

Chapter 16.22

ZONING DISTRICTS ESTABLISHED

Sections:

16.22.010 Establishment of zones.

16.22.020 Zoning map.

16.22.010 Establishment of zones.

For the purpose of this title, the township is divided into the following zone districts:

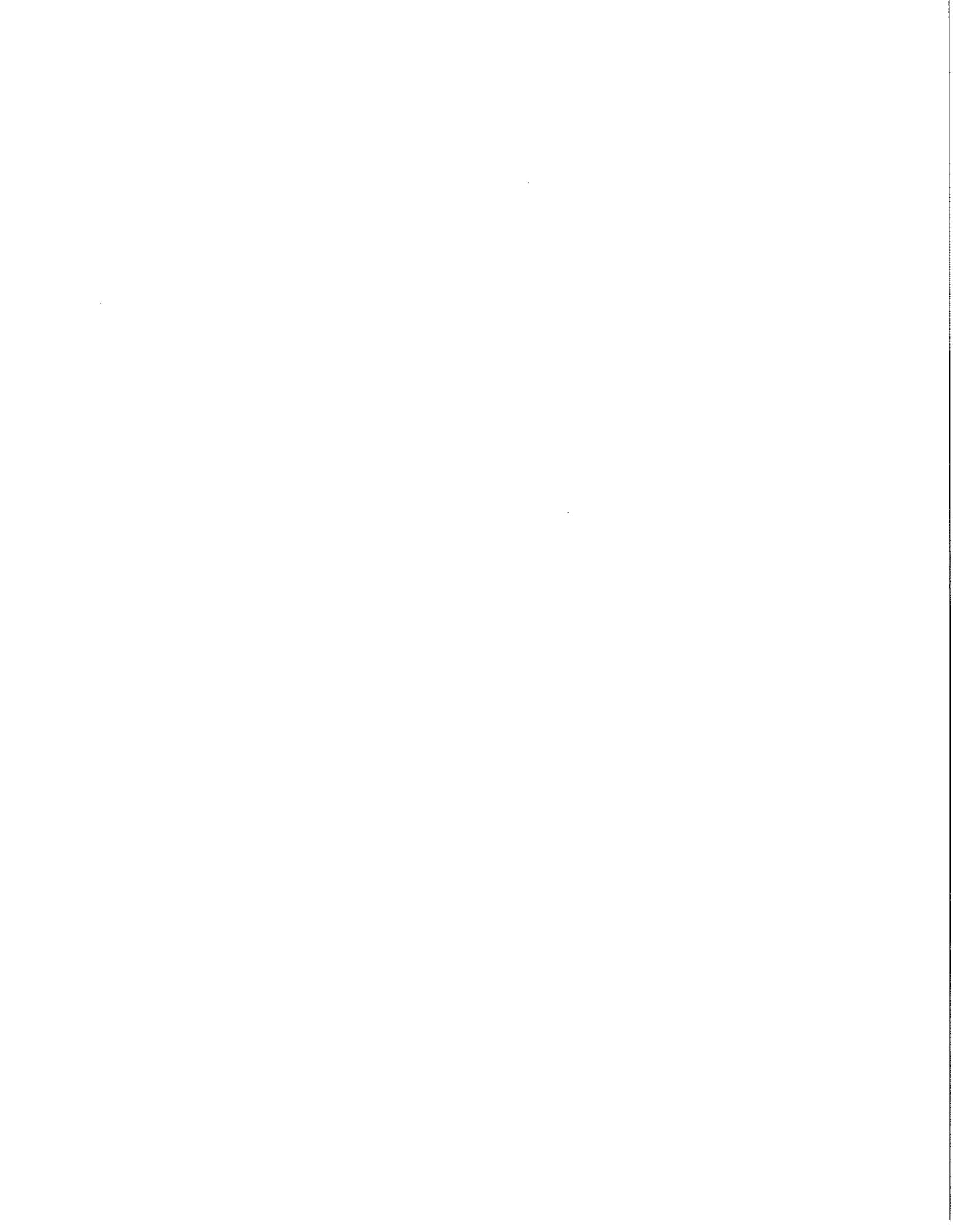
AR-5	Agricultural residential
R-1	Rural residential (very low density)
R-1A	Rural residential (low density)
R-2	Rural residential (conservation density)
R-3	Residential (low density)
R-4	Residential (moderate density)
R-5	Planned residential development
R-6	Residential (single-family attached and detached)
R-6LM	Low and moderate income housing
R-7	Residential (multifamily)
R-8	Planned age restricted adult community zone
R-9	Planned age restricted, assisted living facility development district
B-1	Neighborhood business
B-2	Commercial
B-3	Community commercial
B-4	Highway business
B-5	Low intensity highway
I-1	Restricted industrial
I-2	Major industrial
O-1	Professional office
O-2	Business office
P	Public and institutional
H	Hospital district
PCOS	Planned Commercial-Office-Service District

(Ord. 99-1 (part); Ord. 98-47 (part); Ord. 93-24 § 1; Ord. 91-35 § 2; prior code § 15-9.1; Ord. 01-28 (part); Ord. 02-42 (part); Ord. 02-47 (part) (Ord. 08-13 (part))

16.22.020 Zoning map.

A. The location and boundaries of the zones shall be shown on the zoning map of the township, which is made a part of this title. The map, and all notations, references and designations shown thereon, shall be as much a part of this title as if the same were all fully described and set forth herein.

B. A copy of the Tax Map of Raritan Township, Hunterdon County, indicating lot lines and marked to indicate zone boundaries entitled "1983 Zoning Map" is designated as the official zoning map of Raritan Township. The map shall be on file in the planning board office and shall bear the signature of the township clerk and date of adoption on the cover sheet. (Prior code § 15-9.2)



Chapter 16.24A

R-1 RURAL RESIDENTIAL ZONE

Sections:

- 16.24A.010 Purpose.
- 16.24A.020 Principal permitted uses.
- 16.24A.030 Permitted accessory uses.
- 16.24A.040 Conditional uses.
- 16.24A.050 Limitations.
- 16.24A.060 Exceptions to minimum lot size, lot width and cluster development prohibition.

16.24A.010 Purpose.

Recognizing the physical and ecological constraints in this area as documented in the township master plan, it is the purpose of this zone to limit development to agricultural and large lot rural residential and related uses.

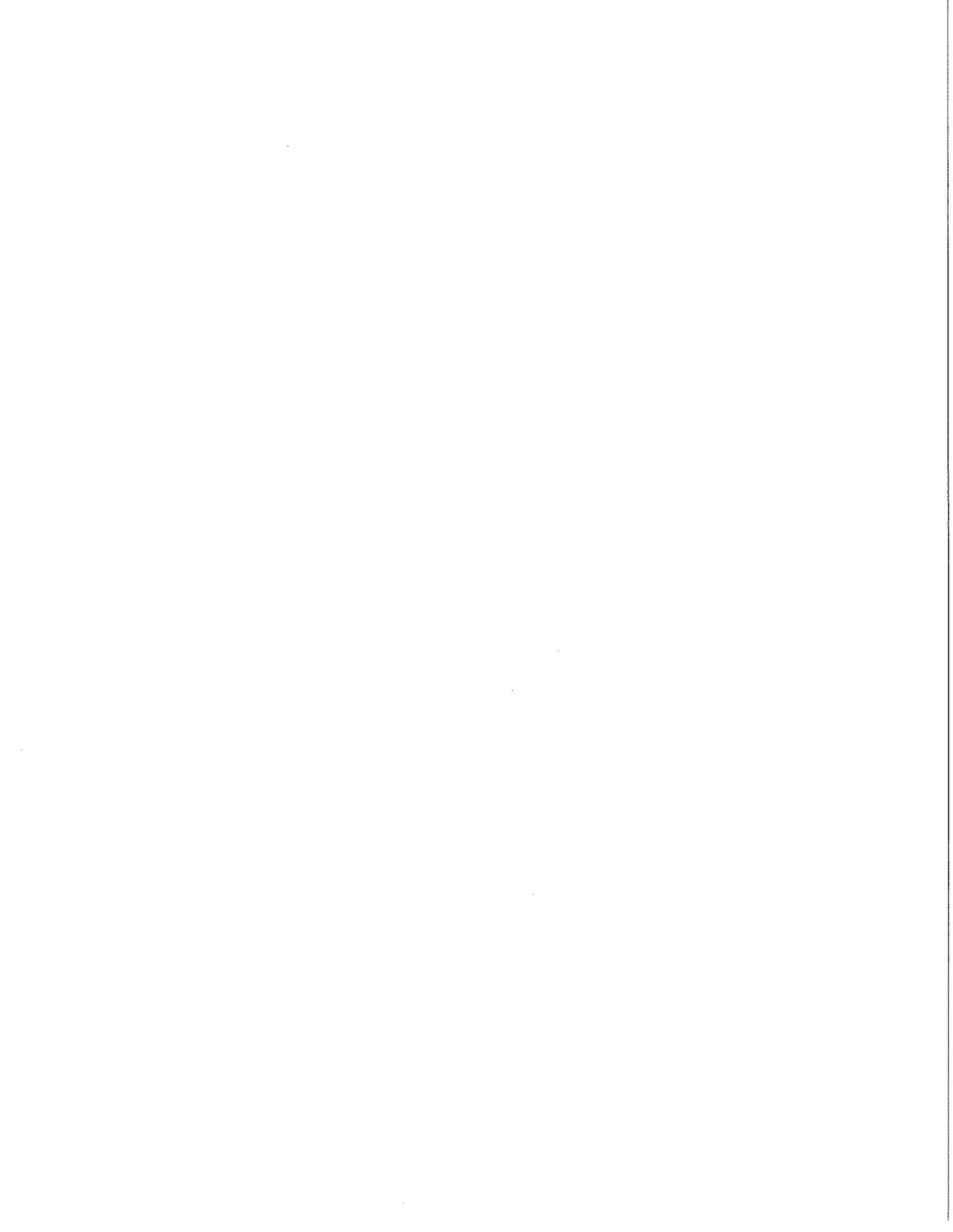
Within this zone, no lot, structure or accessory structure shall be used in whole or in part unless it complies with Schedules I and II set out in the Appendix following this title, other applicable sections of this title, and the following regulations. (Prior code § 15-9.3(a))

16.24A.020 Principal permitted uses.

- A. Single-family detached dwellings;
- B. Any form of agriculture or horticulture, including farm product sales, in accordance with the requirements of Section 16.24.050. Commercial greenhouses are permitted as part of a farm as defined in this title;
- C. Golf course and country club, provided such is located on a lot having an area of at least one hundred (100) acres, and provided that no structure or building shall be located closer than two hundred (200) feet to any property line.
 - 1. Activities may include club house, pro shop, noncommercial swimming pool, noncommercial tennis courts, maintenance buildings.
 - 2. Off-street parking shall be provided as specified by this title. No portion of such off-street parking area shall be located closer to any property line than one hundred (100) feet.
 - 3. The planning board may require appropriate screening of parking areas, tennis courts, swimming pool and similar outdoor activities and may require shielding of outdoor lighting to prevent glare on adjacent properties. (Ord. 90-18 § 4; prior code § 15-9.3(b))

16.24A.030 Permitted accessory uses.

- A. Private garages and carports;
- B. Swimming pools and other recreational facilities for the residential uses and normally conducted on a residential lot;
- C. Signs, fences and storage sheds;
- D. The taking in of not more than two roomers or boarders;
- E. Home offices;
- F. Customary uses incidental to an agricultural or horticultural use permitted in this zone;
- G. Noncommercial kennels. (See Section 16.02.030, Definitions.) (Prior code § 15-9.3(c))



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16.24A.040 Conditional uses.

- A. Public and private schools and child care centers;
- B. Houses of worship;
- C. Public uses;
- D. Essential services;
- E. Farm stands;
- F. Clubs, lodges and fraternal organizations;
- G. Home occupations;
- H. Camps;
- I. Riding academies and boarding stables;
- J. Animal hospitals and commercial kennels;
- K. Agricultural research facilities;
- L. Accessory apartments. (See Section 16.02.030, Definitions);
- M. Group homes;
- N. ECHO unit. (Ord. 94-5 § 2; prior code § 15-9.3(d); Ord. 06-31)

16.24A.050 Limitations.

A. Keeping of Animals on Residential or Nonfarm Lots. On residential and nonfarm lots:

1. The keeping or raising of livestock, horses, poultry or rabbits shall be limited to lots of at least three acres in area and shall be limited to one head of livestock or horses, or twenty (20) fowl or rabbits per acre. The keeping or raising of swine, fur-bearing animals or animals which, by reason of the nature of their diet and/or living habits normally cause or result in objectionable odors, is prohibited.

2. The keeping of household pets such as birds, cats, dogs and rabbits is not in any way regulated by subsection (A)(1) of this section and does not require any minimum acreage.

B. Sale of Household Goods and Services. The sale of household goods and services, and the advertising and display of such goods for sale are prohibited, except in the case of garage or yard sales held no more than twice a year.

C. Farm Product Sales. Farm product sales may take place on any farm or residential lot, provided that:

1. Only farm produce grown on the lot comprising the farm or residence may be sold;

2. The produce shall be displayed on the ground or on a table or other similar portable display. Any display area shall not exceed one hundred (100) square feet in surface area;

3. The display shall be removed at the end of the sales season;

4. The display area shall be set back at least twenty (20) feet from the edge of the traveled lane to provide for sufficient room for parking;

D. Noncommercial kennels shall be permitted on a minimum of three acres with a minimum setback of fifty (50) feet. (Prior code § 15-9.3(e))

16.24A.060 Exceptions to minimum lot size, lot width and cluster development prohibition.

A. Any vacant lot existing as of the date of adoption of the ordinance codified in this section in the R-1 zoning district which lot shall become nonconforming as to lot area or width or both as a result of said ordinance (which amended Schedules I--III set out in the Appendix following this title) may be improved with a single-family dwelling and permitted accessory structures provided:

Such lot could have been improved with a single-family dwelling and accessory structures under the R-1 zoning district regulations existing immediately prior to adoption of said ordinance.

B. No lot improved with a single-family dwelling as of the date of adoption of the ordinance codified in this section shall be precluded from being expanded or from adding otherwise permitted accessory structures or uses onto such lot because such will not comply with the lot area and/or lot width requirements of the R-1 zoning district as amended by said ordinance

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provided:

1. Such expansion or accessory structure or use would have been permitted under the R-1 zoning district regulations existing immediately prior to adoption of said ordinance;
2. Such expansion or accessory structure or use otherwise complies with all required yard regulations of the R-1 zoning district.

C. A development application for any property located in the R-1 zoning district which application was deemed complete in accordance with these development regulations and the municipal Land Use Law, N.J.S. 40:55D-1 et seq., prior to the introduction of Ordinance No. 98-31 on July 27, 1998 shall be exempt from the provisions of Ordinance No. 98-31 and continue to be processed under the provision of the R-1 zoning district as such existed prior to the adoption of Ordinance No. 98-31.

Any substantial revision to the preliminary plat application as part of the planning board review process of those completed applications qualifying under this exemption, shall continue to be processed under the provisions of the R-1 zoning district as such existed prior to the adoption of Ordinance No. 98-31.

Following the approval of a preliminary and/or final plat of such subdivision application exempt from the provisions of Ordinance No. 98-31, or the discontinuance, withdrawal or denial of such application, no further subdivision application to create an additional lot or lots shall be accepted or approved, except such applications which comply with the provisions of said ordinance. (Ord. 98-36 § 2; Ord. 98-31 §§ 6, 7) 08-3

Chapter 16.24B

R-1A RURAL RESIDENTIAL ZONE

Sections:

- 16.24B.010 Zone created.
16.24B.020 Uses and general requirements.

16.24B.010 Zone created.

There is created an R-1A zoning district classification. The following area shall comprise the R-1A zoning district:

All of the area shown on the official zoning map of the township of Raritan in the R-3 zoning district in the following blocks:

- Block 60
- Block 63
- Block 63.01
- Block 83
- Block 84
- Block 86
- Block 86.01

(Ord. 89-11 § 4(a))

16.24B.020 Uses and general requirements.

All zoning and development ordinance regulations and requirements including use, height, yard and building requirements, applying to an R-3 zoning district, shall apply to the R-1A zoning district except that the minimum lot area applicable to the R-1A district for a single-family residential permitted use shall be one hundred thousand (100,000) square feet. It is specifically the intent that no use shall be permitted in the R-1A district unless such use is a principal permitted use, permitted accessory use or conditional use in the R-3 zoning district. It is specifically the intent to include as conditional uses in the R-1A zoning district all conditional uses in the R-3 zoning district including low intensity highway-oriented uses and ECHO units subject to the standards for such conditional uses as set forth in the zoning ordinances. It is specifically the intent to permit subject planning board approval lot averaging and cluster development in the R-1A zoning district subject to all regulations applicable to cluster development in the R-3 zoning district except that the conventional lot size applicable to the R-1A district shall be not less than one hundred thousand (100,000) square feet.

Footnote 17 on Schedule 1 of Schedule of Area, Yard and Building Requirements of the Development Ordinance declared to be a part of Chapter XV by Section 16.64.010 is not applicable to the R-1A zoning district. (Ord. 94-5 § 7; Ord. 89-11 § 4(b); Ord. 08-10) *08-3*

Chapter 16.24C

R-2 RURAL RESIDENTIAL ZONE

Sections:

- 16.24C.010 Purpose.
- 16.24C.020 Principal permitted uses.
- 16.24C.030 Permitted accessory uses.
- 16.24C.040 Conditional uses.
- 16.24C.050 Limitations.

16.24C.010 Purpose.

Recognizing the important historic heritage associated with this area, it is the purpose of this zone to limit development to low density residential, agricultural, and related uses compatible with the existing structures and uses.

Within this zone, no lot, structure or accessory structure shall be used in whole or in part unless it complies with Schedules I and II set out in the Appendix following this title, other applicable sections of this title, and the following regulations. (Prior code § 15-9.4(a))

16.24C.020 Principal permitted uses.

- A. Single-family detached dwellings;
- B. Any form of agriculture or horticulture, excluding commercial greenhouses. However, the sale of farm products is permitted in accordance with the requirements of Section 16.28.050. (Prior code § 15-9.4(b))

16.24C.030 Permitted accessory uses.

- A. Private garages and carports;
- B. Swimming pools and other recreational facilities for the residential uses and normally conducted on individual lots;
- C. Signs, fences and storage sheds;
- D. The taking in of not more than two roomers or boarders;
- E. Home offices;
- F. Customary uses incidental to an agricultural or horticultural use permitted in this zone. (Prior code § 15-9.4(c))

16.24C.040 Conditional uses.

