197-69. Quasi-public buildings and recreation facilities.

Quasi-public buildings and recreation facilities, wherever permitted as-of-right or with a conditional use permit pursuant to Article VI, shall be required to meet the following minimum standards:

- A. That a statement detailing the operation of the use and a complete list of the proposed charter membership, including names and addresses, has been filed with the Zoning Board.
- B. That the proposed use is to be operated by a bona fide nonprofit organization and will be operated solely for the recreation and enjoyment of the members of said organization.
- C. That the proposed use will not adversely affect the safe and reasonable enjoyment of the surrounding property, that the design of any structures erected in connection with such use is in keeping with the general character of the residential area and that sufficient landscaping, including trees, shrubs and lawn, is provided to serve as a buffer between said use and adjoining residential properties and to enhance the appearance of the use.
- D. That the buildings will not occupy more than twenty-five percent (25%) of the lot area, that all requirements as set forth in this chapter for the zone in which it is to be located are observed, that such use will not be detrimental to the surrounding neighborhood and that the structure or proposed use will serve the general welfare of the township.
- E. That the front, rear and side yards will be increased one (1) foot for each foot by which such building exceeds the height limit herein established for the zone in which it is located.
- F. That off-street parking spaces have been established in accordance with this chapter.
- G. That signs may be illuminated but nonflashing and limited in area to not more than fifteen (15) square feet on any one (1) side and shall not be closer than fifteen (15) feet to any property line or five (5) feet to any street line.

§ 197-70. Residential structures containing three or more units.

- A. Courtyards bounded on three (3) or more sides by the wings of a single building or by the walls of separate buildings shall have a minimum court width of two (2) feet for each one (1) foot in height of the tallest adjacent building.
- B. Every building containing more than five (5) dwelling units shall have a minimum setback of ten (10) feet from all interior roads, driveways and parking areas.
- C. Garages not a part of a multiple-family dwelling structure but intended for use of the residents of a multiple-family dwelling structure and all other accessory buildings shall be located at least ten (10) feet from the nearest wall of any multiple-family dwelling structure.
- D. Each dwelling unit shall contain complete kitchen facilities, toilet, bathing and sleeping facilities and shall have a minimum gross habitable floor area in accordance with the following:
 - (1) An efficiency apartment shall contain a minimum of four hundred fifty (450) square feet.
 - (2) A one-bedroom apartment shall contain a minimum of seven hundred (700) square feet.

- (3) A two-bedroom apartment shall contain a minimum of eight hundred fifty (850) square feet.
- (4) A three-bedroom apartment shall contain a minimum of one thousand (1,000) square feet.
- E. There shall be a minimum common storage area in each building for bicycles, perambulators and similar types of equipment of fifty (50) cubic feet per dwelling unit.
- F. The total number of one-bedroom or efficiency apartments shall not be less than seventy percent (70%) of the entire project in high-rise and garden apartment developments.
- G. Sufficient laundry, drying, garbage pickup and other utility areas must be provided and shall be located with a view both to convenience and to minimize the detrimental effect on the aesthetic character of the building(s) and shall be enclosed and shielded from view by fencing, walls or shrubbery of at least six (6) feet in height around the perimeter. Fencing and walls shall not be less than thirty percent (30%) nor more than fifty percent (50%) open on the vertical surface.
- H. A strip of land at least five (5) feet in width surrounding each building shall be kept completely open except for foundation plantings of less than six (6) feet in height. Open space adjacent to, around or between buildings not surfaced as walkways, driveways, parking areas, utility areas or other required improvements shall be sodded or seeded to provide a thick stand of grass or other plant material. Approaches to multiple-family dwelling structures and entrance areas shall be attractively shrubbed and properly maintained.
- I. Driveways, parking areas, dwelling entranceways and pedestrian walks shall be provided with sufficient illumination to minimize hazards to pedestrians and motor vehicles utilizing the same, and light sources shall, where necessary, be shielded to avoid glare disturbing to occupants of buildings.
- J. Topsoil shall not be removed from the site during construction but shall be stored and redistributed to areas where seeding is required.
- K. The land shall be so graded, paved areas so pitched and, if necessary, storm drains and/or catch basins so located and designed to provide restricted runoff of storm waters, all in accordance with flood management standards adopted by the township.
- L. Site planning shall create usable, private open space to the fullest extent feasible. Any or a combination of the following features may be required to conceal parked vehicles from adjoining residential properties: masonry wall of ornamental design, dense planting of evergreen shrubs or trees, depression of visible portion of the site below grade or similar protective measure or fences.
- M. Other standards and conditions to the site plan and to curbing, driveways, parking areas, pedestrian walks, landscaping and planting not otherwise specified herein may be attached as conditions by the Planning Board or Municipal Council if circumstances indicate that they will further the purposes and intent of this chapter.
- N. There shall be a full-time superintendent for every multiple-dwelling project containing more than twenty (20) individual dwelling units in one (1) or more buildings.