- A. Public and private schools and child care centers;
- B. Public uses;
- C. Essential services;
- D. Home occupations;
- E. Accessory apartments. (See Section 16.02.030, Definitions);
- F. Group homes;
- G. ECHO unit. (Ord. 94-5 § 3; prior code § 15-9.4(d); Ord. 06-31)

16.24C.050 Limitations.

- A. Keeping of Animals on Residential or Nonfarm Lots. The keeping or raising of livestock,

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horses, poultry or rabbits shall be limited to lots of at least three acres in area, and shall be limited to one head of livestock or horse or twenty (20) fowl or rabbits per acre. The keeping or raising of swine, fur-bearing animals, which by reason of the nature of their diet and/or living habits normally cause or result in objectionable odors, is prohibited.

B. Sale of Household Goods and Services. The sale of household goods and services, and the advertising and display of such goods for sale are prohibited, except in the case of garage or yard sales held no more than twice a year.

C. Farm Product Sales. Farm product sales may take place on any farm or residential lot, provided that:

1. Only farm produce grown on the lot comprising the farm or residence may be sold;
2. The produce shall be displayed on the ground or a table, or other similar portable display. Any display area shall not exceed one hundred (100) square feet in surface area;
3. The display shall be removed at the end of the sales season;
4. The display area shall be set back at least twenty (20) feet from the edge of the traveled lane to provide for sufficient room for parking. (Prior code § 15-9.4(e)) *08-3*

Chapter 16.24D

R-3 RESIDENTIAL ZONE

Sections:

- 16.24D.010 Purpose.
- 16.24D.020 Principal permitted uses.
- 16.24D.030 Permitted accessory uses.
- 16.24D.040 Conditional uses.
- 16.24D.050 Limitations.

16.24D.010 Purpose.

It is the purpose of this zone to preserve the open agricultural character of this section of the township and, at the same time, provide areas for low-density single-family residential development and related uses.

Within this zone, no lot, structure or accessory structure shall be used in whole or in part unless it complies with Schedules I, II and III set out in the Appendix following this title, other applicable sections of this title, and the following regulations. (Prior code § 15-9.5(a))

16.24D.020 Principal permitted uses.

- A. Single-family detached dwellings;
- B. Any form of agriculture or horticulture, including farm product sales in accordance with the requirements of Section 16.30.050. Commercial greenhouses are permitted as part of a farm as defined in this title;
- C. Golf course and country club provided such is located on a lot having an area of at least one hundred (100) acres and provided that no structure or building shall be located closer than two hundred (200) feet to any property line.
 - 1. Activities may include club house, proshop, noncommercial swimming pool, noncommercial tennis courts, maintenance buildings.
 - 2. Off-street parking shall be provided as specified by this title. No portion of such off-street parking area shall be located closer to any property line than one hundred (100) feet.
 - 3. The planning board may require appropriate screening of such parking areas, tennis courts, swimming pool and similar outdoor activities and may require shielding of outdoor lighting to prevent glare on adjacent properties.
 - 4. It is the intent of the amendment to also permit a golf course and golf course and country club in the R-1A zoning district subject to the same provision as specified for the R-3 zoning district.
- D. 1. Research farm for agricultural experimentation and trials. Ancillary uses may include but not be limited to laboratories, meetings and conference rooms, offices, facilities used for storing agricultural products and supplies, garages for the storage and repair of farm machinery used on the premises only and facilities associated with the disposition and of agricultural waste materials. Such facilities associated with the disposition and treatment of agricultural waste materials shall be subject to necessary permitting by appropriate governmental units or agencies.
 - 2. Development Standards for Research Farms.
 - a. No building or structure except for fencing and gating shall be located within three hundred (300) feet of any property line.
 - b. No more than five percent of the property shall be occupied by buildings and structures.

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c. The height of buildings and structures shall not exceed three and one-half stories. In no case shall such three and one-half stories exceed a height of forty-five (45) feet.

d. The minimum lot size shall be one hundred fifty (150) acres. (Ord. 98-50 § 6; Ord. 96-15 § 1; Ord. 90-18 § 5; prior code § 15-9.5(b))

16.24D.030 Permitted accessory uses.

- A. Private garages and carports;
- B. Swimming pools and other recreational facilities for the residential uses and normally conducted on individual lots;
- C. Signs, fences and storage sheds;
- D. The taking in of not more than two roomers or boarders;
- E. Home offices;
- F. Customary uses incidental to an agricultural or horticultural use permitted in this zone;
- G. Noncommercial kennels. (See Section 16.02.030, Definitions and Section 16.30.050(D). (Prior code § 15-9.5(c))

16.24D.040 Conditional uses.

- A. Public and private schools and child care centers;
- B. Houses of worship;
- C. Public uses;
- D. Essential services;
- E. Farm stands;
- F. Clubs, lodges and fraternal organizations;
- G. Home occupations;
- H. Camps;
- I. Riding academies and boarding stables;
- J. Animal hospitals and commercial kennels;
- K. Hospitals;
- L. Low-intensity highway-oriented uses;
- M. Accessory apartments. (See Section 16.02.030, Definitions);
- N. Group homes;
- O. ECHO unit;
- P. Low-intensity highway-oriented conditional uses - NJSH-12. (Ord. 98-47 § 3; Ord. 96-15 § 2; Ord. 94-5 § 4; prior code § 15-9.5(d); Ord. 06-31)

16.24D.050 Limitations.

A. Keeping of Animals on Residential or Nonfarm Lots. On residential and nonfarm lots:
1. Keeping or raising of livestock, horses, poultry or rabbits shall be limited to lots of at least three acres in area and shall be limited to one head of livestock or horses, or twenty (20) fowl or rabbit per acre. The keeping or raising of swine, fur-bearing animals or animals which, by reason of the nature of their diet and/or living habits normally cause or result in objectionable odors, is prohibited.

2. The keeping of household pets such as birds, cats, dogs and rabbits, is not in any way regulated by subsection (A)(1) of this section, and does not require any minimum acreage.

B. Sale of Household Goods and Services. The sale of household goods and services, and the advertising and display of such goods for sale are prohibited, except in the case of garage or yard sales held no more than twice a year.

C. Farm Product Sales. Farm product sales may take place on any farm or residential lot, provided that:

- 1. Only farm produce grown on the lot comprising the farm or residence may be sold;

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2. The produce shall be displayed on the ground or a table, or other similar portable display. Any display area shall not exceed one hundred (100) square feet in surface area;
 3. The display shall be removed at the end of the sales season;
 4. The display area shall be set back at least twenty (20) feet from the edge of the traveled lane to provide for sufficient room for parking.
- D. Noncommercial kennels shall be permitted on a minimum of three acres with a minimum setback of fifty (50) feet. (Prior code § 15-9.5(e)) *08-3*

Chapter 16.24E

R-4 RESIDENTIAL ZONE

Sections:

- 16.24E.010 Purpose.**
- 16.24E.020 Principal permitted uses.**
- 16.24E.030 Permitted accessory uses.**
- 16.24E.040 Conditional uses.**
- 16.24E.050 Limitations.**

16.24E.010 Purpose.

Recognizing the developmental conflicts in this area of topographic constraints versus the availability of public utilities, it is the purpose of this zone to limit development to medium density single-family residential development and related uses.

Within this zone, no lot, structure or accessory structure shall be used in whole or in part unless it complies with Schedules I, II and III set out in the Appendix following this title, other applicable sections of this title, and the following regulations. (Prior code § 15-9.6(a))

16.24E.020 Principal permitted uses.

- A. Single-family detached dwellings;
- B. Any form of agriculture or horticulture, including farm product sales in accordance with the requirements of Section 16.32.050. (Prior code § 15-9.6(b))

16.24E.030 Permitted accessory uses.

- A. Private garages and carports;
- B. Swimming pools and other recreational facilities for the residential uses and normally conducted on individual lots;
- C. Signs, fences and storage sheds;
- D. The taking in of not more than two roomers or boarders;
- E. Home offices;
- F. Customary uses incidental to an agricultural or horticultural use permitted in this zone. (Prior code § 15-9.6(c))

16.24E.040 Conditional uses.

- A. Public and private schools and day nurseries;
- B. Houses of worship;
- C. Public uses;
- D. Essential services;
- E. Clubs, lodges and fraternal organizations;
- F. Home occupations;
- G. Nursing homes;
- H. Accessory apartments. (See Section 16.02.030, Definitions);
- I. Group homes;
- J. ECHO units. (Ord. 94-5 § 6; prior code § 15-9.6(d))

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16.24E.050 Limitations.

A. Keeping of Animals on Residential or Nonfarm Lots. On residential and nonfarm lots:

1. The keeping or raising of livestock, horses, poultry or rabbits shall be limited to lots of at least three acres in area and shall be limited to one head of livestock or horses or twenty (20) fowl or rabbits per acre. The keeping or raising of swine, fur-bearing animals which, by reason of the nature of their diet and/or living habits normally cause or result in objectionable odors, is prohibited.

2. The keeping of household pets such as birds, cats, dogs and rabbits is not in any way regulated by subsection (A)(1) of this section and does not require any minimum acreage.

B. Sale of Household Goods and Services. The sale of household goods and services, and the advertising and display of such goods for sale are prohibited, except in the case of garage or yard sales held no more than twice a year.

C. Farm Product Sales. Farm product sales may take place on any farm or residential lot, provided that:

1. Only farm produce grown on the lot comprising the farm or residence may be sold;
2. The produce shall be displayed on the ground or on a table, or other similar portable display. Any display area shall not exceed one hundred (100) square feet in surface area;
3. The display shall be removed at the end of the sales season;
4. The display area shall be set back at least twenty (20) feet from the edge of the traveled lane to provide for sufficient room for parking. (Prior code § 15-9.6(e)) 08-3

Chapter 16.24F

R-5 RESIDENTIAL ZONE

Sections:

- 16.24F.010 Purpose.
- 16.24F.020 Principal permitted uses.
- 16.24F.030 Permitted accessory uses.
- 16.24F.040 Conditional uses.
- 16.24F.050 Limitations.
- 16.24F.060 Planned residential development.
- 16.24F.070 Senior citizen housing.

16.24F.010 Purpose.

It is the purpose of this zone to provide appropriate areas of the township for higher density, predominantly residential development, including a range of dwelling-unit types, from single-family detached homes to apartments.

Within this zone, no lot, structure or accessory structure shall be used in whole or in part unless it complies with Schedules I, II and III set out in the Appendix following this title, other applicable sections of this title, and the following regulations. (Prior code § 15-9.7(a))

16.24F.020 Principal permitted uses.

- A. Single-family-detached dwellings;
- B. Planned residential developments in accordance with the requirements of Section 16.34.060;
- C. Housing for elderly or low and moderate-income families in accordance with the requirements of Section 16.34.070;
- D. Two-family houses shall be permitted, provided they comply with the following standards:
 - 1. Safe and proper means of entrance and exit shall be provided. Staircases providing access to units shall be enclosed or located to the rear of the structure. Each unit shall have a separate, independent structure.
 - 2. Each unit shall be connected to public sewer and public water. Such usage shall follow approval by the board of health.
 - 3. Each two-family house shall be located on a lot area of at least forty thousand (40,000) square feet and minimum frontage width of two hundred (200) feet.
 - 4. Each unit shall have a total floor area of at least five hundred (500) square feet and at least one bedroom;
- E. Maximum Number of Bedrooms. The maximum number of all bedrooms on the land proposed to be developed for planned residential development shall not exceed eight bedrooms times the number of acres in the tract. In computing the maximum number of bedrooms that shall be permitted, the following areas of land shall not be included in the acreage: existing easements land in channel and floodways, and land on slopes in excess of twenty (20) percent. (Ord. 85-27 § 1; prior code § 15-9.7(b))

16.24F.030 Permitted accessory uses.

- A. Private garages and carports;

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- B. Swimming pools and other recreational facilities for the residential uses and normally conducted on individual lots;
- C. Signs, fences and storage sheds;
- D. The taking in of not more than two roomers or boarders;
- E. Home offices. (Prior code § 15-9.7(c))

16.24F.040 Conditional uses.

- A. Public and private day schools and day nurseries;
- B. Houses of worship;
- C. Public uses;
- D. Essential services;
- E. Clubs, lodges and fraternal organizations;
- F. Nursing homes;
- G. Home occupations;
- H. Accessory apartments. (See Section 16.02.030, Definitions);
- I. Group homes. (Prior code § 15-9.7(d))

16.24F.050 Limitations.

- A. Keeping of Animals on Residential or Nonfarm Lots. On residential and nonfarm lots:
 - 1. The keeping or raising of livestock, horses, poultry or rabbits is prohibited on lots of any size.
 - 2. The keeping of household pets such as birds, cats, dogs and rabbits is not in any way regulated by subsection (A)(1) of this section and does not require any minimum acreage.
- B. Sale of Household Goods and Services. The sale of household goods and services, and the advertising and display of such goods for sale are prohibited, except in the case of garage or yard sales held no more than twice a year.
- C. Farm Product Sales. Farm product sales may take place on any farm or residential lot, provided that:
 - 1. Only farm produce grown on the lot comprising farm or residence may be sold;
 - 2. The produce shall be displayed on the ground or a table, or other similar portable display. Any display area shall not exceed one hundred (100) square feet in surface area;
 - 3. The display shall be removed at the end of the sales season;
 - 4. The display area shall be set back at least twenty (20) feet from the edge of the traveled lane to provide for sufficient room for parking. (Prior code § 15-9.7(e))

16.24F.060 Planned residential development.

The intent of this section is to allow in all portions of the R-5 zone served by public sewers and public water, and under reasonable requirements, planned residential developments allowing a variety of housing types within the overall density limits established. The standards established herein are based on the premise that a portion of the township's future housing supply shall be other than single-family detached housing, to meet the needs of single- and two-person households of all ages and all income levels.

A. Where Permitted. Planned residential developments shall be permitted in all portions of the R-5 zone served by public sewer and public water.

B. Minimum Acreage Required. Fifty (50) contiguous acres shall be the minimum required area for a planned residential development.

C. Uses Permitted. Planned residential development shall include single-family detached structures, single-family attached and multifamily structures. Cooperative, condominium, rental or sales may be permitted. Retail and service uses, including parking not in excess of five percent of the land area, shall be permitted. Such uses shall be so located as to serve the residents of the

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development.

D. **Timing of Development.** The planning board shall establish reasonable timing schedules on the sequence and number of housing types that may be constructed annually as part of planned residential development.

E. **Maximum Number of Bedrooms.** The maximum number of all bedrooms on the land proposed to be developed for planned residential development shall not exceed eight bedrooms times the number of acres in the tract. In computing the maximum number of bedrooms that shall be permitted, the following areas of land shall not be included in the acreage: existing easements, land in channel and floodways, and land on slopes in excess of twenty (20) percent.

F. **Maximum Number by Type.** Not more than forty (40) percent of all bedrooms shall be in any housing type, single-family detached, single-family attached or multifamily.

G. **Minimum Standards for Single-Family Detached.** Single-family detached housing shall be built in accordance with the standards of the R-5 zone as may be modified by Section 16.64.020.

H. **Minimum Standards for Multifamily Housing (Apartment Units).**

1. **Placement of Buildings.**

a. No building or structure for dwelling use shall face the rear of another such building, or structure, or the rear of buildings or structures on adjoining properties unless separated by a minimum distance of one hundred (100) feet.

b. Any building or structure which cannot properly be served by emergency or service vehicles from a street or road abutting the lot shall be made accessible to such vehicles by a paved driveway.

c. The minimum distance between buildings and structures shall be fifty (50) feet. The minimum distance from any building or structure to any rear or side lot line shall be fifty (50) feet. Notwithstanding the above, the unenclosed deck on the rear or side of a multifamily unit may extend not more than ten feet into such required fifty (50) feet of distance between buildings and structures or such required distance from any building or structure to any rear or side lot line.

2. **Parking, Roads and Sidewalks.**

a. Parking shall be provided as required by Section 16.70.040. Dimensions and standard shall be as required in Chapter 16.70 and the standards for site plan review.

b. Roads designed to serve multifamily units shall have a minimum width of thirty (30) feet, paved and curbed in accordance with applicable standards.

c. Sidewalks shall have a minimum width of four feet and be located along streets, between buildings, and between parking areas and buildings.

3. **Maximum number of units in any apartment structure, no more than eight dwelling units in any unbroken building line of such structures.** A setback of not less than four feet shall be deemed a satisfactory break in the building line.

4. **Recreation.** Recreation facilities shall be developed suitably to serve the residents of the dwelling units. They shall be located in an area which will not be detrimental to adjacent property owners or residents by virtue of noise, light, glare and any other objectionable features emanating from such a facility.

5. **Services.** No outside area or equipment shall be provided for the handling of laundry or the outside airing of laundry in any manner. Sufficient area and equipment shall be made available within each building for the laundering and artificial drying of laundry of the occupants of each building. Waste materials and garbage must be privately disposed of by a method approved by the township board of health.

6. **Landscaping.** All developments shall be provided with professionally designed and executed landscaping. All areas not utilized for parking areas, driveways, streets and roads, recreational facilities, patios or terraces shall be provided with lawns or other suitable groundcover, trees and shrubs. Continuous evergreen screening shall be provided where multifamily or attached units abut the tract boundary line, such screening to be no less than four

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feet high when planted. In addition, the planning board may, if conditions warrant, require supplemental screening by a solid fence up to six feet in height. Shade trees shall be provided along walks, driveways, parking areas, streets and roads. Screening or buffers consisting of fencing or landscaping may be required around recreation, parking, utility and refuse disposal areas, and around other similar areas, at the discretion of the planning board. All landscaping shall be maintained in good condition and shall be replaced when necessary. Yards, patios and gardens on individual lots shall be shielded with walls as approved by the planning board to the extent necessary to achieve a reasonable degree of privacy. No trees shall be planted between the curb and sidewalks.

7. Minimum Dwelling Unit Size.

- a. Efficiencies, four hundred (400) square feet.
- b. One bedroom, six hundred (600) square feet.
- c. Two bedroom or more, seven hundred fifty (750) square feet.

I. Minimum Standards for Single-Family Attached Housing.

1. Individual Lot Requirements.

a. **Minimum Width.** The average width of all individual lots shall be not less than twenty-two (22) feet, and no individual lot shall have a width of less than twenty (20) feet, such width to be measured at the actual building setback line for each individual lot.

b. **Minimum Area.** The average area of all individual lots shall be not less than two thousand two hundred (2,200) square feet, and no individual lot shall have an area of less than two thousand (2,000) square feet.

c. **Front and Rear Yards.** Each individual lot shall have a front and rear yard, and no such yard shall be less than twenty (20) feet. The average front and rear yards for all individual lots in any tract shall be not less than twenty-five (25) feet.