- O. At least one (1) exterior wall of every dwelling unit shall be entirely above ground level, except that one (1) unit may be provided for a superintendent with not more than fifty percent (50%) of any exterior wall below ground level.
- P. Provision shall be made so that television antenna equipment will be built into the building, thereby eliminating the need for individual antennas being erected on the roof, except for common towers.
- Q. Any air-conditioning unit hereafter installed in any multiple-family dwelling unit shall not project outwardly more than three (3) inches from the face of the wall of the building.

§ 197-71. Residential uses, above a ground-floor commercial use.

Residential uses, wherever permitted above a ground-floor commercial use, shall be required to meet the following minimum standards:

- A. Each apartment shall have its own entrance to a hallway, staircase, or to the exterior.
- B. The ground-floor entrance to the apartment units or units shall be separate from the entrance to the ground-floor commercial use.
- C. Sufficient parking spaces shall be made available and/or reserved in either public or private off-street parking lots for overnight parking of tenants' vehicles.
- D. Each dwelling unit shall contain complete kitchen facilities, toilet, bathing and sleeping facilities and shall have a minimum gross habitable floor area in accordance with the following:
 - (1) An efficiency apartment shall contain a minimum of four hundred fifty (450) square feet.
 - (2) A one-bedroom apartment shall contain a minimum of seven hundred (700) square feet.
 - (3) A two-bedroom apartment shall contain a minimum of eight hundred fifty (850) square feet.
 - (4) A three-bedroom apartment shall contain a minimum of one thousand (1,000) square feet.

§ 197-72. Retail uses, as an accessory to industrial uses.

Retail uses, wherever permitted as an accessory to an industrial use, shall be required to meet the following minimum standards:

- A. Retail uses shall be permitted only for the purpose of selling products made on the site. No portion of the merchandise for sale shall consist of products manufactured off-site.
- B. Adequate off-street parking for the retail uses shall be provided, over and above what is necessary for the industrial use, in accordance with Article VIII.

- C. Such uses shall be open only on those days and during those hours when the industrial use is active and shall terminate no later than 9:00 p.m. on weekdays and 5:00 p.m. on Saturdays. In no case shall such a use be open on Sundays.

§ 197-73. Research and development.

Research and development uses, wherever permitted as-of-right or with a conditional use permit pursuant to Article VI, shall be required to meet the following minimum standards:

- A. Such uses shall not include the mass production or manufacture of products for sale to the general public.
- B. Such uses shall take place entirely within enclosed buildings.
- C. All research and development uses shall be required to meet the requirements for light industry uses, pursuant to § 197-57.

§ 197-74. Gasoline service stations.

Gasoline service stations, wherever permitted as-of-right or with a conditional use permit pursuant to Article VI, shall be required to meet the following minimum requirements:

- A. The site plan shall contain, in addition to the requirements of all other ordinances of the Township, the number and location of fuel tanks to be installed, the dimensions and capacity of each storage tank, the depth the tanks will be placed below the ground, the number and location of pumps to be installed, the type of structure and accessory buildings to be constructed and the number of garage bays and other details as required by site plan regulations.
- B. All gasoline service stations be required to meet the requirements for auto-oriented uses, pursuant to § 197-40.
- C. Underground fuel storage tanks shall be placed at least twenty (20) feet from any structure, twenty (20) feet from any street or property line, and thirty (30) feet from any residential property line or residential zoning district boundary.
- D. Repair of motor vehicles may be performed as an accessory use to a gasoline service station, not including work on the automobile body, provided that it is conducted in a fully enclosed building whose coverage is not more than eight (8) percent of the lot area.
- E. No motor vehicle shall be offered for sale or rental on the site.
- F. No vehicles shall be permitted to be standing or parked on the premises of a gasoline service station other than those used or serviced by the employees in the operation of the establishment. No vehicle awaiting repairs may be stored outdoors for more than three (3) consecutive days. Not more than five (5) passenger vehicles awaiting repairs or parts shall be stored outdoors overnight. No tractors, trailers or trucks shall be parked outdoors overnight.
- G. Accessory goods for sale may be displayed on the pump island and the building island only. Oil cans, antifreeze and similar products may be displayed on the respective island if a suitable metal stand or rack is provided therefor.

- H. All fuel pumps shall be located at least twenty (20) feet from any street or property line and thirty (30) feet from any residential property line or residential zoning district boundary. A canopy may be permitted to cover the fuel pump area, provided that it is at least twenty-five (25) feet from any street or property line.

§ 197-75. Indoor recreation facilities.

Indoor recreation facilities, wherever permitted as-of-right or with a conditional use permit pursuant to Article VI, shall be required to meet the following minimum requirements:

- A. The Planning Board shall affirmatively find that such use will not constitute a nuisance because of noise or pedestrian traffic generated; that the use at the proposed location will not create a traffic hazard; and that the use at the proposed location will not adversely affect nor retard the logical development of the general neighborhood or zone in which the recreation area is proposed, considering the character of the zone, density of population and number of similar uses.

§ 197-76. Clinics for the treatment of drug addiction.

Clinics for the treatment of drug addiction, wherever permitted as-of-right or with a conditional use permit pursuant to Article VI, shall be required to meet the following minimum requirements:

- A. The Planning Board shall affirmatively find that such use will not constitute a nuisance because of noise or pedestrian traffic generated; that the use at the proposed location will not create a traffic hazard; and that the use at the proposed location will not adversely affect nor retard the logical development of the general neighborhood or zone in which the clinic area is proposed considering the character of the zone, density of population and number of similar uses.

§ 197-77. Schools, public, parochial, or private.

Schools, wherever permitted as-of-right or with a conditional use permit pursuant to Article VI, shall be required to meet the following minimum requirements:

- A. The minimum lot area in any residential zoning districts shall be fifteen thousand (15,000) square feet, and the minimum lot width shall be one hundred fifty (150) square feet.
- B. Recreational facilities, playgrounds, cafeteria or kitchen facilities, performance theaters or halls, libraries, and other similar uses that are customarily accessory to schools shall be permitted.
 - (1) Child care centers may be permitted as an accessory use only with the approval of a conditional use permit, provided that it complies with the requirements of § 197-49.
 - (2) No housing or dormitories, whether for temporary or permanent occupancy, shall be permitted as accessory uses.

- C. All interior spaces within school buildings to be utilized for potential noise-generating activity shall be sufficiently sound-insulated and separated from adjacent residential structures so as to avoid any noise nuisance.
- D. No school building, parking lot, or outdoor facility shall be located closer than twenty-five (25) feet to any residential property line or residential zoning district boundary. A landscaped buffer, berm, fence, hedge, or other screening material shall be provided along such property lines or district boundaries to a height of no less than six (6) feet. The property line if such residential use(s) to a height of no less than six (6) feet.
- E. Play facilities for the use of students enrolled at an elementary school shall not require the crossing of any street by the students.
- F. All required parking shall be provided on the site.
- G. Building coverage shall not exceed fifty (50) percent.

§ 197-78. Shopping centers.