The number of individual lots with front or rear yards of less than twenty-five (25) feet shall be equal to those with front or rear yards of more than twenty-five (25) feet, and by the same number of feet.

Corner lots shall observe a setback of at least twenty-five (25) feet from each street right-of-way line or edge of pavement, whichever is greater.

d. **Side Yard.** There shall be a single side yard of not less than ten feet at the ends of each row.

2. Building Requirements.

a. Design.

No dwelling unit shall have a floor area of less than eight hundred (800) square feet.

Each dwelling unit shall have not less than two exposures.

There shall be no more than eight dwelling units in any single group of dwelling units.

No dwelling unit, or group of dwelling units, shall exceed two and one-half stories or thirty-five (35) feet, whichever is less. No living space shall be permitted above the second floor.

No more than two adjacent dwelling units may be constructed without providing a front wall setback of not less than two feet.

b. Siting.

Each dwelling unit shall have two means of ingress and egress.

Each group of dwelling units shall set back no less than fifty (50) feet from any tract boundary line, except that where the rear yard of an individual lot abuts the rear yard of property adjacent to the tract, this setback may be reduced to thirty-five (35) feet if necessary to enhance the design of the tract.

No group of dwelling units within the tract shall be closer than thirty (30) feet to any other group of dwelling units within the tract.

Dwelling units and accessory buildings on individual lots shall not, in the aggregate, cover more than sixty (60) percent of the area of each individual lot.

c. **Parking Requirements.** As required in Chapter 16.70.

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d. Utilities, Facilities and Landscaping.

i. Refuse storage areas shall be located on each individual lot and shall be so designed as to minimize any detrimental effect on the character of the development, and shall meet the setback requirements set forth herein for groups of dwelling units.

ii. All utility wiring shall be underground.

iii. Common accessory buildings and facilities shall be designed to harmonize with the overall character of the development and shall meet the setback requirements set forth herein for groups of dwelling units.

iv. Landscaping shall be as required in subsection (H)(6) of this section.

J. Ownership of Common Areas. Common areas of any tract utilized for a PRD which are not accepted by the township shall be deemed to a corporation, association, individuals or other legal entity consisting of a majority of the property owners within the development, for their use, control, management and maintenance. Any agreements providing for such ownership shall be reviewed and approved by the planning board to ensure that adequate safeguards are included guaranteeing the continuance of the agreement in perpetuity and protecting the township from harm. In any event, the agreement shall give the township the right to perform maintenance and assess the cost to the property owners in the event that the property owners fail to maintain the property in accordance with the agreement pursuant to R.S. 40:55d-43.

K. Maintenance. It shall be the responsibility of the owner of the property to maintain all off-street parking, loading and unloading areas, driveways, aisles and accessways in good condition, free of litter and refuse, potholes, cracked pavement, ice, snow or other seasonal hazards, etc. All lighting, bumpers, markings, signs, drainage and landscaping shall be similarly kept in workable, safe and good condition. If the owner fails to undertake repairs, after proper notification by the building inspector, the township committee may authorize repairs to be made at the owner's expense if, in the committee's opinion, conditions constitute a hazard to the safety and welfare of the township residents and visitors.

L. Additional housing for elderly or low and moderate income families.

1. Bonus Provision. The maximum number of bedrooms permitted under subsection E of this section may be exceeded by up to ten percent, provided that the ten percent or portion thereof is planned, constructed and maintained as housing for low and moderate income families or elderly low and moderate income families. This bonus provision may be applied to any housing type. Such housing for low and moderate income families or elderly low and moderate income families shall be subject to all Raritan Township non-zoning affordable housing ordinances and regulations in effect or as may be adopted or amended.

2. Waiver. The regulations governing the minimum number of parking spaces, the minimum square footage of dwelling units or other similar requirements may be waived, after a public hearing by the planning board, when it becomes necessary for such housing to meet the specific requirements or recommendations of a recognized state or federal subsidation program, or covenant trust system. It is not intended that the density or number of bonus units may be increased over that provided in this chapter, or that setback, height or other requirements shall be waived except through normal variance procedures.

M. Recreation and Common Open Space. A minimum of twenty-five (25) percent of the gross tract area shall be set aside as common open space as follows:

1. A minimum of ten percent of the gross tract area shall be in formal recreational facilities such as swimming pools, tennis courts, baseball diamonds, playgrounds and playing fields.

2. A minimum of ten percent of the gross tract areas shall be in natural features, vistas, significant wooded areas, vegetation and other usable open space, which shall be defined as lands other than in channels and flood-ways, and on slopes in excess of twenty-five (25) percent, or water bodies, whether used for recreation, retention or detention purposes.

3. Five percent of the gross tract area may include all lands excluded in subsection (M)(2) of this section and water bodies.

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N. Preliminary Subdivision and Site Plan Approval of PRD Sections.

1. See preliminary plat, requirements and procedures set forth in the subdivision and site plan chapters of this code. Site plans for multifamily and attached housing, recreation and commercial areas shall be submitted at a scale of no less than one inch equals fifty (50) feet.

2. Detailed stormwater and soil erosion and sediment control plans for the entire project shall be submitted, along with the preliminary submission for Section 1 of the project.

3. Changes in unit count and road, unit, drainage basin, etc. locations may be required from the sketch plat if, in the opinion of the planning board, the detailed engineering indicates the need.

4. A detailed submission of the homeowners' association bylaws and legal instrument shall be submitted to the planning board for its attorney's review and approval.

O. Final Submission and Site Plan Approval of PRD Sections. See final plat requirements and procedures set forth in the subdivision and site plan chapters of this revision. Site plans shall be submitted at a scale of no less than one inch equals fifty (50) feet. (Ord. 91-31 § 1; Ord. 90-28 §§ 1--3; Ord. 85-25 § 2; prior code § 15-9.7(f))

16.24F.070 Senior citizen housing.

Senior citizen housing shall meet the minimum standards for multifamily housing found in Section 16.34.060, with the following exceptions and additions:

A. Minimum project lot size, five acres.

B. Maximum density, twelve (12) units per net acre.

C. Parking requirement, one-half space per unit.

D. Minimum dwelling unit size:

1. Efficiency, four hundred (400) square feet.

2. One bedroom, four hundred seventy (470) square feet.

3. Two bedroom, five hundred fifty (550) square feet.

4. Three or more bedrooms not permitted.

E. Utilities required: public sewer and water. (Prior code § 15-9.7(g)) *08-3*

Chapter 16.24G

R-6 RESIDENTIAL ZONE

Sections:

- 16.24G.010 Purpose.**
- 16.24G.020 Principal permitted uses.**
- 16.24G.030 Permitted accessory uses.**
- 16.24G.040 Conditional uses.**
- 16.24G.050 Limitations.**

16.24G.010 Purpose.

It is the purpose of this zone to provide areas for medium density residential use, relatively small lot sizes and attached, as well as detached, single-family units.

Within this zone, no lot, structure or accessory structure shall be used in whole or in part unless it complies with Schedules I, II and III set out in the Appendix following this title, other applicable sections of this title and the following regulations. (Prior code § 15-9.8(a))

16.24G.020 Principal permitted uses.

- A. Single-family detached dwellings;
- B. Any form of agriculture or horticulture, excluding commercial greenhouses. However, the sale of farm products is permitted in accordance with the requirements of Section 16.36.050. (Prior code 30% of Gross Lot Area shall be set aside as either passive or active open space. Prior code 15-9.8(b); Ord. 08-15§ B, C &D)

16.24G.030 Permitted accessory uses.

- A. Private garages and carports;
- B. Swimming pools and other recreational facilities for the residential uses and normally conducted on individual lots;
- C. Signs, fences and storage sheds;
- D. The taking in of not more than two roomers or boarders;
- E. Home offices. (Prior code § 15-9.8(c))

16.24G.040 Conditional uses.

- A. Public and private schools and child care centers;
- B. Houses of worship;
- C. Public uses;
- D. Essential services;
- E. Clubs, lodges and fraternal organizations;
- F. Nursing homes;
- G. Home occupations;
- H. Accessory apartments. (See Section 16.02.030, Definitions);
- I. Group homes;
- J. ECHO unit.

(Ord. 94-5 § 6; prior code § 15-9.8(d); Ord. 06-31)

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16.24G.050 Limitations.

A. Keeping of Animals on Residential or Nonfarm Lots. On residential and nonfarm lots:

1. The keeping or raising of livestock, horses, poultry or rabbits shall be limited to lots of at least three acres in area and shall be limited to one head of livestock or horses, or twenty (20) fowl or rabbits per acre. The keeping or raising of swine, fur-bearing animals or animals which, by reason of the nature of their diet and/or living habits normally cause or result in objectionable odors, is prohibited.

2. The keeping of household pets such as birds, cats, dogs and rabbits is not in any way regulated by subsection (A)(1) of this section and does not require any minimum acreage.

B. Sale of Household Goods and Services. The sale of household goods and services and the advertising and display of such goods for sale are prohibited except in the case of garage or yard sales held no more than twice a year.

C. Farm Product Sales. Farm product sales may take place on any farm or residential lot, provided that:

1. Only farm produce grown on the lot comprising the farm or residence may be sold;

2. The produce shall be displayed on the ground or a table or other similar portable display.

Any display area shall not exceed one hundred (100) square feet in surface area;

3. The display shall be removed at the end of the sales season;

4. The display area shall be set back at least twenty (20) feet from the edge of the traveled lane to provide for sufficient room for parking. (Prior code § 15-9.8(e)) 08-3

Chapter 16.24H

R-6LM RESIDENTIAL DISTRICT

Sections:

- 16.24H.010 Created.
- 16.24H.020 Low and moderate income units required.
- 16.24H.030 Maximum height.
- 16.24H.040 Other area and bulk.
- 16.24H.050 Permitted uses.
- 16.24H.060 Minimum standards.
- 16.24H.070 Single-family attached dwellings.

16.24H.010 Created.

There is created an R-6LM district within the township. The following properties shall be in the R-6LM zoning district.

Block	Lot
53	3
53	5
53	9
53	11
53	15
45	2
18	2
18	3
18	13
18	19
18	20
18	21
18	100
63	21

(Ord. 98-41 § 1; Ord. 87-30 § 4 (part))

16.24H.020 Low and moderate income units required.

All development of single-family attached dwellings in the R-6LM district shall be required to provide housing affordable to low and moderate income households at the rate of at least twenty percent of the number of dwellings units to be constructed. All single-family detached dwellings in the R-6LM district shall be required to provide housing affordable to low and moderate income households at the rate of at least fifteen percent of the number of dwelling units to be constructed.

Such low and moderate income units may be provided in single-family attached units or multi-family dwellings. Any multi-family housing shall comply with Section 16.34.060 and Section 16.20.040(B) as well as all applicable provisions of the site plan section of the development ordinance.

If the required percentage of low and moderate income housing units required to be constructed in an R-6LM district yields a fraction of one-half or more, the number shall be

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rounded up to the next whole number; if the required percentage yields a fraction of less than one-half, the number may be rounded down to the next whole number.

In any development that is staged, phased, or sectioned, the number of low and moderate income units provided in each stage shall as much be practical be twenty percent of the total number of units in each stage, phase, or section for single-family attached units and fifteen for single-family detached units. (Ord. 99-35 § 3; Ord. 90-28 § 4; Ord. 87-30 § 4 (part))

16.24H.030 Maximum height.

The maximum height of buildings shall not exceed two and one-half stories. In no case shall such two and one-half stories exceed a height of thirty-five (35) feet. (Ord. 87-30 § 4 (part))

16.24H.040 Other area and bulk.

All area and bulk requirements in the R-6 zoning district applying to single-family attached units, shall apply to single-family attached units in the R-6LM zoning district including lot width, minimum yard requirements for principal and accessory structures and maximum hard surface coverage.

Any multifamily units for low and moderate income households shall be evenly dispersed through the entire development and shall comply with all required minimum yard setback regulations and maximum coverage requirements applicable to single-family attached units in the R-6LM zoning district.

Open space and active recreation facilities shall be provided as required by the site development standards of Chapter 16.20 for a single-family attached dwelling development. Such development shall include units for low and moderate income households unless such low and moderate income units have been provided elsewhere through an agreement or arrangement acceptable to the municipal agency, such as via a regional contribution agreement.

In addition to open space and active recreation facilities permitted accessory uses may include a clubhouse building. Such clubhouse building shall be for the exclusive use of the residents of the development to which it is accessory.

Active recreation facilities and/or a clubhouse building may be located on a lot other than the lot or lots upon which the single-family attached dwelling units are located, provided that such lot upon which such active recreation facilities and/or clubhouse are located is in the same zoning district as the lot or lots upon which the single-family attached units are located; and provided further, that such lot upon which active recreational facilities and/or clubhouse are located is or will be owned by a homeowner's association which will also own other open space and active recreation facilities in the development; and provided further, that the location of such active recreation facilities and/or clubhouse is acceptable to the municipal agency.

If a structure for active recreation use or clubhouse use is located on a lot other than the lot or lots upon which the single-family attached units are proposed, such structure shall not be located closer to any front property line than fifty (50) feet, closer to any rear property line than forty (40) feet nor closer to any side property line than twenty (20) feet. The height of any recreation structure or clubhouse shall not exceed one story nor shall such height exceed twenty (20) feet.

Off-street parking shall be provided in accordance with ordinance requirements for such active recreation facilities and/or clubhouse on the lot upon which such facilities are located, except that a swimming pool for the exclusive use of residents of a development to which such pool and clubhouse are a accessory, shall provide off-street parking at the following minimum rate:

Swimming Pool one space for each ninety (90) square feet of pool surface area (not including children's wading pools).

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Where off-street parking is provided for a swimming pool and an adjacent clubhouse, both of which are accessory uses to a single-family attached development and where both facilities are located on the same lot, the municipal agency may reduce the required number of off-street parking spaces for the two facilities by not more than twenty (20) percent of the total required number of parking spaces. (Ord. 98-41 § 2; Ord. 87-30 § 4 (part))

16.24H.050 Permitted uses.

A. Single-family attached dwellings which shall meet the minimum standards for single-family attached housing found in Section 16.34.060 of this title and Sections 16.38.020, 16.38.030, 16.38.040 and 16.38.060 of this chapter.

B. Single-family detached dwellings which shall meet the minimum standards set forth in Chapter 16.30, R-3 Residential Zone, and subject to Section 16.38.020.

C. Permitted accessory uses to single-family detached dwellings as set forth in Section 16.30.030 (A) through (E) which shall meet the minimum standards pertaining to such permitted accessory uses as set forth in Chapter 16.30, R-3 Residential Zone. (Ord. 99-35 § 2; Ord. 87-30 § 4 (part))

16.24H.060 Minimum standards.

A. Minimum project lot size, thirty (30) acres.

B. Maximum density, six units per net acre including low and moderate income housing units. Net acreage shall be calculated by subtracting from gross acreage, land devoted to existing rights-of-way, existing easements, land within the one hundred (100) year floodplain and land on slopes in excess of twenty (20) percent.

C. Utilities required, public water and sewer.

D. Open space required, minimum of thirty (30) percent of the net tract area. The planning board shall not generally approve open space areas of less than five acres except when such a site is considered adequate for its specific use.

E. Ownership of common areas pursuant to Section 16.34.060.

F. All attached units shall front on an internal street of the project. (Ord. 87-30 § 4 (part))

16.24H.070 Single-family attached dwellings.

Single-family attached dwellings shall meet the minimum standards for single-family attached housing found in Section 16.34.060, and the following:

A. Minimum project lot size, fifteen (15) acres.

B. The maximum density of single-family attached dwellings in the R-6 zoning district shall be 3.3 units per net acre. Net acreage shall be calculated by subtracting from gross acreage, land devoted to existing rights-of-way, existing easements, land within the one hundred (100) year floodplain and land on slopes in excess, of twenty (20) percent.

C. Utilities required, public sewer and water.

D. Unit mix: single-family detached dwellings may be included in the development.

E. Open space required: minimum of thirty-five (35) percent of the net tract area. The planning board shall not generally approve open space areas of less than five acres except when such a site is considered adequate for its specific use.

F. Ownership of common areas pursuant to Section 16.34.060.

G. All attached units shall front on an internal street of the project. (Ord. 87-30 § 3; Ord. 87-27 § 2; prior code § 15-9.8(f)) *08-3*

Chapter 16.24I

R-7 RESIDENTIAL ZONE

Sections:

- 16.24I.010 Purpose.
- 16.24I.020 Principal permitted uses.
- 16.24I.030 Permitted accessory uses.
- 16.24I.040 Conditional uses.
- 16.24I.050 Limitations.
- 16.24I.060 Apartments and townhouses.
- 16.24I.070 Low and moderate income housing units.

16.24I.010 Purpose.

It is the purpose of this zone to provide an area of medium-high density appropriate to and reserved primarily for the development of apartments and townhouse dwelling units.

Within this zone, no lot, structure or accessory structure shall be used in whole or in part unless it complies with Schedule I set out in the Appendix following this title, other applicable sections of this title, and the following regulations. (Prior code § 15-9.10(a))

16.24I.020 Principal permitted uses.

A. Apartments and townhouses in accordance with the requirements of Section 16.40.060;

B. Senior citizen housing in accordance with the requirements of Section 16.34.070. (Prior code

C. Single Family dwellings in accordance with the requirements for single family dwellings in the R-6 zone (Section 16.24.G)(Ord. 08-9 § C.)

16.24I.030 Permitted accessory uses.

A. Private garages and carports;

B. Swimming pools and other recreational facilities for the residential uses;

C. Signs, fences and storage sheds;

D. Home offices. (Prior code § 15-9.10(c))

16.24I.040 Conditional uses.

A. Public and private schools and child care centers;

B. Public uses;

C. Essential services;

D. Accessory apartments. (See Section 16.02.030, Definitions);

E. Group homes.

(Prior code § 15-9.10(d); Ord. 06-31)

16.24I.050 Limitations.

A. Keeping of Animals on Residential or Nonfarm Lots. On residential and nonfarm lots:

1. The keeping or raising of livestock, horses, poultry or rabbits is prohibited on lots of any size.

2. The keeping of household pets such as birds, cats, dogs and rabbits is not in any way

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regulated by subsection (A)(1) of this section, and does not require any minimum acreage.

B. Sale of Household Goods and Services. The sale of household goods and services and the advertising and display of such goods for sale are prohibited, except in the case of garage or yard sales held no more than twice a year. (Prior code § 15-9.10(e))

16.24I.060 Apartments and townhouses.