Shopping centers, wherever permitted as-of-right or with a conditional use permit pursuant to Article VI, shall be required to meet the following minimum requirements:

- A. The shopping center shall be designed as a single complex with a comprehensive and uniform plan for internal site circulation, landscaping, building design, façade treatments, and signage.
- B. Uses within the shopping center shall be limited to those permitted in the zoning district.
- C. To the extent possible, the number of curb cuts shall be limited to one (1) entrance and one (1) exit per street frontage, except where such street frontage exceeds a distance of four hundred (400) feet.
- D. The minimum lot area shall be two (2) acres, and the minimum lot width shall be two hundred (200) feet.
- E. All outside loading berths, docks, or delivery areas shall be provided to the rear of the building, and where adjacent to a residential use or zoning district boundary shall be located a minimum distance of thirty (30) feet to such property line or boundary.
- F. Any outside storage of trucks, pallets, cases, etc. shall be completely fenced with appropriate access gates sufficient for the movement of large commercial vehicles, and such areas shall be adequately screened from view on all sides.
- G. Internal traffic circulation for a shopping center shall be so arranged that off-street parking for retail customers shall be in an area distinct and separate from any maneuvering areas for any loading berths or truck storage for employee parking.

§ 197-79. Tattoo parlors, piercing parlors, and other body art shops.

Tattoo parlors, piercing parlors, and other body art shops, wherever permitted as-of-right or with a conditional use permit pursuant to Article VI, shall be required to meet the following minimum standards:

- A. No such use shall be located within five hundred (500) feet of another such use, nor within five hundred (500) feet of a school, place of worship, hospital, philanthropic or eleemosynary institution, park, or playground.

§ 197-80. Truck terminals and bulk distribution terminals.

Truck terminals and bulk distribution terminals, wherever permitted as-of-right or with a conditional use permit pursuant to Article VI, shall be required to meet the following minimum standards:

- A. All truck terminals and bulk distribution terminals shall meet the minimum requirements for auto-oriented uses, pursuant to § 197-40.
- B. All parking areas for trucks and other vehicles shall meet the minimum Township requirements for all parking lots pursuant to Article VIII .
- C. Parking areas shall be at least sixty (60) feet from any residential use or zoning district boundary and at least twenty-five (25) feet from any property line.
- D. Adequate space shall be provided on the site for all the elements to be incorporated into the terminal, including provision for off-street parking for the maximum number of idle trucks, tractors, semi-trailers, buses and automobiles, and off-street loading and unloading. No loading shall occur across curbs or sidewalks. Adequate access and egress with appropriate turning radii shall be provided as well as adequate queuing and turnaround space on the site so that at no time is street traffic disrupted or blocked by vehicles entering or leaving the site. Queuing of trucks or buses on the street or shoulder waiting to enter the terminal shall not be permitted.
- E. All fuel, oil, gasoline, or similar substances shall be stored underground and shall be placed at least twenty (20) feet from any structure, twenty (20) feet from any street or property line, and thirty (30) feet from any residential property line or residential zoning district boundary. Such facilities shall be installed and maintained in accordance with the standards of the National Board of Underwriters.

§ 197-81. Amusement arcades.

Amusement arcades, wherever permitted as-of-right or with a conditional use permit pursuant to Article VI, shall be required to meet the following minimum standards:

- A. The building in which the use is housed shall be designed and built so as to contain any noise-generating activities within the building. All interior spaces shall be sufficiently sound-insulated. Sounds emanating from such uses shall not be audible beyond the property line.

ARTICLE X, NONCONFORMING USES

§ 197-82. Continuance.

Except as otherwise provided in this Article, the lawful use of land or buildings existing on the effective date of this chapter may be continued although such use or building does not conform to the regulations specified by this chapter for the zone in which such land or building is located; provided, however, that:

- A. No nonconforming lot shall be further reduced or increased in size.
- B. No nonconforming building shall be enlarged, extended or increased unless such enlargement would tend to reduce the degree of nonconformance.
- C. No nonconforming use may be expanded.
- D. A use not conforming to any previous Zoning Ordinance without permit and also not conforming to this chapter shall not be continued by this section.

§ 197-83. Abandonment.

In the event that there is a cessation of operation of any nonconforming use for a period of twelve (12) consecutive calendar months, the same shall be presumed to be an abandonment of such nonconforming use. Such use shall not thereafter be reinstated and the structures shall not be reoccupied except in conformance with this chapter.

§ 197-84. Previously approved construction.

Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has been heretofore issued and the construction of which shall have been diligently prosecuted within three (3) months of the date of such permit and the ground story framework of which, including the second tier of beams, shall have been completed within six (6) months of the date of the permit, and which entire building shall be completed according to plans as filed within one (1) year from the date of this chapter.

§ 197-85. Reversion.

No nonconforming use which has been changed to a conforming use may be changed back to a nonconforming use.

§ 197-86. Alteration.

A nonconforming building may be altered, but not enlarged or extended, to an extent not exceeding in aggregate fifty percent (50%) of the recorded true value of the building as appraised in the records of the Tax Assessor, unless said building is changed to a building conforming to the requirements of this chapter.

§ 197-87. Restoration.

If any nonconforming building shall be destroyed by reason of windstorm, fire, explosion or other act of God or the public enemy to an extent of more than fifty percent (50%) of the recorded true value as appraised in the records of the Tax Assessor, then such destruction shall be deemed complete destruction, and the structure may not be rebuilt, restored or repaired except in conformity with this chapter. Nothing in this chapter shall prevent the straightening or restoring to a safe condition of any wall, floor or roof which has been declared unsafe.

§ 197-88. District changes.

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein or created thereby.

ARTICLE XI, ADMINISTRATION AND ENFORCEMENT

§ 197-89. Enforcement.

The Division of Building Construction shall administer and enforce this chapter and shall have such powers as are conferred upon it by this chapter and as reasonably may be implied. In no case shall a permit be granted for the construction or alteration of any building where the proposed construction, alteration or use thereof would be in violation of any provision of this chapter. It shall be the duty of the Division of Building Construction Inspectors to cause any building, plans or premises to be inspected or examined and to order, in writing, the remedying of any conditions found to violate this chapter, and employees of said Division may enter any building or premises in the performance of their duties between the hours of 9:00 a.m. and 5:00 p.m.

§ 197-90. Permits and certificates.

A. Conditional use permits:

- (1) Application for any conditional use permit as provided in this chapter shall be made to the Planning Board through the Division of Building Construction.
- (2) The Planning Board shall grant or deny an application for a conditional use within ninety-five (95) days of submission of a complete application to the Division of Building Construction or within such further time as may be consented to by the applicant.
- (3) Any conditional use permit granted under the provisions of this chapter shall expire should the applicant fail to obtain a building permit and begin construction with one (1) year of the date of the granting of said conditional use permit.

B. Temporary use permits. The Planning Board may grant temporary use permits for activities to be conducted for a limited period of time, which activities would not otherwise be permitted by this chapter. Such permits may be granted under the same regulations and procedures for the issuance of conditional use permits as specified elsewhere in this chapter. The Board shall determine that such uses are of such a nature and so located as to have no detrimental effect upon the uses of land and the activities normally permitted in the zone. The Planning Board shall also determine that such uses contribute materially to the general welfare under conditions peculiar to the time and place involved. Upon such determination, the Planning Board shall direct the Building Inspector to issue a temporary use permit for a period not to exceed six (6) months. Such permit may be extended not more than once for an additional six (6) months.

C. Certificate of occupancy. Certificates of occupancy shall be issued by the Construction Official in the manner prescribed by the Building Code. On the serving of notice by the Division of Building Construction to an owner of any violation of this chapter with respect to any building or use thereof of land, any certificate of occupancy previously issued for such use shall become void and a new certificate of occupancy shall be required for any further use of such land or building. Certificates of occupancy shall acknowledge compliance with all requirements of this chapter or of the Planning Board or Zoning Board.

- D. Records. The Division of Building Construction shall keep a record of all permits applied for and issued, together with a notation of all special conditions involved. Copies of all plans submitted shall be filed and safely kept, and the same shall form a part of the records of that office and shall be available for the use of the officials of the township. The Municipal Council shall receive a monthly summary of all permits applied for and issued and all complaints of violation and the action taken by the Division of Building Construction consequent thereon. A copy of each report shall be filed with the Tax Assessor.

- E. Fees. Fees to cover costs of processing, reviewing and acting upon all applications for variances, conditional use permits, temporary use permits, certificates of occupancy and appeals may be fixed by the appropriate Board or by the Municipal Council. Such fees may be changed from time to time as necessary to maintain their relationship to all costs incurred, directly or indirectly, by the township.

ARTICLE XII, INTERPRETATION

§ 197-91. Interpretation of provisions.

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements adopted for the promotion of public health, safety, comfort, convenience and general welfare. It is not intended by this chapter to repeal, abrogate, annul or in any way impair or interfere with any existing provision of law or ordinance or any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings or premises; nor is it intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of building or requires larger yards, courts or other open spaces than are imposed or required by such existing provision of law or ordinance or by such rules, regulations or permits or by such easements, covenants or agreements, the provisions of this chapter shall control.

ARTICLE XIII, CONFLICT WITH OTHER LAWS

§ 197-92. Ordinances saved from repeal.

All ordinances or parts of ordinances inconsistent with the provisions of this chapter are hereby repealed, except:

- A. The Fire Prevention Code and the provisions of Chapter 102 of the Revised Code and the amendments and supplements thereto.
- B. The BOCA Building Code and the rules and regulations adopted thereunder pursuant to Chapter 75 of the Revised Code and the amendments and supplements thereto.
- C. The Housing Code adopted under Chapter 119 of the Revised Code and the amendments and supplements thereto, as well as the rules and regulations adopted thereunder.
- D. The Nonresidential Property Maintenance Code adopted as Chapter 148 of the Revised Code and the amendments and supplements thereto.
- E. The Air Pollution Code adopted under Chapter 53 of the Revised Code and the amendments and supplements thereto.
- F. The uniform fire safety act.EN

ARTICLE XIV, VIOLATIONS

§ 197-93. Violations and penalties.

For any and every violation of the provisions of this chapter, the owner, contractor or other person or persons interested as lessees, tenants or otherwise in any building, land or premises where such violation has been committed or will exist, and who shall refuse to abate said violation within five (5) days after written notice so to do has been served upon him by certified mail, return receipt requested, or by personal service, shall, for each and every violation, be subject to a fine not to exceed one thousand dollars (\$1,000.) or ninety (90) days' imprisonment, or both. Each and every day that such violation shall continue after such notice shall have been served shall be considered a separate and specific violation of this chapter and as a part of a continuing offense.

ARTICLE XV, WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS.

§ 197-94. Purpose.

The purpose of this Article is to establish general guidelines for the siting of wireless communications towers and antennas. In furtherance of the goals listed below, the Township of Irvington shall give due consideration to the adopted Township Master Plan, Zoning Map, and existing land uses, in considering sites for the location of towers and antennas. The goals of this Article are to:

- A. Protect residential areas and land uses from potential adverse impacts of towers and antennas;
- B. Encourage the location of towers in nonresidential areas;
- C. Minimize the total number of towers throughout the community;
- D. Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
- E. Encourage users of towers and antenna to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
- F. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
- G. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
- H. Consider the public health and safety of communication towers; and
- I. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

§ 197-95, Applicability.

All new telecommunications towers or antennas in the Township of Irvington shall be subject to these regulations, with the exception of the following:

- A. Amateur Radio Station Operators/Receive Only Antennas. This section shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas.
- B. Residential Satellite Dish Antennas. This section shall not govern any satellite dish antennas used for residential purposes.
- C. AM Array. For the purposes of implementing this section, an AM array, consisting of one (1) or more tower units and supporting ground system which functions as one (1) AM broadcasting antenna, shall be considered one (1) tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in

the AM array. Additional tower units may be added within the perimeter of the AM array by right.

§ 197-96, General requirements.

- A. Antennas and towers may be considered either principal or accessory uses. The presence of an existing use or structure on a lot shall not preclude the installation of a telecommunications tower or antenna on such lot. If a tower and its appurtenant structures constitute the sole use of the lot, the tower shall be deemed to be the principal use.
- B. For purposes of determining whether the installation of a tower or antenna complies with zone development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
- C. Each applicant for a telecommunications tower or antenna shall provide the Township with an inventory of its existing telecommunications towers, antennas, or sites approved for telecommunications towers or antennas, that are either within the jurisdiction of the Township of Irvington or within three (3) miles of the borders thereof, including specific information about the location, height, and design of each tower. The Township may share such information with other applicants applying for administrative approvals or permits under this section or other organizations seeking to locate antennas within the jurisdiction of the Township of Irvington, provided, however that the Township is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- D. Telecommunications towers and antennas shall meet the following requirements:
 - 1. Telecommunications towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 - 2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
 - 3. If an antenna is installed on a structure other than a telecommunications tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- E. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- F. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agencies of the State or federal government with the authority to regulate telecommunications towers and antennas.