Apartments shall meet the minimum standards for multifamily housing found in Section 16.34.060, and townhouses shall meet the minimum standards for single-family attached housing found in Section 16.34.060 and the following:

- A. Minimum project lot size, five acres.
- B. Maximum density:
 1. Apartments, six units per net acre.
 2. Townhouses, six units per net acre.
- C. Utilities required: public sewer and water.
- D. All dwellings shall have access from an internal street of the project.
- E. Ownership of common areas pursuant to Section 16.34.060. (Ord. 85-27 § 3; prior code § 15-9.10(f))

16.24I.070 Low and moderate income housing units.

All developments of apartments and townhouses in the R-7 district shall be required to provide housing affordable to low and moderate income households at the rate of at least twenty (20) percent of the number of dwelling units to be constructed.

The maximum density including such low and moderate income units be 7.2 units per net acre.

Net acreage shall be calculated by subtracting from gross acreage, land devoted to existing rights-of-way, existing easements, land within the one hundred (100) year floodplain and land on slopes in excess of twenty (20) percent.

If the required percentage of low and moderate income housing units required to be constructed in an R-7 district yields a fraction of 0.5 or, more, the number shall be rounded up to the next whole number; if the required percentage yields a fraction of less than 0.5, the number may be rounded down to the next whole number.

In any development that is staged, phased or sectioned, the number of low and moderate income units constructed in each stage shall as much as practical be twenty (20) percent of the total number of units in each stage, phase or section.

Such housing affordable to low and moderate income households shall be subject to all Raritan Township non-zoning affordable housing ordinances and regulations in effect or as may be adopted or amended. (Ord. 90-28 § 5; Ord. 87-30 § 5) 08-3

Chapter 16.24J

R-8 PLANNED AGE RESTRICTED ADULT COMMUNITY ZONE

Sections:

- 16.24J.010 Compliance required.
- 16.24J.020 Principal permitted uses.
- 16.24J.030 Permitted accessory uses.
- 16.24J.040 Permitted conditional uses.
- 16.24J.050 Limitations.
- 16.24J.060 Planned age restricted adult community development.

16.24J.010 Compliance required.

Within this zone, no lot, structure or accessory structure shall be used in whole or in part unless it complies with applicable sections of this chapter, and the following regulations. (Ord. 98-47 § 6 (part): prior code § 15-9.11B(a))

16.24J.020 Principal permitted uses.

A. Single-family detached dwelling and permitted accessory uses thereto not located within a planned age restricted adult community development shall meet all area and bulk requirements of the R-3 residential zoning district;

B. Any form of agriculture or horticulture not located within a planned age restricted adult community development provided such activity complies with the requirements of the R-3 zoning district;

C. Planned age restricted adult community development in accordance with Section 16.42.060. (Ord. 98-47 § 6 (part): prior code § 15-9.11B(b))

16.24J.030 Permitted accessory uses.

Permitted accessory uses for permitted principal uses not located within a planned age restricted adult community development which accessory uses shall be subject to the area and bulk requirements of the R-3 zoning district applying to such accessory uses:

All accessory uses permitted in the R-3 zoning district. (Ord. 98-47 § 6 (part): prior code § 15-9.11B(c))

16.24J.040 Permitted conditional uses.

Permitted conditional uses within a planned age restricted adult community development.

- A. Houses of worship;
- B. Public uses;
- C. Essential services;
- D. Clubs, lodges and fraternal organizations.

Permitted conditional uses on lots not located within a planned age restricted development but within the R-8 zoning district subject to specific conditional use standards applying thereto and the requirements of the R-3 zoning district;

E. All conditional uses permitted in the R-3 zoning district. (Ord. 98-47 § 6 (part): prior code § 15-9.11B(d))

16.24J.050 Limitations.

Limitations pertaining to the keeping of animals on residential or nonfarm lots, sale of household goods and services and farm product sales shall be the same as applicable in the R-3 residential zoning district. (Ord. 98-47 § 6 (part): prior code § 15-9.11B(e))

16.24J.060 Planned age restricted adult community development.

A. Purpose. It is the purpose of this type of development to provide appropriate areas within the township for housing opportunities for older citizens (fifty-five (55) and over) via age restrictive covenants, a variety of housing options, and the inclusion of appropriate recreation, pedestrian circulation, limited retail, and professional offices as deemed supportive of this use.

B. Principal permitted uses within a planned age restricted adult community development:

1. Single-family detached dwellings;
2. Single-family semi-detached dwellings;
3. Two family dwellings;
4. Quadruplex units.

C. Permitted accessory uses within a planned age restricted adult community development:

1. Private garages and carports;
2. Recreation facilities to serve the occupants of dwellings within the planned age restricted adult community development consisting of swimming pool, tennis courts, exercise rooms, and similar facilities;
3. Meeting and gathering rooms to serve the occupants of dwellings within a planned age restricted adult community development;
4. Home office;
5. Signs and fences. Storage sheds having an area less than one hundred (100) square feet;
6. Limited retail and professional offices not exceeding ten thousand (10,000) square feet of gross floor area in total;
7. Clinics and medical offices not exceeding in total five thousand (5,000) square feet of gross floor area.

D. Minimum tract size for a planned age restricted adult community development: fifty (50) acres. The computation of minimum tract acreage for a planned age restricted adult community zoning district may include property on both sides of a municipal street, when such street bisects commonly owned property and is part of a single development plan within the same R-8 zoning district.

E. Maximum Density. The maximum density shall not exceed four dwelling units per gross acre. Such density shall not include any existing public street right-of-way area which abuts or traverses the site.

F. Utilities. Property to be developed as a planned age restricted adult community shall be served by public water and public sewer.

G. Permanent Deed Restrictions. The developer of a planned age restricted adult community shall submit permanent deed restrictions detailing on the deed for the entire tract and in the deeds for each individual lot within the development methods of implementing the age restrictions to the municipal agency for its review and approval. Such permanent deed restrictions shall be filed prior to issuance of any zoning permit for any dwelling in such development and shall incorporate the following:

Planned age restricted adult community development shall include one or more parcels of land within a contiguous total acreage forming an area as required by this chapter and providing for a range of living accommodations and support facilities for people who are fifty-five (55) years of age or older or for couples, one of whom is at least fifty-five (55) years of age. Through its corporations, association or owners, the land and structures (whether owned in fee or rented) shall be restricted by bylaws, rules, regulations and restrictions of record to be approved by the

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planning board attorney, for use by permanent residents fifty-five (55) years of age or older, with the following exceptions:

1. A member of a household under the age of fifty-five (55) years who resides with another member of a household who is fifty-five (55) years of age or over;
2. Children of the parent, guardian or other person responsible for custody or care who resides in the premises;
3. One adult under fifty-five (55) years of age (other than a spouse) will be admitted as a permanent resident if it is established and approved by the homeowners' association that the presence of such person is essential to the physical care of one or more of the adult occupants. If more than one adult under fifty-five (55) years of age is necessary to care for the adult occupant, approval shall be required from the homeowners' association and a copy of its decision shall be filed with the township clerk.

H. Maintenance of Common Elements. The developer shall submit proposals for ownership and maintenance of common elements including open space, recreation facilities, meeting rooms, parking areas, driveways, private streets and similar facilities. The proposal shall be reviewed and approved by the municipal agency prior to or as a condition of preliminary site plan approval.

I. Maximum Impervious Surface Coverage. The maximum impervious hard surface coverage shall not exceed forty (40) percent of the area of the proposed development.

J. Maximum Height. No principal building in a planned age restricted adult community development shall exceed a height of two stories and such stories shall not exceed a height of thirty-five (35) feet. No accessory building shall exceed a height of fifteen (15) feet.

K. Minimum standards for single-family detached dwellings within a planned age restricted adult community development are as follows:

1. Minimum lot area, four thousand (4,000) square feet.
2. Minimum lot width, fifty (50) feet.

(The minimum lot width on the turnaround of a cul-de-sac and on the outside of a horizontal curve may be reduced to thirty (30) feet; however, the lot width at the required front yard setback shall be not less than fifty (50) feet.)

3. Minimum yard requirements:
 - a. Minimum front yard, fifteen (15) feet
 - b. Minimum side yard, five feet
 - c. Minimum rear yard, fifteen (15) feet

4. Minimum Yard Requirements for Accessory Building. Such accessory building or structure shall only be located in a rear yard and not closer than five feet to any property line. On a corner lot, an accessory structure shall not be located closer to a street than the dwelling on such lot and shall not be located closer than five feet to any other property line.

L. Minimum Standards for Single Family Semi-Detached Dwellings Within a Planned Age Restricted Adult Community Development. Each dwelling unit shall be located on a lot meeting the following requirements:

1. Minimum lot area per dwelling unit: two thousand five hundred (2,500) square feet
2. Minimum lot width per dwelling unit: twenty-five (25) feet
3. Minimum Front Yard: fifteen (15) feet
4. Minimum Side Yard: eight feet (non-attached side)
5. Minimum Rear Yard: fifteen (15) feet

6. Minimum Yard Requirements for Accessory Buildings. Such accessory building or structure shall only be located in a rear yard and not closer than five feet to any property line.

M. Minimum Standards for More Than One Principal Building on One Lot Within a Planned Age Restricted Adult Community Development.

1. Minimum distance between principal residential structures: twenty (20) feet.
2. Minimum distance between nonresidential structures: fifteen (15) feet.
3. Minimum building setback to collector or arterial streets: thirty (30) feet.

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4. Minimum building setback to local streets: fifteen (15) feet. (The minimum required setback shall be measured from the street right-of-way line, curb line or edge of pavement, whichever requires the greatest setback.)

5. Minimum building setback from tract perimeter: fifty (50) feet.

N. No portion of any parking area or other paved area shall be located closer than thirty (30) feet to any perimeter property line of the development except that such requirement shall not include any street pavement, curb or sidewalk which is intended to be extended beyond the development. A buffer strip shall be established and maintained within such thirty (30) feet from any perimeter property line as may be required by the planning board during site plan review.

O. At least thirty (30) percent of the site area of such planned age restricted adult community development shall be devoted to open space. Natural features such as treed areas, scenic views, wetlands and associated wetland transition areas, slopes, drainage ways shall be preserved as much as possible in designing such planned age restricted adult community development.

P. If a development is to be staged over a period of years, a phased development plan shall be prepared as part of a preliminary site plan submission.

Q. A planned age restricted adult community development may provide a ground sign not to exceed thirty-two (32) square feet which may be placed at the primary entrances to such development. Signs accessory to office, clinic or retail uses shall not exceed five percent of the facade of such building used for office, clinic or retail purposes.

R. Notwithstanding any other section of this chapter, an entrance gatehouse located outside of any required sight easement and designed to complement the architecture of the overall project design may be located at the entrance to the development.

S. Low and Moderate Income Units Required. A planned age restricted adult community development in the R-8 zoning district shall be required to provide units affordable to low and moderate income persons and households at the rate of ten such units for each one hundred (100) housing units or major fraction of one hundred (100) housing units to be constructed in planned age restricted adult community.

Such low and moderate income units may be provided within a planned age restricted adult community development in accordance with township requirements and COAH regulations or may be provided as part of a regional contribution agreement between the township and a receiver.

Such units shall comply with all rules and regulations pertaining to low and moderate income units adopted by the township and rules and regulations of the N.J. Council on Affordable Housing. (Ord. 98-47 § 6 (part); prior code § 15-9.11B(f); Ord. 03-35 §§ 16.42) *08-3*

Chapter 16.24K

**R-9 PLANNED AGE RESTRICTED, ASSISTED LIVING FACILITY
DEVELOPMENT DISTRICT**

Sections:

- 16.24K.010 Purpose.**
- 16.24K.020 Principal permitted uses.**
- 16.24K.030 Supplementary regulation applying to all uses in the R-9 district.**
- 16.24K.040 Supplementary regulations applying to assisted living facility within the R-9 district.**
- 16.24K.050 Supplementary regulations applying to age restricted housing units within the R-9 zoning district.**
- 16.24K.060 Conditional Uses**
- 16.24K.070 Supplemental regulations applying to development in the R-9 district.**

16.24K.010 Purpose.

The planned age restricted, assisted living facility development zoning district provides for the development and construction on a coordinated basis within the district of assisted living facilities and age restricted housing units and provides for the construction of low and moderate income units or the provision of payment in lieu of construction of such low and moderate income units.

Within the R-9 planned age restricted, assisted living facility development zoning district, no lot, structure or accessory structure shall be used in whole or in part unless it complies with applicable sections of this chapter and the following regulations. (Ord. 99-1 § 2 (part); prior code § 15-9.11C (part))

16.24K.020 Principal permitted uses.

- A. Assisted living facility;
- B. Single-family detached dwellings for older persons (fifty-five (55) years of age and over).

Prior to issuance of a zoning permit for such single-family detached dwellings, the developer shall have prepared and filed a permanent deed restriction limiting the occupancy of such units in accordance with Section 16.43.050(E) of this chapter;

C. Permitted accessory uses as set forth in Section 16.43.040 and 16.43.050 of this chapter. (Ord. 99-1 § 2 (a); prior code § 15-9.11C (a))

16.24K.030 Supplementary regulation applying to all uses in the R-9 district.

- A. Minimum Lot Area and Land Use Distribution for Developments.

1. The minimum lot area required in the R-9 district for a development of assisted living units and age restricted units shall be twenty-five (25) acres. The minimum lot width shall be five hundred (500) feet.

2. The land use distribution between permitted uses shall be as follows:

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	Assisted Living Facility	Age Restricted Housing Units
Minimum percent of proposed site area to be developed within a planned age restricted assisted living development	40%	55%
Maximum percent of proposed site area to be developed within a planned age restricted assisted living development to be devoted to such use	45%	60%

B. Landscaping and Buffers. It is a requirement of this chapter that those areas between County Road 523 and the assisted living facility buildings and between Route 12 and the assisted living facility buildings not devoted to aisles, off-street parking and sidewalks be landscaped to form an attractive landscaped feature and to form a buffer between such buildings and Route 523 and such buildings and Route 12.

In addition to the above, landscaping within the assisted living facility site and age restricted housing unit site and along the perimeter of each site shall be provided. A landscaped buffer as required in the performance standards section of this title shall be provided along the perimeter of each site and between the age restricted facility site and age restricted housing unit site where deemed necessary and appropriate by the board. Where in the opinion of the board natural vegetation on the site can reasonably form such buffer, the planning board may designate on the site plan that such existing vegetation is to remain and such existing vegetation shall be adequately protected during on-site construction.

C. Utilities Required. Property to be developed within the R-9 planned age restricted, assisted living facility development district shall be served by public water and public sewers. (Ord. 99-1 § 2 (b); prior code § 15-9.11C (b))

16.24K.040 Supplementary regulations applying to assisted living facility within the R-9 district.

A. An assisted living facility shall be located on a lot meeting the following requirements:

Size of Facility (Number of Beds)	Minimum Gross Site Area (Acres)
30 or less	5
31--50	10
51--100	12
Each additional 50	2

B. The maximum height of structures as part of an assisted living facility shall not exceed two stories. In no such case shall such two stories exceed a height of twenty-eight (28) feet.

C. The minimum front, rear and side yards for principal and accessory structures to be used as an assisted living facility use shall be as follows:

1. Front yard: two hundred (200) feet from C.R. 523 and one hundred twenty-five (125) feet from Route 12;

2. Side yard (each): fifty (50) feet;

3. Rear yard: fifty (50) feet.

No blacktop driveway, aisle or off-street parking area shall be located within eighty-five (85)

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feet of County Road 523 and within one hundred (100) feet of Route 12.

D. Signs shall be limited to one ground sign not exceeding thirty-two (32) square feet in area per lot.

E. Low and Moderate Income Units Required. An assisted living facility shall be required to provide bedrooms affordable to low and moderate income persons and households at the rate of at least ten percent of the number of bedrooms to be constructed. Such low and moderate income units may be provided via a regional contribution agreement or payment in lieu of construction.

F. Off-street parking shall be provided for an assisted living facility at the rate of one-half of one space for each unit and shall be considered a permitted accessory use.

G. The maximum hard surface for an assisted living facility shall not exceed thirty (30) percent.

H. An assisted living facility shall be licensed by the state of New Jersey Department of Health.

I. An assisted living facility shall have received a certificate of need from the state of New Jersey, Department of Health.

J. Common dining, recreational and laundry facilities, housekeeping and maintenance services, personal and health care services and community and administrative facilities and services, all in support of and for the sole benefit of the residents of the assisted living facility, shall be considered customary accessory uses to an assisted living facility. (Ord. 99-1 § 2 (c); prior code § 15-9.11C (c))

16.24K.050 Supplementary regulations applying to age restricted housing units within the R-9 zoning district.

A. Purpose. It is the purpose of this type of development to provide appropriate areas within the township for housing opportunities for older citizens (fifty-five (55) and over) via age restrictive covenants, and the inclusion of appropriate recreation and open space amenities.

B. Principal Permitted Uses.

1. Single-family detached dwellings for older persons (fifty-five (55) years of age and over);
2. A dwelling which exists within the R-9 zoning district at the time of submission of a subdivision and/or site plan for development may continue to be used as a single-family dwelling. Such single-family dwelling shall be located on a lot having a minimum lot area of twenty thousand (20,000) square feet and a minimum lot width of one hundred (100) feet and shall be serviced by public water and public sewers. Such existing dwelling only need not be age restricted. Such dwelling shall comply with all other minimum yard, height and bulk requirements applicable to single-family detached dwellings for older persons in the R-9 zoning district.

C. Permitted Accessory Uses.

1. Private garages, off-street parking;
2. Recreation facilities to serve the occupants of dwellings within the age restricted development consisting of swimming pool, tennis courts, exercise rooms and similar facilities;
3. Meeting, clubhouse or recreation building to serve the occupants of dwellings within an age restricted adult development;
4. Home office;
5. Swimming pool;
6. Signs and fences. Storage sheds having an area less than one hundred (100) square feet.

D. Maximum Density. The maximum density shall not exceed 3.1 dwelling units per gross acre. Such density shall not include any existing public street right-of-way area which abuts the site.