- G. To ensure the structural integrity of telecommunications towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable State or local building codes and the applicable standards for telecommunications towers that are published by the Electronic Industries Association.
- H. Towers and antennas shall be regulated and permitted pursuant to this section and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- I. Owners and/or operators of telecommunications towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the Township of Irvington have been obtained and shall file a copy of all required franchises with the Township of Irvington.
- J. No signs shall be allowed on an antenna or tower.
- K. To minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one (1) carrier on existing towers shall take precedence over the construction of new towers.

§ 197-97, Permitted uses

- A. Telecommunications towers or antennas shall be permitted on property owned, leased, or otherwise controlled by the Township of Irvington provided a license or lease authorizing such antenna or tower has been approved by the Township of Irvington. The Township may, as a condition of such lease, require site plan approval.
- B. Telecommunications towers and antennas permitted with a conditional use permit shall be as follows, except as restricted pursuant to paragraph C below:
 - 1. Antennas on existing non-residential structures, subject to the provisions of § 197-53.
 - 2. Antennas on existing telecommunication towers, subject to the provisions of § 197-53.
 - 3. New telecommunication towers in business or industrial zoning districts, subject to the provisions of § 197-53.
- C. Telecommunications towers and antennas shall be prohibited as follows:
 - 1. No antennas shall be permitted on any existing structure containing one (1) or more residential dwelling units, and no towers shall be permitted on a lot containing one (1) or more residential dwelling units.
 - 2. No towers shall be permitted on the site of any existing park, schoolyard, or cemetery. No antennas shall be permitted on the site of any such uses, unless the antenna is mounted to an existing nonresidential structure and fully screened from view.
 - 3. No new towers shall be permitted in the CBD, B-1, or any residential zoning district.

§ 197-98, Conditional use regulations

- A. All antennas permitted on existing non-residential structures shall be required to comply with the following standards:
1. The existing structure shall not contain residential uses and shall not be located in a residential zoning district.
 2. The antenna does not extend beyond than the maximum building height for the zoning district in which the antenna is located.
 3. The antenna is screened from view or camouflaged to the greatest extent possible.
 4. The equipment cabinet or structure used in association with antennas shall comply with the following:
 - a. The cabinet or structure shall not contain more than one hundred (100) square feet of gross floor area or be more than ten (10) feet in height.
 - b. For buildings less than forty (40) feet in height, the related unmanned equipment structure, shall be located on the ground and shall not be located on the roof.
 - c. If the equipment structure is located on the roof, the area of the equipment structure and other equipment and structures shall not occupy more than five (5) percent of the roof area.
 - d. The cabinet or structure shall not be located in a front yard. The cabinet or structure shall comply with all setback requirement for the zoning district in which the site is located.
 - e. The cabinet or structure shall be surrounded by evergreen trees, shrubs, or hedges with a height of no less than eight (8) feet.
- B. All antennas permitted on existing telecommunication towers shall be required to comply with the following standards:
1. A tower that is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower.
 2. An existing tower may be modified or rebuilt to a taller height, provided the new tower meets all the requirements that would normally be required for the construction of a new tower pursuant to this Article.
- C. All new permitted telecommunication towers shall be required to comply with the following standards:
1. No new tower shall be permitted unless the applicant demonstrates to the satisfaction of the Planning Board that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna.

- a. The Planning Board shall consider the following factors in determining whether to issue a conditional use permit:
 - (1) Height of the proposed tower;
 - (2) Proximity of the tower to residential structures and residential district boundaries;
 - (3) Nature of uses on adjacent and nearby properties;
 - (4) Surrounding topography;
 - (5) Surrounding tree coverage and foliage;
 - (6) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - (7) Proposed ingress and egress;
 - (8) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures; and
 - (9) Availability of proposed tower to other potential users.
- b. An applicant shall submit information requested by the Planning Board as to the availability of suitable existing towers, other structures or alternative technology.
- c. In order to demonstrate that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the proposed antenna, the applicant shall submit evidence to that effect. Such evidence definitely proves one or more of the following points:
 - (1) No existing telecommunications towers or structures are located within the geographic area which meets applicant's engineering requirements.
 - (2) Existing telecommunications towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - (3) Existing telecommunications towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - (4) The applicant's proposed antenna would cause electromagnetic interference with existing or approved antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

- (5) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - (6) The applicant demonstrates that an alternative technology that does not require the use of towers or structures is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
2. The tower base and any accessory structures and buildings attached thereto must satisfy the minimum zoning district setback requirements. In addition, the following setback requirements shall apply:
 - a. Telecommunication towers must be set back a distance equal to at least fifty (50) percent of the height of the tower from any adjoining lot line and all non-appurtenant buildings.
 - b. Telecommunication towers shall be set back from a residential use, residential zoning district boundary, school, place of worship, child care center, hospital, or philanthropic or eleemosynary use a minimum of two hundred (200) feet.
3. No proposed telecommunication tower shall be located within one (1) half-mile of any preexisting tower.
4. Telecommunication towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device.
5. Sites with telecommunication towers shall provide a buffer along those property lines that adjoin residential uses or residential zoning district boundaries. The buffer shall screen the tower from view to the maximum extent possible from the vantage point of those adjoining properties or zones. The buffer shall consist of a strip of land at least five (5) feet wide planted with evergreen trees, shrubs, or hedges at least six (6) feet in height.
6. The height of a telecommunication tower shall not exceed one hundred twenty (120) feet in height.
7. The equipment cabinet or structure used in association with antennas shall comply with the following:
 - a. The cabinet or structure shall not contain more than two hundred (200) square feet of gross floor area or be more than ten (10) feet in height.
 - b. The cabinet or structure shall not be located in a required front yard. The cabinet or structure shall comply with all setback requirement for the zoning district in which the site is located.
 - e. The cabinet or structure shall be surrounded by evergreen trees, shrubs, or hedges with a height of no less than eight (8) feet.

§ 197-99, Submission requirements

In addition to any information that would normally be required in conjunction with a conditional use permit application, applicants for a conditional use permit for a telecommunication tower or antenna shall submit the following information:

- A. A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Master Plan classification of the site and all properties within two hundred (200) feet of the site, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Planning Board to be necessary to assess compliance with this section.
- B. Legal description of the entire tract and leased parcel (if applicable).
- C. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
- D. The separation distance from other towers described in the inventory of existing sites submitted pursuant to § 197-53 shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
- E. A landscape plan showing specific landscape materials.
- F. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
- G. A description of compliance with all relevant provisions of this Article.
- H. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
- I. Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the Township.
- J. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
- K. A description of the feasible location(s) of future towers or antennas within the Township of Irvington based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
- L. A visual study depicting where, within a three (3) mile radius any portion of the proposed tower could be seen.
- M. A statement of intent on whether excess space will be leased.
- N. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

§ 197-100, Removal, Abandonment, and Rebuilding

- A. Any telecommunication tower or antenna that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such telecommunication tower or antenna shall remove the same within ninety (90) days of receipt of notice from the Township of Irvington notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower. The Township may condition the issuance of any permit to demolish or remove a tower or antenna on the posting of an appropriate performance bond or other suitable guarantee in a face amount of not less than one hundred twenty (120) percent of the cost of such removal.

- B. Nonconforming telecommunication towers or antennas that are damaged or destroyed may not be rebuilt without first having to obtain a conditional use permit pursuant to § 197-52 and § 197-53. The type and location of the new tower shall be the same as the pre-existing tower, and the height shall be no taller than the original tower. Building permits to rebuild the facility shall be obtained within one hundred eighty (180) days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in this section.

Schedule of Area, Yard and Height Requirements NOTE (26)