E. Permanent Deed Restrictions. The developer of the age restricted housing units shall submit permanent deed restrictions detailing on the deed for the entire tract and in the deeds for

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each individual lot within the development, methods of implementing the age restrictions to the municipal agency for its review and approval. Such permanent deed restrictions shall be filed prior to issuance of any zoning permit for any dwelling in such development and shall incorporate the following:

1. An age restricted development shall include one or more parcels of land within a contiguous total acreage forming an area as required by this chapter and providing for support facilities for people who are fifty-five (55) years of age or older or for couples, one of whom is at least fifty-five (55) years of age. Through its corporations, association of owners, said land and structures (whether owned in fee or rented) shall be restricted by bylaws, rules, regulations and restrictions of record to be approved by the planning board attorney, for use by permanent residents fifty-five (55) years of age or older, with the following exceptions:

a. A member of a household under the age of fifty-five (55) years who resides with another member of a household who is fifty-five (55) years of age or over;

b. Persons who are the child of a permitted occupant residing with such permitted occupant, provided the child is of the age of nineteen (19) years or over;

c. One adult under fifty-five (55) years of age (other than a spouse) will be admitted as a permanent resident if it is established and approved by the homeowners' association that the presence of such person is essential to the physical care of one or more of the adult occupants. If more than one adult under fifty-five (55) years of age is necessary to care for the adult occupant, approval shall be required from the homeowners' association and a copy of its decision shall be filed with the township clerk of the township of Raritan.

F. Maintenance of Common Elements. The developer shall submit proposals for ownership and maintenance of common elements including open space, recreation facilities, meeting rooms, parking areas, driveways, private streets and similar facilities. The proposal shall be reviewed and approved by the municipal agency prior to or as a condition of preliminary site plan approval.

G. Maximum Impervious Surface Coverage. The maximum impervious hard surface coverage shall not exceed forty (40) percent of the area of the proposed development.

H. Maximum Height. No principal building in an age restricted development shall exceed a height of two stories and such stories shall not exceed a height of twenty-eight (28) feet. No accessory building shall exceed a height of fifteen (15) feet.

I. Minimum standards for single-family detached dwellings within a planned age restricted adult community development are as follows:

1. Minimum lot area: six thousand six hundred (6,600) square feet;

2. Minimum lot width: sixty (60) feet (the minimum lot width on the turnaround of a cul-de-sac and on the outside of a horizontal curve may be reduced to thirty (30) feet; however, the lot width at the required front yard setback shall be not less than sixty (60) feet);

3. Minimum yard requirements:

a. Minimum front yard: twenty (20) feet;

b. Minimum side yard: ten feet;

c. Minimum rear yard: twenty-five (25) feet;

4. Minimum Yard Requirements for Accessory Building. Such accessory building or structure shall only be located in a rear yard and not closer than five feet to any property line. On a corner lot, an accessory structure shall not be located closer to a street than the dwelling on such lot and shall not be located closer than five feet to any other property line.

J. No portion of any parking area or other paved area shall be located closer than thirty (30) feet to any perimeter property line of the development except that such requirement shall not include any street pavement, curb or sidewalk which is intended to be extended beyond the development.

K. At least twenty (20) percent of the site area of such age restricted development shall be devoted to open space. Natural features such as treed areas, scenic views, wetlands and associated wetland transition areas, slopes, drainage ways shall be preserved as much as possible in

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designing such planned age restricted adult community development. Such open space shall not include areas devoted to private lots or streets but may include common space devoted to a clubhouse or meeting room, associated off-street parking and outdoor recreation space.

L. If a development is to be staged over a period of years, a phased development plan shall be prepared as part of a preliminary site plan submission.

M. An age restricted development may provide a ground sign not to exceed thirty-two (32) square feet which may be placed at the primary entrances to such development.

N. Notwithstanding any other section of this chapter, an entrance gatehouse located outside of any required sight easement and designed to complement the architecture of the overall project design may be located at the entrance to the development.

O. Low and Moderate Income Units Required. A planned age restricted adult community development in the R-9 zoning district shall be required to provide units affordable to low and moderate income persons and households at the rate of fifteen (15) percent of the total number of age restricted units to be developed on the site.

Such low and moderate income units may be provided within a planned age restricted adult community development in accordance with township requirements and COAH regulations or may be provided, if acceptable, to the Township of Raritan via a regional contribution agreement or a payment in lieu of construction.

Such units shall comply with all rules and regulations pertaining to low and moderate income units adopted by the township of Raritan and rules and regulations of the N.J. Council on Affordable Housing. (Ord. 99-1 § 2 (d); prior code § 15-9.11C (d))

16.24K.060 Conditional Uses

- A. Houses of Worship;
- B. Public and Private Schools and Child Care Centers;
- C. Essential Services;
- D. Public Uses. (Ord. 01-24; Ord. 06-31)

16.24K.070 Supplemental regulations applying to development in the R-9 district.

A. Unless otherwise noted in supplemental regulations applying to assisted living facilities and age restricted housing units in the R-9 zone the following regulations shall apply to all development in the R-9 zone.

B. The maximum height shall not exceed two (2) stories or 28 feet.

C. The minimum front, rear and side yards for principal and accessory structures shall be as follows:

1. Front yard: two hundred (200) feet from C.R. 523 and one hundred twenty-five (125) feet from Route 12;

2. Side yard (each): fifty (50) feet;

3. Rear yard: fifty (50) feet;

4. No blacktop driveway, aisle or off street parking area shall be located within eighty-five (85) feet of County Road 523 and within one hundred (100) feet of Route 12.

D. Signs shall be limited to one ground sign not exceeding thirty-two (32) square feet in area per lot.

E. The maximum hard surface coverage shall not exceed thirty (30) percent.

F. Landscaping along the perimeter of each site shall be provided. A landscaped buffer as required in the performance standards section of this title shall be provided along the perimeter of each site. When in the opinion of the Planning Board natural vegetation on the site can reasonably form such buffer, the Planning Board may designate on the site plan that such existing vegetation is to remain and such existing vegetation shall be adequately protected during on-site construction. (Ord. 01-24)

08-3

Chapter 16.24L

AR AGRICULTURAL RESIDENTIAL ZONE

Sections:

16.24L.010	Purpose
16.24L.020	Zone Created
16.24L.030	Principal Permitted Uses
16.24L.040	Permitted Accessory Uses
16.24L.050	Conditional Uses
16.24L.060	Limitations

16.24L.010 Purpose

It is the purpose of this zone to provide areas within the township where residential and agricultural uses can be developed in conjunction with one another, to reduce the conflict between such uses, and protect existing agricultural operations, in accordance with the recommendations of the Township Master Plan and the State Planning Guildelines.

Within this zone, no lot, structure or accessory structures shall be used in whole or in part unless it complies with Schedules I, II, and III set out in the Appendix following this title, other applicable sections of this title and the following regulations. (Ord. 02-42)

16.24L.020 Zone Created

There is created an Agricultural Residential (AR-5) zoning district classification. The following area shall comprise the AR-5 zoning district:

Block and Lots: Block 63.01, Lots 6, 7, 8, 8.01,8.02, Block 83, Lot 2, Block 84, Lots 2, 2.01, 2.02, 2.03, 2.04, 2.05, 2.06, 2.07, 2.08, 3, 3.01, 3.02, 3.03, 4, 5, 6.01, 12, 12.01, 12.02, 12.02, 12.03, 12.04, 12.05, 12.06, 12.07, 12.08, 12.09, 12.10, 13, 13.01, 14, 15, 21, 22, 23, 24, 25 , 26, 26.01, 17, 27.01, 28, 29, 30, 31, 31.01, 31.02, 31.03, 31.04, 31.05, 31.06, 31.07, 31.08, 31.09, 31.10, 32, 33, 35.02, 35.03, 35.04, 35.05, 35.06, 35.07, 35.08, 35.09, 35.10, 36, 36.01, 43, 100, Bock 86, Lots 1, 1.01, 2, 2.001, 2.02, 2.03, 3, 4, 6, 9, 10, 11, 13, 14, 15, 15.01, 15.02, 15.03, 16, 22, 26, 26.01, 26.02, 29, 100, 100.01, and Block 86.01, Lot 1 (Ord. 02-42; Ord. 08-13 part)

16.24L.030 Principal Permitted Uses

A. Any form of agriculture or horticulture, including farm product sales in accordance with the requirements of Section 16.30.050. Commercial greenhouses are permitted as part of a farm as defined in this title.

B. Golf course and country club provided such is located on a lot having an area of at least one hundred (100) acres and provided that no structure or bulding shall be located closer than two hundred (200) feet to any property line.

1. Activities may include club house, pro-shop, non-commercial tennis courts, non-commercial swimming pool, maintenance buildings.

2. Off street parking provided as specified by this title. No portion of such off-street parking area shall be located closer to any property line than one hundred (100) feet.

3. Screening of such parking areas, tennis courts, swimming pool and similar outdoor activities and lighting shall be in accordance with screening, buffering and lighting requirements found elsewhere in this Title.

C. Research Farm for Agricultural Experimentation and Trials.

1. Ancillary uses may include but not be limited to laboratories, meeting and conference

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rooms, offices, facilities use for storing agricultural products and supplies, garages for the storage and repair of farm machinery uses on the premises only and facilities associated with the disposition and of agricultural waste materials. Such facilities associated with the disposition and treatment of agricultural waste materials shall be subject to necessary permitting by appropriate governmental units or agencies.

2. Development Standards for Research Farms.

a. No building or structure except for fencing and gating shall be located within three hundred (300) feet of any property lines.

b. No more than five (5%) percent of the property shall be occupied by buildings or structures.

c. The height of buildings and structures shall not exceed three and one-half stories. In no case shall such three and one-half stories exceed a height of forty-five (45) feet.

d. The minimum lot size shall be one hundred fifty (150) acres.

D. Single Family Residences. (Ord. 02-42)

16.24L.040 Permitted Accessory Uses

A. Private garages and carports;

B. Swimming pools and other recreational facilities for residential uses and normally conducted on individual lots;

C. Signs, fences and storage sheds;

D. The taking-in of not more than two roomers or boarders;

E. Home offices;

F. Customary uses incidental to an agricultural or horticultural use permitted in this zone;

G. Non-commercial kennels;

H. Farm Stands when such use is accessory to an existing agricultural or horticultural use and when at least 50% of items sold are grown on site.

(Ord. 02-42)

16.24L.050 Conditional Uses

A. Houses of worship;

B. Public Uses;

C. Essential Services;

D. Home occupations;

E. Riding Academies and boarding stables;

F. Animal hospitals and commercial kennels;

G. BCHO Unit.

16.24L.060 Limitations

A. Keeping of Animals on Residential or non-farm lots. See Section 16.30.050 paragraph A.

B. Sale of Household Goods and Services. See Section 16.30.050 paragraph B.

C. Farm Product Sales. See Section 16.30.050 paragraph C.

D. Non-commercial Kennels. See Section 16.30.050 paragraph D.

E. Cluster Requirements - Agricultural Residential Zone.

1. Tracts of land 40 acres or greater in size either at the time of the adoption of this ordinance or that are assembled after the adoption of this ordinance, and tracts of land 30 acres or greater in size either at the time of the adoption of this ordinance or that are assembled after the adoption of this ordinance and are located adjacent to land which has been deed restricted for farmland or open space preservation, shall develop as 50,000 sq. ft. Open Space Clusters with the requirements found in this section and those requirements found in Schedule I(Schedule of Area, Yard and Building Requirements), Schedule II (Minimum Utility Requirements) and Schedule III

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(Cluster Requirements) listed under AR Zone.

2. Tracts of land thirty (30) acres or greater in size but less than forty (40) acres, either at the time of the adoption of this ordinance or that are assembled after the adoption of this ordinance and are not located adjacent to land which has been deed restricted for farmland or open space preservation may elect to develop as 50,000 sq. ft. Open Space Clusters with the requirements found in this section and those requirements found in Schedule I (Schedule of Area, Yard and Building Requirements), Schedule II (Minimum Utility Requirements) and Schedule III (Cluster Requirements) listed under AR Zone.

3. Cluster Standards.

- a. Minimum Tract Area: 40/30 acres (see above)
- b. Minimum Open Space Set-aside: 65% of tract
- c. Each building lot shall have a minimum improvable lot area equal to the minimum lot area for the R-3 zone when serviced by on-site septic and wells (see Section 16.64.090).
- d. A minimum 50 foot wide buffer shall be provided between residential use and any land utilized for agricultural purposes. This buffer area shall be deed restricted from development and shall contain a Type B bufferyard planting (see Section 16.20.030.E).
- e. Maximum Number of Lots: Shall be determined in accordance with Section 16.64.020.A.
- f. Disposition and Use of Open Space:
 - i. Dedicated open space areas shall be deemed free and clear of all mortgages and encumbrances with the exception of any easements, restrictions, or encumbrances set forth as part of any subdivision approved under this section.
 - ii. A property owner, homeowners' association, or the Township may hold title to any open space parcel.
 - iii. Any common open space resulting from the Application of Standards for density, or intensity of land use as part of the requirements of this section, shall be set aside for the use and benefits of the owners or residents of the development and subject to the provisions of N.J.S. 40:55D-43 (Standards for the Establishment of Open Space Organization). (Ord. 03-5)
 - iv. Any open space parcel shall be appropriately deed restricted from future development. Such restriction shall exclude any farm related structures, which may be erected in conformance with township standards, included, but not limited to, setbacks, floor area, and hard surface coverage.
 - v. Farmette. The open space parcel may be provided through multiple lots provided the lots are no less than 15 acres in area each. Each individual lot may contain a single-family residential dwelling and associated farm structures provided all other bulk and zoning requirements found within this ordinance are met. Each lot shall contain deed restrictions restricting any further subdivision and providing for each condition as listed in this section. Said dwelling unit(s) shall count to the overall number of lots permitted as calculated under item f of this section.
 - vi. Any storm water management system required as part of the subdivision of any parcels under this section may be placed upon the open space lot(s) or farmette lot(s) (item v.), provided all other requirements are met.
 - vii. The open space or farmette parcel(s) shall be so located and designed so as to minimize the impact and conflicts upon adjacent agricultural uses. The residential cluster shall be kept in tight configuration to minimize the edge of the residential development that abuts any agricultural use. (Ord. 02-42)
 - ix. In furtherance of the purposes of zoning, and the purposes and intent of this Ordinance amendment, agricultural uses and type of uses are not mandated, but are encouraged on any common open space areas, including but not limited to, by way of example, owner's community gardens, pastures, and/or riding areas for horses. (Ord. 03-5) **08-3**

Chapter 16.24M

AGRICULTURAL RESIDENTIAL ZONE - 2

Sections:

- 16.24M.010 Purpose
- 16.24M.020 Zone Created
- 16.24M.030 Principal Permitted Uses
- 16.24M.040 Permitted Accessory Uses
- 16.24M.050 Conditional Uses
- 16.24M.060 Limitations

16.24M.010 Purpose

It is the purpose of this zone to provide areas within the township where residential and agricultural uses can be developed in conjunction with one another, to reduce the conflict between such uses, and protect existing agricultural operations, in accordance with the recommendations of the Township Master Plan and the State Planning Guidelines.

Within this zone, no lot, structure or accessory structures shall be used in whole or in part unless it complies with Schedules I, II, and III set out in the Appendix following this title, other applicable sections of this title and the following regulations. (Ord. 08-12)

16.24M.020 Zone Created

There is created an Agricultural Residential (AR) zoning district classification. The following area shall comprise the AR zoning district:

- Block 71, Lots 8, 10, 11, 11.01, 12, 12.01, 13, 14, 15, 16, 16.01, 16.02, 16.03, 17, 18, 19, 19.01, 19.02, 20, 34, 36; and
- Block 77, Lots 7, 9, 10.17, 21, 37; and
- Block 80, Lots 8, 8.01, 9, 10, 11, 12, 13, 13.01, 14, 17, 18, 18.01, 29, 30, 30.01, 32, 33, 35; and
- Block 81, Lots 2, 2.01, 2.02, 2.03; and
- Block 81.04, Lots 15, 30, 31, 32; and
- Block 82, Lots 1, 1.01, 1.02, 2, 3, 3.01, 4, 4.01, 4.02, 5, 6, 7, 7.01, 7.02; and
- Block 85, Lots 3, 3.01, 6, 6.01, 7.03, 15.01, 43, 44, 45, 46, 47, 48; and
- Block 89, Lots 24, 25, 26, 27, 28, 29.

(Ord. #08-12)

16.24M.030 Principal Permitted Uses

A. Any form of agriculture or horticulture, including farm product sales in accordance with the requirements of Section 16.30.050. Commercial greenhouses are permitted as part of a farm as defined in this title.

B. Golf course and country club provided such is located on a lot having an area of at least one hundred acres (100) and provided that no structure or building shall be located closer than two hundred (200) feet to any property line.

1. Activities may include club house, pro-shop, non-commercial tennis courts, non-commercial swimming pool, maintenance buildings.

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2. Off street parking provided as specified by this title. No portion of such off-street parking area shall be located closer to any property line than one hundred (100) feet.

3. Screening of such parking areas, tennis courts, swimming pool and similar outdoor activities and lighting shall be in accordance with screening, buffering and lighting requirements found elsewhere in this Title.

C. Agricultural equipment manufacturing not to exceed a Floor Area Ratio of 1%.

D. Single Family Residences.

(Ord. #08-12)

16.24M.040 Permitted Accessory Uses

A. Private garages and carports.

B. Swimming pools and other recreational facilities for residential uses and normally conducted on individual lots;

C. Signs, fences and storage sheds;

D. The taking in of not more than two roomers or boarders;

E. Home offices;

F. Customary uses incidental to an agricultural or horticultural use permitted in this zone;

G. Noncommercial kennels.

H. Farm Stands when such use is accessory to an existing agricultural or horticultural use and when at least 50% of items sold are grown on site.

(Ord. 08-12)

16.24M.050 Conditional Uses

A. Houses of worship;

B. Public Uses;

C. Essential Services;

D. Home occupations;

E. Riding Academies and boarding stables;

F. Animal hospitals and commercial kennels;

G. ECHO Unit;

H. Public Schools.

(Ord. 08-12)

16.24M.060 Limitations

A. Keeping of Animals on Residential or non-farm lots. See Section 16.30.050 paragraph A.

B. Sale of Household Goods and Services. See Section 16.30.050 paragraph B.

C. Farm Product Sales. See Section 16.30.050 paragraph C.

D. Non-commercial Kennels. See Section 16.30.050 paragraph D.

E. Cluster Requirements - Agricultural Residential Zone.

1. Tracts of land 40 acres or greater in size, and tracts of land 30 acres or greater in size that are located adjacent to land which has been deed restricted for farmland or open space preservation, shall develop as 35,000 sq. ft. Open Space Clusters with the requirements found in this section and those requirements found in Schedule I (Schedule of Area, Yard and Building Requirements), Schedule II (Minimum Utility Requirements) and Schedule III (Cluster Requirements) listed under AR-2 Zone.

2. Tracts of land 30 acres or greater in size but less than 40 acres and are not located adjacent to land which has been deed restricted for farmland or open space preservation may elect to develop as 35,000 sq. ft. Open Space Clusters with the requirements found in this section and those requirements found in Schedule I (Schedule of Area, Yard and

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Building Requirements), Schedule II (Minimum Utility Requirements) and Schedule III (Cluster Requirements) listed under AR-2 Zone.

3. Cluster Standards.

- a. Minimum Tract Area: 40/30 acres (see above)
- b. Minimum Open Space Set-aside: 55% of tract
- c. Each building lot shall have a minimum improvable lot area equal to 35,000 sq. ft. (see section 16.64.090).
- d. A minimum 100 foot wide buffer shall be provided between any residential use and any land utilized for agricultural purposes. This buffer area shall be deed restricted from development and shall contain a Type A bufferyard planting (see Section 16.20.030.E).
- f. Maximum Number of Lots: Shall be determined in accordance with Section 16.64.020.A.
- g. Disposition and Use of Open Space:
 - i. Dedicated open space areas shall be deemed free and clear of all mortgages and encumbrances with the exception of any easements, restrictions, or encumbrances set forth as part of any subdivision approved under this section.
 - ii. A property owner, homeowners association, or the Township may hold title to any open space parcel.
 - iii. The open space parcel(s) shall be maintained as farmland either by leasing to an outside party for the purposes of agriculture or by maintenance by the property owner(s) for the purposes of agriculture.
 - iv. Any open space parcel shall be appropriately deed restricted from future development. Such restriction shall exclude any farm related structures, which may be erected in conformance with township standards, included, but not limited to, setbacks, floor area, and hard surface coverage.
 - v. Farmette. The open space parcel may be provided through multiple lots provided the lots are no less than 15 acres in area each. Each individual lot may contain a single-family residential dwelling and associated farm structures provided all other bulk and zoning requirements found within this ordinance are met. Each lot shall contain deed restrictions restricting any further subdivision and providing for each condition as listed in this section. Said dwelling unit(s) shall count to the overall number of lots permitted as calculated under item f of this section.
 - vi. Any storm water management system required as part of the subdivision of any parcels under this section may be placed upon the open space lot(s) or farmette lot(s) (item v.), provided all other requirements are met.
 - vii. Any open space or farmette parcel containing a residential dwelling unit shall meet all the requirements for the development of a single family dwelling on a cluster lot in the AR-2 zone with the exception of lot area. The dwelling unit shall be so located on the parcel as to minimize the visual impact of the unit.
 - viii. The open space or farmette parcel(s) shall be so located and designed so as to minimize the impact and conflicts upon adjacent agricultural uses. The residential cluster shall be kept in tight configuration to minimize the edge of the residential development that abuts any agricultural use.

(Ord. 08-12)

Chapter 16.24N

R-10 100% AFFORDABLE HOUSING OVERLAY ZONE

Sections:

16.24N.010	Purpose
16.24N.020	Zone Created
16.24N.030	Principal Permitted Uses
16.24N.040	Permitted Accessory Uses
16.24N.050	Conditional Uses
16.24N.060	Utilities
16.24N.070	Open Space Requirements
16.24N.080	Maximum Density

16.24N.010 Purpose

The purpose of the R-10 Zoning District is to establish an option to develop an industrial zoned area into a 100% affordable housing development when said uses can be adequately serviced by the sanitary sewer system.

(Ord. 08-11)

16.24N.020 Zone Created

There is created an R-10 zoning district. The following area shall comprise the R-10 zoning district:

Block 16.01, Lots 37.01 and 54

(Ord. 08-11)

16.24N.030 Principal Permitted Uses

A. 100% affordable multi-family attached housing developments.

(Ord. 08-11)

16.24N.040 Permitted Accessory Uses

- A. Public and private parking;
- B. Clubhouse, playground or other recreational amenities normally associated with the principal residential use.
- C. Rental and/or administrative offices accessory to the principal residential use.
- D. Other uses and structures customarily incidental to a principal permitted use.

(Ord. 08-11)

16.24N.050 Conditional Uses

- A. Public Uses;
- B. Essential Services.

(Ord. 08-11)

16.24N.060 Utilities

All uses must be serviced by public water and public sanitary sewers.

(Ord. 08-11)

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16.24N.070 Open Space Requirements

30% of Gross Lot Area shall be set aside as either passive or active open space.
(Ord. 08-11)

16.24N.080 Maximum Density

Maximum Density: 7.5 units/acre
(Ord. 08-11)

Chapter 16.24.O

OVERLAY ZONE

Sections:

- 16.24O.010 Overlay Zone Created
- 16.24O.020 Permitted Principal Uses
- 16.24O.030 Permitted Accessory Uses
- 16.24O.040 Utilities
- 16.24O.050 Maximum Density

16.24O.010 Overlay Zone created

The Group Home Zone shall be an overlay zone and shall not replace the preexisting underlying zoning.

16.24O.020 Permitted Principal Uses

- A. Group Homes

16.24P.030 Permitted Accessory Uses

- A. Administrative Offices accessory to the principal group home use.

16.24O.040 Utilities

- A. Any group home use shall be serviced by public sanitary sewer.

16.24O.050 Maximum Density

Maximum Density: 2 bedrooms/acre
(Ord. 08-8)

Chapter 16.26A

B-1 NEIGHBORHOOD BUSINESS ZONE

Sections:

- 16.26A.010 Purpose.
- 16.26A.020 Principal permitted uses.
- 16.26A.030 Permitted accessory uses.
- 16.26A.040 Conditional uses.
- 16.26A.050 Buffer strips.
- 16.26A.060 Apartments over shops and offices.

16.26A.010 Purpose.

It is the purpose of this zone to provide areas in which business uses are limited to the convenience-type serving the residents and employees of the immediate area only.

Within this zone, no lot, structure or accessory structure shall be used in whole or in part unless it complies with Schedules I and II set out in the Appendix following this title, other applicable sections of this title, and the following regulations. (Prior code § 15-9.11(a))

16.26A.020 Principal permitted uses.

Retail service uses as set forth below and not exceeding a per unit (shop) size of four thousand (4,000) square feet in gross floor area.

- A. Grocery, baker, meat and fruit shops;
- B. Drug and pharmaceutical shops;
- C. Stationery and tobacco shops;
- D. Hardware and garden supply shops;
- E. Florist and gift shops;
- F. Funeral homes;
- G. Barber and beauty shops;
- H. Tailoring, dressmaking and shoe repair shops;
- I. Dry cleaning drop-off shops;
- J. Radio, television, small sound equipment and small appliance sales and repair shops;
- K. Restaurants, excluding fast-food restaurants;
- L. Professional offices;
- M. Package liquor and beverage shops;
- N. Banks. (Prior code § 15-9.11(b))
- O. Child Care Center - Child care centers are not subject to the 4,000 square foot in gross floor area limit.

16.26A.030 Permitted accessory uses.

- A. Public and private parking;
- B. Signs and fences;
- C. Other uses and structures customarily incidental to a principal permitted use;
- D. Apartments over shops and offices in accordance with Section 16.44.060. (Prior code § 15-9.11(c))

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16.26A.040 Conditional uses.

- A. Public and private schools and day nurseries;
- B. Public uses;
- C. Essential services;
- D. Home businesses. (See Section 16.02.030, Definitions.) (Prior code § 15-9.11(d))

16.26A.050 Buffer strips.

All lots or parts of lots which are improved with a predominantly nonresidential use and whose side or rear lines are adjacent to a residential zone shall be screened from such residential zone by landscaped buffer strips or other such screening along said side or rear lines as may be approved by the planning board in accordance with Section 16.74.130. (Prior code § 15-9.11(e))

16.26A.060 Apartments over shops and offices.

A. A building containing a permitted shop or office on the first floor may be constructed with a maximum of two apartment units on the second floor.

B. There shall be provided a lot area of one thousand (1,000) square feet in area for every apartment, in addition to the lot requirements for the permitted nonresidential uses, for the applicable zone.

C. Each apartment shall be self-contained and shall have a gross floor area of at least four hundred (400) square feet.

D. Public sewer and water shall be required.

E. Entrances to apartments shall be from the rear of the building.

F. Parking for tenants shall be provided at the rear of the building. (Prior code § 15-9.11(f))

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Chapter 16.26B

B-2 COMMERCIAL ZONE

Sections:

- 16.26B.010 Purpose.
- 16.26B.020 Principal permitted uses.
- 16.26B.030 Permitted accessory uses.
- 16.26B.040 Conditional uses.
- 16.26B.050 Buffer strips.

16.26B.010 Purpose.

It is the purpose of this zone to define and provide controls for the major shopping and business areas of the township, serving the needs of both township residents and the regional population, and transient highway users.

Within this zone, no lot, structure or accessory structure shall be used in whole or in part unless it complies with Schedules I and II set out in the Appendix following this title, other applicable sections of this title and the following regulations. (Prior code 15-9.12(a))(Ord. 02-9 § 16.46)

16.26B.020 Principal permitted uses.

- A. Retail and services uses, excluding those uses listed under Section 16.46.040;
- B. Banks, business and professional offices;
- C. Hotels and motels;
- D. Theaters and civic and cultural facilities;
- E. Commercial recreation, provided that loudspeakers and concessions are prohibited on the premises unless the activity is totally contained within a building, then interior concessions may be part of the activity;
- F. Wholesale and wholesale-distribution uses, except bulk petroleum products in excess of tankage permitted pursuant to Section 16.64.100(C);
- G. Animal hospitals and kennels;
- H. Commercial greenhouses;
- I. Funeral homes, clubs, lodges and fraternal organizations;
- J. Printing and publishing shops;
- K. Mini-warehouses (Prior code § 15-9.12(b));
- L. Child care center.

16.26B.030 Permitted accessory uses.

- A. Public and private parking;
- B. Signs and fences;
- C. Other uses and structures customarily incidental to a principal permitted use. (Prior code § 15-9.12(c))

16.26B.040 Conditional uses.

- A. Public and private schools and day nurseries;
- B. Public uses;
- C. Essential services;

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- D. Shopping centers;
- E. Gasoline filling stations and public and repair garages;
- F. New car, farm machinery and construction equipment agencies;
- G. Used car sales (see Section 16.68.060(E));
- H. Home businesses. (Prior code § 15-9.12(d))

16.26B.050 Buffer strips.

All lots or parts of lots which are improved with a predominantly nonresidential use and whose side or rear lines are adjacent to a residential zone shall be screened from such residential zone by landscaped buffer strips or other such screening along said side or rear lines as may be approved by the planning board in accordance with Section 16.74.120. (Prior code § 15-9.12(e))

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Chapter 16.26C

B-3 COMMUNITY COMMERCIAL ZONE

Sections:

- 16.26C.010 Purpose.**
- 16.26C.020 Principal permitted uses.**
- 16.26C.030 Permitted accessory uses.**
- 16.26C.040 Conditional uses.**
- 16.26C.050 Buffer strips.**

16.26C.010 Purpose.

It is the purpose of this zone to provide areas in which business uses are intended to serve the community and surrounding residents and activities when said uses can be adequately serviced by the sanitary sewer system.

Within this zone, no lot, structure or accessory structure shall be used in whole or in part unless it complies with Schedules I and II set out in the Appendix following this title, other applicable sections of this title and the following regulations. (Prior code § 15-9.13(a); Ord. #02-9 § 16.48.010)

16.26C.020 Principal permitted uses.

- A. Retail and service uses except:
 - 1. Shopping centers on lots greater than three acres,
 - 2. Fast-food restaurants,
 - 3. Recreational activities,
 - 4. Wholesale and distribution uses,
 - 5. Commercial greenhouses, except those associated with a florist shop,
 - 6. Theaters,
 - 7. Gasoline filling stations and public and repair garages,
 - 8. New car, farm machinery and construction equipment agencies,
 - 9. Dry-cleaning and laundry processing plants,
 - 10. Group homes;
- B. Hotels and motels;
- C. Civic and cultural facilities;
- D. Banks, business and professional offices;
- E. Funeral homes, clubs, lodges and fraternal organizations;
- F. Printing and publishing shops;
- G. Institutions (Prior code § 15-9.13(b));
- H. Child care center.

16.26C.030 Permitted accessory uses.

- A. Public and private parking;
- B. Signs and fences;
- C. Other uses and structures customarily incidental to a principal permitted use. (Prior code § 15-9.13(c))

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16.26C.040 Conditional uses.

- A. Public and private schools and day nurseries;
- B. Public uses;
- C. Essential services;
- D. Home businesses. (See Section 16.02.030, Definition);
- E. Occupational, vocational and academic training center for handicapped persons. (Prior code § 15-9.13(d))

16.26C.050 Buffer strips.

All lots or parts of lots which are improved with a predominantly nonresidential use and whose side or rear lines are adjacent to a residential zone shall be screened from such residential zone by landscaped buffer strips or other such screening along said side or rear lines as may be approved by the planning board in accordance with Section 16.74.120. (Prior code § 15-9.13(e))

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Chapter 16.26D

B-4 HIGHWAY BUSINESS ZONE

Sections:

- 16.26D.010 Purpose.
- 16.26D.020 Principal permitted uses.
- 16.26D.030 Permitted accessory uses.
- 16.26D.040 Conditional uses.
- 16.26D.050 Buffer strips.

16.26D.010 Purpose.

It is the purpose of this zoning district to reserve appropriate areas for business development within a park-like setting by requiring a landscaped strip to a depth of one hundred (100) feet along such highway frontage, when said uses can be adequately serviced by the sanitary sewer system. Within this zone, no lot, structure or accessory structures shall be used in whole or in part unless it complies with Schedules I and II set out in the Appendix following this title, other applicable sections of this title and the following regulations. (Ord. 93-24 § 4 (part); prior code § 15-9.13A(a); Ord. #02-9)

16.26D.020 Principal permitted uses.

- A. Retail and service uses except:
 - 1. Fast-food restaurants,
 - 2. Recreational activities, except that bowling alleys are permitted,
 - 3. Wholesale and distribution uses,
 - 4. Commercial greenhouses, except those associated with a florist shop,
 - 5. Gasoline filling stations and public and repair garages,
 - 6. New car, farm machinery and construction equipment agencies,
 - 7. Dry cleaning and laundry processing plants,
 - 8. Group homes,
 - 9. Funeral homes, clubs, lodges and fraternal organizations,
 - 10. Animal hospitals and kennels,
 - 11. Printing and publishing shops except map reproduction and copy centers,
 - 12. Mini warehouses,
 - 13. Home businesses;
- B. Hotels and motels;
- C. Theaters, civic and cultural facilities;
- D. Banks, business and professional offices;
- E. Child care centers.

(The conditional use standards set forth for "Shopping Centers" in Chapter 16.68 shall not be applied to any development in the B-4 zoning district reaching or exceeding the size threshold as set forth in the definition of "shopping center" in Section 16.02.030. Any shopping center shall be subject to the restrictions applying to principal permitted uses in the B-4 zoning district and area, yard and building requirements set forth on Schedule 1 applying to the B-4 zoning district.) (Ord. 93-24 § 4 (part); prior code § 15-9.13A(b))

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16.26D.030 Permitted accessory uses.

- A. Public and private parking;
- B. Signs and fences;
- C. Other uses and structures customarily incidental to a principal permitted use. (Ord. 93-24 § 4 (part): prior code § 15-9.13A(c))

16.26D.040 Conditional uses.

- A. Public uses;
- B. Essential services. (Ord. 93-24 § 4 (part): prior code § 15-9.13A(d))

16.26D.050 Buffer strips.

All lots or parts of lots which are improved with a predominantly nonresidential use and whose side or rear lines are adjacent to a residential zone shall be screened from such residential zone by landscaped buffer strips or other such screening along the side or rear lines as may be approved by the planning board in accordance with Section 16.74.120. (Ord. 93-24 § 4 (part): prior code § 15-9.13A(e); Ord. 02-9 § 16.46.050)

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Chapter 16.26E

B-5 LOW INTENSITY HIGHWAY COMMERCIAL

Sections:

16.26E.010	Purpose
16.26E.020	Zone Created
16.26E.030	Principal Permitted Uses
16.26E.040	Permitted Accessory Uses
16.26E.050	Conditional Uses
16.26E.060	Hours of Operation

16.26E.010 Purpose

It is the purpose of this zoning district to provide for low intensity highway oriented uses along highways within the Township and to provide for transitional uses between residential areas and to provide for transitional uses between residential areas and the state highways. These uses are to be limited in the type of use, developable area, hours of operation, and floor area to limit the overall negative impacts associated with such development including but not limited to traffic generation, noise, glare, run-off and pollution.

Within this zone, no lot, structure, or accessory structure shall be used in whole or in part unless it complies with Schedules I and II set out in the Appendix following this title, other applicable sections of this title, and the following regulations. (Ord 01-28)

16.26E.020 Zone Created

There is created a B-5 zoning district classification. The following area shall comprise the B-5 zoning district:

All of the area shown on the official zoning map of the Township of Raritan in the R-1A/Low Intensity Highway Oriented Conditional Use Zone in the following Block and Lots: Block 63.01, Lots 11, 12, 12.01, 13, 13.01, Block 84, Lots 6, 7, 8, 9, 16, 17, 18, 19, 34, 34.01, 37, 100.01, Block 84.03, Lot 1, Block 85, Lots 19, 24, 25 and 42, and Block 86, Lots 8, 26.02 and 29. (Ord. 01-28 & Ord. 02-53)

16.26E.030 Principal Permitted Uses

- A. Professional offices;
- B. Business offices;
- C. Restaurants (excluding fast food);
- D. Mini-warehouse;
- E. Medical offices;
- F. Card and gift store;
- G. Veterinarian;
- H. Travel agency;
- I. Nursing home/assisted living facility;
- J. Antique store;
- K. Art gallery;
- L. Any form of agriculture and horticulture, including farm product sales in accordance with Section 16.24.050;
- M. Dry cleaning drop off shops;

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- N. Banks;
 - O. Tailoring, dressmaking and shoe repair shops;
 - P. Florist;
 - Q. Funeral homes;
 - R. Photographer;
 - S. Computer, tv, and electronics repair.
 - T. Indoor Recreational Training Facility;
 - U. Barber and Beauty Shops;
 - V. Child Care Centers
- (Ord. 01-28; Ord. 02-53; & Ord. 06-31)

16.26E.040 Permitted Accessory Uses

- A. Public and private parking;
- B. Signs and fences;
- C. Other uses and structures customarily incidental to principal permitted use.(Ord. 01-28)

16.26E.050 Conditional Uses

- A. Public and private schools and day nurseries;
 - B. Public uses;
 - C. Essential services;
 - D. Houses of Worship
- (Ord. 01-28 & Ord. 02-53)

16.26E.060 Hours of Operation

Any non-residential use within the B-5 zone shall be limited in its hours of operation, including deliveries to 6 a.m. to 11 p.m.
(Ord. #01-28)

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Chapter 16.26F

PCOS - PLANNED COMMERCIAL-OFFICE-SERVICE DISTRICT

Sections:

16.26F.010	Created
16.26F.020	Purpose
16.26F.030	Principal Permitted Uses
16.26F.040	Conditional Uses
16.26F.050	Floor Area Requirements
16.26F.060	Open Space and Buffer Requirements
16.26F.070	Utilities
16.26F.080	Shared Development
16.26F.090	Parking
16.26F.100	Mixture of Building Sizes
16.26F.110	Design Guidelines
16.26F.120	Hours of Operation

16.26F.010 Created

There is created a PCOS Planned Commercial-Office-Service District within the Township. The following properties shall be in the PCOS zoning district: Block 16.01, Lots 35 & 36. (Ord. 02-37)

16.26F.020 Purpose

It is the purpose of this amendment to permit the development of commercial, office and service uses within certain areas of the Township when such uses provide adequate open space, architectural detail, public and semi-public areas, provide for a mixture of uses, and are serviced by public sanitary sewer and public water. (Ord. 02-47)

16.26F.030 Principal Permitted Uses

- A. Retail;
- B. Professional Offices;
- C. Business Offices;
- D. Restaurants (including outdoor seating areas);
- E. Delicatessen;
- F. Medical Offices;
- G. Optometrist, including eye glass sales;
- H. Movie Theaters;
- I. Catering and Assembly Halls;
- J. Hotels (excluding motels);
- K. Dry Cleaning drop off shops;
- L. Banks;
- M. Barbers, Beauty Salons, Nail Salons, Spas and other cosmetic services;
- N. Travel Agents;
- O. Photographers;
- P. Real Estate Offices;
- Q. Indoor Recreational Uses;

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- R. Outdoor Recreation Facilities;
 - S. Public Uses;
 - T. Theaters and Civic Facilities;
 - U. Parking Structures;
 - V. Light Manufacturing provided the use is not visible by the general public and the use is conducted solely within a building;
 - W. Child Care Centers;
 - X. The following Uses are specifically prohibited:
 - 1. Car Wash
 - 2. Vehicle Repair
 - 3. Vehicle Sales
 - 4. Wholesale and distribution facilities
 - 5. Kennels
 - 6. Motels
 - 7. Outdoor storage of goods or materials
 - 8. Permanent Outdoor sales
 - 9. Drive through restaurants.
- (Ord. 02-47)

16.26F.040 Conditional Uses

- A. Essential Services
- B. Public and Private Schools and Day Nurseries
- C. Houses of Worship
- D. Seasonal Sales Areas

16.26F.050 Floor Area Requirements

Use Category (Principal Use)	Min. Required Square Feet (% of total retail square feet developed)	Max. Developable Square Feet (% of total floor area developed)
1	N/A	65%
21	23%	No Maximum
3	23%	No Maximum

Category 1: Retail Sales

Category 2: Service Uses, Child Care, Restaurants (including take out and exterior eating areas), Hotels, Banquet Facilities, Conference Facilities, Recreation, Movie Theaters, Theaters, Public Uses, Civic Uses, Light Manufacturing, Insurance and Real Estate Offices, and Travel Agencies.

Category 3: Office Uses (including professional, business, medical, research labs) (See Section 16.63.060.B for additional requirements)

1 Any Civic Use developed shall count towards Category 2 as 1.5 sq. ft. for every 1 sq. ft. developed when approved by the Planning Board (See Section 16.63.060.B.3).

16.26F.060 Open Space and Buffer Requirements

A. A 100 ft. open space buffer area shall be provided along the frontage of a state highway and a 50 ft. open space buffer shall be provided along the frontage of any County or Township road.

- 1. The open space buffer shall not be used for parking, loading, storage, or any activity that is either part of or accessory to the proposed use.
- 2. The open space buffer may contain utility lines, driveways, or pedestrian or bicycle

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paths, provided that:

- a. The proposed locations of such uses are necessary for their proper functioning, and such uses cross the buffer where feasible, rather than lie along the length of the buffer; and
- b. The total width of the buffer is maintained.

3. Detention basins shall not be permitted in the open space buffer, with the exception that retention ponds and/or underground storm water management systems are permitted.

B. A minimum of 10% of the total lot area shall be set aside and/or developed for usable open space, public and/or civic uses. All open space and civic or public uses shall be reviewed and approved by the Planning Board.

1. The open space requirement may be provided by exterior green spaces or interior civic or other public indoor recreational facility or interior public spaces or any combination thereof. The use of interior civic or public recreational spaces shall be considered as a Category 2 use as listed in Section 16.63.050. Interior spaces shall account for no more than 50% of the total open space requirement. Interior spaces may be located in individual buildings, on upper floors, portions of buildings, or any combination thereof.

2. Hard Surface Bonus. For every 2% increase in the open space provided, the maximum hard surface coverage may be increased by 1% to a total of 55% (i.e. the maximum hard surface coverage may be increased from 50% to 55% if the open space ratio is increased from 10% to 20% or any portion thereof). The open space requirement for this bonus may be provided on an adjacent property. This bonus may be provided as green space or interior floor space. Any floor area provided under this bonus shall not apply to the total FAR permitted.

3. Any interior civic space may be counted as 1.5 sq. ft. of floor area under Category 2 in Section 16.63.050 Floor Area Requirements, for every 1 sq. ft. of gross floor area developed when such Civic space is approved by the Planning Board. (Ord. 02-47)

16.26F.070 Utilities

- A. All uses must be serviced by sanitary sewer and public water.
- B. All public utilities must be located underground.

16.26F.080 Shared Development

Either through private agreements, joint ownership, joint application, or other means the hard surface coverage, parking, open space and floor areas for the various uses may be provided, transferred and/or clustered on one or all sites (i.e. the entire zone may be developed as one site). Such transfer will require approval of any and all agreements, easements or other necessary documentation by the Planning Board.

16.26F.090 Parking

Parking requirements on the site may be reduced to 1 space per 250 sq. ft. of gross floor area provided an adequate mixture of land uses is provided that permits the sharing of parking facilities. Additional sharing of parking facilities may be permitted after review by the Planning Board.

16.26F.100 Mixture of Building Sizes

A mixture of the size of the retail facilities provided is required to ensure a diversity in the types of uses developed. For every 100,000 sq. ft. (or portion thereof) of gross retail space, at least three (3) separate retail spaces must be constructed. There are no individual size requirements for each facility and the spaces may be connected.

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16.26F.110 Design Guidelines

1. Signs (both ground and wall signs) shall be coordinated in color and design. Directional signs shall be provided throughout any development to assist in the flow of traffic to the most efficient entry and exit point.
2. A common green space complimentary to civic and recreational uses shall be provided.
3. A mixed use (retail/office/service/civic) area shall be provided adjacent to the central green space.
4. Uses should be clustered within any development to aid in pedestrian access among the various uses. Uses shall not be located on isolated building pads.
5. Multi-story development is encouraged.
6. Parking facilities should be designed so that they are shielded from view from the public areas within the site and from passers-by on exterior roadways. Parking areas should be so located as to aid in the sharing of parking facilities.
7. All parking areas, storm water systems, buffers, green spaces and other areas shall be landscaped as per township requirements.
8. The overall architectural design of the site should be coordinated in color, scale and design. Each individual use shall be architecturally delineated.
9. Loading and other building service areas shall be shielded from view from the public and shall be combined, where possible.
10. Lighting shall be kept to a minimum and shall follow requirements found elsewhere in this ordinance.
11. Any parking structures shall be adequately lit. In addition, any such structure shall be incorporated into the overall architectural design of the site.

16.26F.120 Hours of Operation

All uses shall be closed to the general public from 2:00 a.m. to 5:00 a.m. of every day.

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Chapter 16.26G

COMMERCIAL-RECREATION DISTRICT

Sections:

16.26G.010	Intent
16.26G.020	Overlay Zoning
16.26G.030	Permitted Uses
16.26G.040	Accessory Uses
16.26G.050	Conditional Uses
16.26G.060	Affordable Housing
16.26G.070	Utilities
16.26G.080	Shared Development
16.26G.090	Hours of Operation
16.26G.100	Design Guidelines
16.26G.110	Recreational Lighting

16.26G.010 Intent

It is the intent of this amendment to permit the development of commercial and recreational uses within certain areas of the township when such uses provide adequate open space and a mixture of uses.

Within this zone, no lot, structure or accessory structure shall be used in whole or in part unless it complies with Schedules I and II set out in the Appendix following this title and other applicable sections of this title.

16.26G.020 Overlay Zoning

Block 9, Lots 8, 9, 10, 11, 12, 13, 14, 14.01, 15, 16, 17, 17.01, 19, 23 and 23.01 which are currently zoned I-2, shall have the option to use the following Commercial Recreational zoning requirements provided all zoning requirements are met. Any such property electing to use the requirements of this section must do so entirely and not combine the I-2 and CR zonings on one property.

16.26G.030 Permitted Uses

No building or structure shall be erected nor shall any land or building be designed, used for any purpose other than the following:

1. Commercial and non-commercial indoor and outdoor recreation;
2. Museums;
3. Theaters and Civic Facilities;
4. Catering and Assembly Halls;
5. Restaurants;
6. Hotels
7. Movie theaters;
8. Child care facilities;
9. Banks
10. Agricultural uses;
11. Dry Cleaners;
12. Utilities;

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13. Accessory uses and accessory buildings customarily incidental to the above uses and located on the same lot.
14. Retail not to exceed a Floor Area Ratio of 7%.
15. Affordable Housing in compliance with the Affordable Housing Growth Share Production ordinance, except that the number of units may exceed the maximum of 8, but shall not exceed a density of .3 units/acre. Units shall be designed in accordance with Section 16.34.060.H.
16. Affordable Housing that meets COAH's income restriction's but does not comply with all COAH regulations, but shall not exceed a density of .3 bedrooms/acre.
17. Offices including business and professional offices.
18. Parking Structures

16.26G.040 Accessory Uses

1. Recreational Lighting in compliance with the requirements of this Section;
2. Public and Private Parking;
3. Signs and Fences;
4. Other uses and structures customarily incidental to a principal permitted use;

16.26G.050 Conditional Uses

1. Public Uses
2. Public and Private Schools
3. Essential Services
4. Houses of Worship

16.26G.060 Affordable Housing

On site affordable Housing shall be required at the ratio of 1 unit for every 8 non-coah housing units and 1 per every 25 jobs created as per the New Jersey Council on Affordable Housing's Third Round Substantive Rules in place at the time of adoption of this ordinance. These units shall meet all COAH bedroom mix, income mix, marketing, and all other requirements. It is specifically the intent of this ordinance to require compliance with the regulations in effect at the time of adoption of this ordinance, in terms of number of units required, unless the ordinance is specifically amended to change this section.

16.26G.070 Utilities

All uses must be serviced by public sanitary sewer and public water. (Ord. 07-33)

16.26G.080 Shared Development

Either through private agreements, joint ownership, joint application, or other means the hard surface coverage, parking, open space and floor areas for the various uses may be provided, transferred and/or clustered on one or all sites (i.e. the entire zone may be developed as one site). Such transfer will require approval of any and all agreements, easements or other necessary documentation by the Planning Board and the Township Attorney.

16.26G.090 Hours of Operation

All outdoor uses shall be closed from 11 pm to 7 am of every day.

16.26G.100 Design Guidelines

The following guidelines are intended to supplement existing site plan design standards.

1. Signs (both ground and wall signs) shall be coordinated in color and design. Directional

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signs shall be provided throughout any development to assist in the flow of traffic to the most efficient entry and exit point.

2. Parking facilities should be designed so that they are shielded from view from the public areas within the site and from passers-by on exterior roadways. Parking areas should be so located as to aid in the sharing of parking facilities.
3. The overall architectural design of the site should be coordinated in color, scale and design and shall be approved by the Planning Board.
4. Loading and other building service areas shall be shielded from view from the public and shall be combined, where possible.

16.26G.110 Recreational Lighting

In the Commercial Recreational Zone the following recreational lighting requirements shall apply:

1. Recreational lighting providing light to a permitted outdoor recreational use shall be considered an accessory use in the Commercial Recreational Zone (except for the purposes of setback requirements at noted in No. 5 below).
2. Lighting shall be accomplished only through the use of fixtures conforming to IESNA full-cutoff criteria, or as otherwise approved by the Township based on suitable control of glare and light trespass.
3. For new recreational facilities and recreational facilities wishing to change their hours of operation; during hours of darkness, sporting events shall be timed so that all lighting in the sports facility, other than lighting for safe exit of patrons, shall be extinguished by 11:00 p.m., regardless of such occurrences as extra innings or overtimes.
4. Any structures related to the lights including light poles shall meet the setbacks for principal structures within the zone.
5. Maximum mounting heights for recreational lighting shall be in accordance with the following:
 - (a) Basketball 20'
 - (b) Football 70'
 - (c) Soccer 70'
 - (d) Little League Baseball
 - i. 200' Radius 70'
 - ii. 300' Radius 80'
 - (e) Miniature Golf 20'
 - (f) Tennis 20'
 - (g) Track 20'

(Ord. 07-33)

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Chapter 16.26H

OUTDOOR RECREATION ZONE

Sections:

- 16.26H.010 Overlay Zone
- 16.26H.020 Permitted Principal Uses
- 16.26H.030 Permitted Accessory Uses
- 16.26H.040 Utilities
- 16.26H.050 Outdoor Commercial Recreation Lighting Standards
- 16.26H.060 Use of Pervious Materials
- 16.26H.070 Buffering

16.26H.010 Overlay Zone

The Outdoor Recreation Zone shall be an overlay zone and shall not replace the preexisting underlying zoning.
(Ord. #08-17)

16.26H.020 Permitted Principal Uses

A. Outdoor Commercial Recreation. (Ord #08-17)

16.26H.030 Permitted Accessory Uses

- A. Administrative Offices accessory to the principal use.
- B. Indoor commercial recreation incidental to the principal outdoor use.
- C. Recreational Sports Lighting in accordance with subsection 16.24.H.050.
- D. Fencing for recreational uses may be up to 30 ft. in height provided no such fencing is located in any front setback area. (Ord. #08-17)

16.26H.040 Utilities

Any use shall be serviced by public sanitary sewer. (Ord. #08-17)

16.26H.050 Outdoor Commercial Recreation Lighting Standards

- A. This subsection pertains to lights installed to principally provide illumination for outdoor sports facilities.
 - B. All lighting shall be extinguished after 11 p.m.
 - C. Lighting stanchions shall not exceed 90 feet in height.
 - D. All lighting shall minimize glare and light pollution.
- (Ord. #08-17)

16.26H.060 Use of Pervious Materials

A minimum of 50% of all parking spaces shall be paved with pervious materials that have been approved for use by the Township Engineer. (Ord. #08-17)

16.26H.070 Buffering

All outdoor commercial recreations uses shall be treated as a medium intensity commercial use for the purposes of determining the required bufferyards (see Section 16.20.040). (Ord. #08-17)

Chapter 16.28A

I-1 RESTRICTED INDUSTRIAL ZONE

Sections:

- 16.28A.010 Purpose.
- 16.28A.020 Principal permitted uses.
- 16.28A.030 Permitted accessory uses.
- 16.28A.040 Conditional uses.
- 16.28A.050 Buffer strips.

16.28A.010 Purpose.

It is the purpose of this zone to provide areas suitable for industrial uses when said uses can be adequately serviced by the sanitary sewer system, with appropriate controls to protect adjacent residential zones.

Within this zone, no lot, structure or accessory structures shall be used in whole or in part unless it complies with Schedules I and II set out in the Appendix following this title, other applicable sections of this title and the following regulations. (Prior code § 15-9.14(a); Ord. #02-9)

16.28A.020 Principal permitted uses.

A. Manufacturing, processing, producing or fabricating operations which meet the performance standards contained in Chapter 16.74, provided that all operations and activities, except parking, are carried on within enclosed buildings and that there is no outside storage or outside repairs of materials and equipment;

B. Business and administrative offices and research facilities;

C. Any form of agriculture or horticulture, including commercial greenhouses as part of a farm;

D. Commercial indoor recreation facilities;

E. Primarily wholesale uses with limited retail sales;

F. Professional office including surgical center (a facility where outpatients come for simple surgical procedures including dialysis). Off-street parking shall be provided for such surgical center at the same rate as required for medical office use. An office building to be erected shall contain at least sixteen thousand (16,000) square feet of gross floor area of which fifty (50) percent or at least eight thousand (8,000) square feet shall constitute the building foot print. (Ord. 96-38 § 1; prior code § 15-9.14(b))

G. Child care centers. (Ord. 06-31)

16.28A.030 Permitted accessory uses.

A. Off-street parking, loading and unloading;

B. Signs and fences;

C. Facilities required for employees and visitors, such as cafeterias, recreational and medical facilities;

D. Other uses and structures customarily incidental to a principal permitted use;

E. Retail and wholesale sales and goods manufactured or produced on site, provided that the sales area does not exceed fifteen (15) percent of the gross manufacturing floor area. (Prior code § 15-9.14(c))

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16.28A.040 Conditional uses.

- A. Public and private schools and day nurseries;
- B. Public uses;
- C. Essential services;
- D. Farm stands;
- E. Clubs, lodges and fraternal organizations;
- F. Animal hospitals and kennels. (Prior code § 15-9.14(d))

16.28A.050 Buffer strips.

All lots or parts of lots which are improved with a predominantly nonresidential use and whose side or rear lines are adjacent to a residential zone shall be screened from such residential zone by landscaped buffer strips or other such screening along said side or rear lines as may be approved by the planning board in accordance with Section 16.74.120. (Prior code § 15-9.14(e))

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Chapter 16.28B

I-2 MAJOR INDUSTRIAL ZONE

Sections:

- 16.28B.010 Purpose.
- 16.28B.020 Principal permitted uses.
- 16.28B.030 Permitted accessory uses.
- 16.28B.040 Conditional uses.
- 16.28B.050 Buffer strips.

16.28B.010 Purpose.

It is the purpose of this zone to provide areas suitable to the use of industry and related uses with controls necessary to ensure sound industrial development and when said uses can be adequately serviced by the sanitary sewer system.

Within this zone, no lot, structure or accessory structures shall be used in whole or in part unless it complies with Schedule I and II set out in the Appendix following this title, other applicable sections of this title and the following regulations. (Prior code § 15-9.15(a); Ord. #02-9)

16.28B.020 Principal permitted uses.

- A. Those uses permitted in the I-1 zone;
- B. Warehousing, wholesale and distribution facilities;
- C. Trucking terminals;
- D. Public parks and public recreational facilities and uses;
- E. Hotels and motels;
- F. Child care centers. (Prior code § 15-9.15(b); Ord. 06-31)

16.28B.030 Permitted accessory uses.

- A. Off-street parking, loading and unloading;
- B. Signs and fences;
- C. Facilities required for employees and visitors, such as cafeterias, recreational and medical facilities;
- D. Screened and fenced outdoor storage areas;
- E. Other uses and structures customarily incidental to a principal permitted use;
- F. Retail and wholesale sales of goods manufactured or produced on site, provided that the sales area does not exceed fifteen (15) percent of the gross manufacturing floor area. (Prior code § 15-9.15(c))

16.28B.040 Conditional uses.

- A. Public and private schools and day nurseries;
- B. Public uses;
- C. Essential services;
- D. Farm stands;
- E. Clubs, lodges and fraternal organizations;
- F. Animal hospitals and kennels;
- G. Helistops;
- H. Nursing homes. (Prior code § 15-9.15(d))

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16.28B.050 Buffer strips.

All lots or parts of lots which are improved with a predominantly nonresidential use and whose side or rear lines are adjacent to a residential zone shall be screened from such residential zone by landscaped buffer strips or other such screening along said side or rear lines as may be approved by the planning board in accordance with Section 16.74.120. (Prior code § 15-9.15(e))

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Chapter 16.30A

O-1 PROFESSIONAL OFFICE ZONE

Sections:

- 16.30A.010 Purpose.
- 16.30A.020 Principal permitted uses.
- 16.30A.030 Permitted accessory uses.
- 16.30A.040 Conditional uses.
- 16.30A.050 Buffer strips.
- 16.30A.060 Apartments over shops and offices.

16.30A.010 Purpose.

It is the purpose of this zone to provide appropriately located areas for small professional office building use which can be compatible with adjacent residential uses.

Within this zone, no lot, structure or accessory structure shall be used in whole or in part unless it complies with Schedules I and II set out in the Appendix following this title, other applicable sections of this title and the following regulations. (Prior code § 15-9.16(a))

16.30A.020 Principal permitted uses.

- A. Professional office or studios for the use of the practitioners of recognized professions, such as medical doctors, dentists, optometrists, chiropractors, accountants, opticians, lawyers, engineers, architects, and similar professional occupations;
- B. Examination offices for veterinarians;
- C. General business offices for real estate and insurance agencies and similar offices;
- D. Offices of governmental and social service organizations and agencies;
- E. Banking and financial offices;
- F. Service uses of the following types: barber and beauty shops; tailoring and dressmaking; radio and television repair; and florists;
- G. Clubs, lodges and fraternal organizations;
- H. Child Care Centers. (Prior code § 15-9.16(b); Ord. 06-31)

16.30A.030 Permitted accessory uses.

- A. Public and private parking;
- B. Signs and fences;
- C. Other uses and structures customarily incidental to a principal permitted use;
- D. Apartments over shops and offices in accordance with Section 16.56.060. (Prior code § 15-9.16(c))

16.30A.040 Conditional uses.

- A. Public and private schools and day nurseries;
- B. Public uses;
- C. Essential services;
- D. Houses of worship;
- E. Day nurseries. (Prior code § 15-9.16(d))

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16.30A.050 Buffer strips.

All lots or parts of lots which are improved with a predominantly nonresidential use and whose side or rear lines are adjacent to a residential zone shall be screened from such residential zone by landscaped buffer strips or other such screening along said side or rear lines as may be approved by the planning board in accordance with Section 16.74.120. (Prior code § 15-9.16(e))

16.30A.060 Apartments over shops and offices.

A. A building containing a permitted shop or office on the first floor may be constructed with a maximum of two apartment units on the second floor.

B. There shall be provided a lot area of one thousand (1,000) square feet in area for every apartment, in addition to the lot area requirements for the permitted nonresidential uses, for the applicable zone.

C. Each apartment shall be self-contained and shall have a gross floor area of at least four hundred (400) square feet.

D. Public sewer and water shall be required.

E. Entrances to apartments shall be from the rear of the building.

F. Parking for tenants shall be provided in the rear of the building. (Prior code § 15-9.16(f))

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Chapter 16.30B

O-2 BUSINESS OFFICE ZONE

Sections:

- 16.30B.010 Purpose.
- 16.30B.020 Principal permitted uses.
- 16.30B.030 Permitted accessory uses.
- 16.30B.040 Conditional uses.
- 16.30B.050 Buffer strips.
- 16.30B.060 Light industrial uses.

16.30B.010 Purpose.

It is the purpose of this zone to reserve appropriate areas for the use of large business and corporate offices and large light industrial and related uses when said uses can be adequately serviced by the sanitary sewer system..

Within this zone, no lot, structure or accessory structures shall be used in whole or in part unless it complies with Schedules I and II set out in the Appendix following this title, other applicable sections of this title and the following regulations. (Prior code § 15-9.17(a); Ord. #02-9)

16.30B.020 Principal permitted uses.

- A. Executive and administrative, general business and professional offices;
- B. Scientific and research laboratories;
- C. Commercial indoor recreation facilities;
- D. Any form of agriculture or horticulture, including commercial greenhouses as part of a farm and the sale of farm products;
- E. Motels and hotels;
- F. Light industrial uses in accordance with Section 16.58.060;
- G. Houses of worship;
- H. Child Care Centers. (Prior code § 15-9.17(b); Ord. 06-31)

16.30B.030 Permitted accessory uses.

- A. Off-street parking, loading and unloading;
- B. Signs and fences;
- C. Facilities required for employees and visitors, such as cafeterias, recreational and medical facilities;
- D. Other uses and structures customarily incidental to a principal permitted use;
- E. Restaurants within motels and hotels. (Prior code § 15-9.17(c))

16.30B.040 Conditional uses.

- A. Public and private schools and day nurseries;
- B. Public uses;
- C. Essential services;
- D. Farm stands;
- E. Clubs, lodges and fraternal organizations;
- F. Helistops. (Prior code § 15-9.17(d))

Chapter 16.32A

P PUBLIC AND INSTITUTIONAL ZONE

Sections:

- 16.32A.010 Purpose.
- 16.32A.020 Principal permitted uses.
- 16.32A.030 Permitted accessory uses.
- 16.32A.040 Conditional uses.
- 16.32A.050 Buffer strips.

16.32A.010 Purpose.

It is the purpose of this zone to define areas of the township owned and used or intended to be used for public and institutional purposes by the township, the county, the state, the federal government and by nonprofit institutions.

Within this zone, no lot, structure or accessory structure shall be used in whole or in part unless it complies with Schedules I and II set out in the Appendix following this title, other applicable sections of this title and the following regulations. (Prior code § 15-9.18(a))

16.32A.020 Principal permitted uses.

- A. Governmental, public and institutional uses;
- B. Public and private parks and play areas;
- C. Nonprofit educational institutions;
- D. Hospitals, sanitariums, medical or health centers, nursing homes or similar health facilities;
- E. Institutions or homes for the aged;
- F. Churches, convents, monasteries or similar religious institutions;
- G. Child care centers. (Prior code § 15-9.18(b); Ord. 06-31)

16.32A.030 Permitted accessory uses.

- A. Public and private parking;
- B. Signs and fences;
- C. Facilities required for employees and visitors, such as cafeterias, recreational and medical facilities;
- D. Other uses and structures customarily incidental to a principal permitted use. (Prior code § 15-9.18(c))

16.32A.040 Conditional uses.

- A. Public and private schools and day nurseries;
- B. Essential services;
- C. Helistops. (Prior code § 15-9.18(d))

16.32A.050 Buffer strips.

All lots or parts of lots which are improved with a predominantly nonresidential use and whose side or rear lines are adjacent to a residential zone shall be screened from such residential zone by landscaped buffer strips or other such screening along said side or rear lines as may be approved by the planning board in accordance with Section 16.74.120. (Prior code § 15-9.18(e))

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Chapter 16.32B

H HOSPITAL DISTRICT

Sections:

16.32B.010	Purpose.
16.32B.020	Principal permitted use.
16.32B.030	Concurrent principal permitted uses.
16.32B.040	Permitted accessory uses.
16.32B.050	Conditional uses.
16.32B.060	Area and bulk standards.
16.32B.070	Site plan approval required.
16.32B.080	Designated properties.

16.32B.010 Purpose.

It is the purpose of this zoning district to permit medical facilities and related activities with specified controls as set forth.

Within this zoning district, no lot, structure or accessory structure shall be used in whole or in part unless it complies with the following regulations and other applicable sections of this title. (Ord. 91-35 § 1 (part); prior code § 15-9.18a(a))

16.32B.020 Principal permitted use.

A licensed institution commonly known as a medical center providing primary and specialized health services and medical or surgical care to persons, inpatients and outpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as part of the institution, related facilities such as laboratories, outpatient facilities, training facilities, examination rooms for the use of practitioners of recognized health care professionals and administrative offices for hospital employees. (Ord. 91-35 § 1 (part); prior code § 15-9.18a(b))

16.32B.030 Concurrent principal permitted uses.

- A. Day nurseries, child care facilities, and geriatric facilities;
- B. Residential units for doctors, nurses and other health care workers and hospital personnel;
- C. Free standing ambulatory and diagnostic treatment facilities;
- D. Health care professional office building;
- E. Child care centers. (Ord. 91-35 § 1 (part); prior code § 15-9.18a(c); Ord. 06-31)

16.32B.040 Permitted accessory uses.

- A. Surface off-street parking; loading and unloading;
- B. Multi-level parking structure;
- C. Cafeteria and recreational facilities for employees and patients;
- D. Gift shop;
- E. Signs and fences;
- F. Waste treatment facilities as an accessory use only for site generated waste. No waste generated off-site shall be brought on-site for treatment;
- G. Other uses and structures customarily incident to a principal permitted use including co-generation facilities. (Ord. 91-35 § 1 (part); prior code § 15-9.18a(d)) 08-3

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16.32B.050 Conditional uses.

- A. Helistop;
- B. Essential services. (Ord. 91-35 § 1 (part); prior code § 15-9.18a(e))

16.32B.060 Area and bulk standards.

- A. Permitted uses shall be located on lots meeting the following requirements:

Size of Facility (Number of beds)	Minimum Site Area (acres)
30 or less	5
31 - 50	10
51 - 100	12
Each additional 50	2

B. Such uses shall front on roads with a minimum pavement width of thirty (30) feet. Hospitals shall front on a state or county highway.

C. The maximum height of principal structures shall be not more than one hundred (100) feet and the maximum height shall be not more than forty (40) feet for other permitted accessory structures.

D. Minimum front, rear and side yards for principal and accessory structures shall be one hundred (100) feet from Route 31 and all other properties except such may be not less than seventy-five (75) feet from County Road 600. When located across from, abutting or adjacent to a residence or residential zone, the planning board may require additional setbacks and yards to provide adequate buffers and safeguards to protect adjacent uses from nuisance characteristics.

E. The maximum hard surface coverage in the H - hospital district shall be forty (40) percent.

F. Off-street parking shall be provided at rates set forth in Section 16.70.020. Where in the opinion of the municipal agency a survey of off-street parking space utilization is necessary to determine the appropriate number of parking spaces accessory to permitted uses, the applicant submitting a request for site plan approval shall cause such survey to be conducted and the results of such survey shall be submitted to the municipal agency. Where the results of such survey demonstrate to the municipal agency a need for more off-street parking spaces than required by Section 16.70.020, the municipal agency based upon such utilization survey may require more off-street parking spaces than would be required by the application of Section 16.70.020. (Ord. 91-35 § 1 (part); prior code § 15-9.18a(f))

16.32B.070 Site plan approval required.

Site plan approval by the municipal agency shall be required as set forth in Chapter 16.14. (Ord. 91-35 § 1 (part); prior code § 15-9.18a(g))

16.32B.080 Designated properties.

The H - hospital district shall be as designated on the zoning map.

Properties as designated are rezoned from R-3 residential and O-1 professional office zone to H - hospital district. (Ord. 91-35 § 1 (part); prior code § 15-9.18a(h))

Chapter 16.64

GENERAL DESIGN AND USE REGULATIONS

Sections:

16.64.010	Schedule of controls.
16.64.020	Permitted modifications--Cluster residential development.
16.64.030	Height.
16.64.040	Yard area.
16.64.050	Temporary uses.
16.64.060	Existing lots of record.
16.64.070	Backland lots.
16.64.080	General regulations applicable to all zones.
16.64.090	Lot regulations.
16.64.100	Building and use regulations.
16.64.110	Preservation of natural features.
16.64.120	Fences.
16.64.130	Steep slope provisions.
16.64.140	Hours of Operation

16.64.010 Schedule of controls.

Schedule I, entitled "Schedule of Area, Yard and Building Requirements," Schedule II, entitled "Minimum Utility Requirements," and Schedule III, entitled "Cluster Requirements," which are set out in the Appendix following this title, are declared to be a part of this title and shall be deemed to be the minimum requirements in every instance of their application, unless otherwise stated.

A. Applicability of Regulations. Except as hereinafter provided:

1. No building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land or building be designed, used or intended to be used for any purpose or in any manner other than as specified among the uses hereinafter listed as permitted in the zone in which such building or land is located;

2. No building shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the zone in which such building is located;

3. No building shall be erected, no existing buildings shall be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the yard, lot area and building location regulations hereinafter designated for the zone in which such building or open space is located;

4. No yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be considered as providing a yard or open space for any other building, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot;

5. No off-street parking area, loading or unloading area provided to meet the minimum off-street parking, loading or unloading requirements for a use or structure on any other lot;

6. No land in a residential zone shall be used to fulfill open space, parking or similar requirements for uses in nonresidential zones. No access shall be allowed through a residential zone to service a use in a nonresidential zone.

B. General Use Restrictions for All Zones.

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1. Any use not designated as a principal permitted use, a permitted accessory use or a conditional use is specifically prohibited from any zone in the township. All uses shall be conducted within a building or structure unless otherwise permitted.

2. The following public utility facilities shall be permitted in all zones on land with sufficient area appropriate for the facility or service to be provided:

a. Electrical substations, pumping stations and underground utility lines and underground pipelines constructed or used to serve a principal permitted use and permitted accessory uses for which subdivision or site plan approval has been granted or which is pre-existing;

b. Electrical or other utility substations to be installed within existing public and private rights-of-way where a utility line already exists;

c. Electric line installations of 34.5 kilovolts or less.

C. Prohibited Uses.

1. Explosives manufacturing;

2. Petroleum refining;

3. Bulk storage of refinery products and raw materials in tanks for use on the premises or for resale, when inventoried in tankage exceeding the capacity as listed in Section 16.64.100(C);

4. Junkyards, auto wrecking or disassembly yards;

5. Retail, wholesale or auction sales of used motor vehicles, except as an accessory use as set forth in Section 16.68.060(E);

6. All billboards, signboards or advertising devices not expressly related to the business being conducted on the premises;

7. Landfills;

8. Collection bins of the type typically placed by organizations for the collection of used clothing, toys or other personal property; with the exception of the collection bins which the township has placed at the township recycling center for the orderly collection and disposition of such type of item.

(Ord. 06-21 § Schedule I; Ord. 98-50 § 8; Ord. 95-31 § 1; prior code § 15-9.2a; Ord. 03-3)

16.64.020 Permitted modifications--Cluster residential development.

Any major residential subdivision in zone districts R-1A, R-2, R-3, R-4, R-5 and R-6 meeting the requirements of this section may apply to the planning board for approval as a cluster subdivision under the provisions of this title and in accordance with the following requirements:

A. Maximum Number of Lots. The maximum number of lots to be permitted shall be the fewer number of lots resulting from the following:

1. The maximum number of lots to be permitted shall be no greater than the number derived by preparation of a sketch plat of the subject property showing a development with conventional lot sizes. Such sketch plat shall be prepared at a scale of not less than one inch equals one hundred (100) feet. Such sketch plat and the resulting number of lots thereon shall be based upon and shall include:

a. Street layout with street right-of-way widths conforming to the master plan and the development ordinance;

b. Steep slope analysis of topography shown on such sketch plat at intervals of at least ten feet as required by Chapter 16.68;

c. Location of any one hundred (100) year floodplains;

d. Location of wetlands and wetland transition areas based upon a letter of interpretation from NJDEP;

e. Lot areas conforming to the zoning district requirements indicating lot area and lot width. A lot circle shall be inscribed in such lot the location and diameter of which shall conform to zoning ordinance requirements pertaining to the zoning district within which the property is located;

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f. In addition such sketch plat shall show all other information required by the checklist for sketch plats and Section 16.18.090 including where public sewers are not proposed the requirement of Section 16.19.090(B)(9), which requires at least one passing percolation test and soil log for each five acres of such property. The location of all unsatisfactory and abandoned percolation tests shall be indicated;

g. Where public water supply is not available, a well test report as required by Section 16.18.140 shall be submitted;

h. If public water supply is proposed, a letter from the water supplier shall be submitted stating that safe and adequate service to the anticipated number of units can be supplied;

i. If public sewers are to be provided, a written communication from RTMU shall be submitted stating that sewage treatment capacity for the number of units shown on the sketch plat has been reserved;

j. If public water supply and/or public sewers are proposed the route of extension of such to the property and the location of any required pumping station shall be indicated.

2. Preparation of a sketch plat of the subject property showing a development with conventional lot size without both utilities (public sewer and public water). Such sketch plat and the resulting number of lots thereon shall be based upon and shall include:

a. A steep slope analysis;

b. Location of any one hundred (100) year floodplains;

c. Location of any wetlands as defined by the U.S. Fish and Wildlife Service;

d. Provisions of Section 16.64.090.

Such conventional lot sizes without both utilities (public sewer and public water) shall meet all minimum lot area and minimum lot width requirements for the district in which located.

B. Cluster Requirements. See Schedule III set out in the Appendix following this title.

C. The land area which would otherwise be required for house lots, but which is not so used under the permitted lot size reduction provisions of this section, shall be devoted instead to contiguous common space.

D. Location and Use of Dedicated Lands. The planning board shall have full authority to approve or disapprove the locations and proposed uses of lands required to be dedicated in accordance with the foregoing and as guided in its decisions by this subsection and the following:

1. Lands required to be dedicated shall be so located as to meet the needs of open spaces, parks, playgrounds, rights-of-way protecting major streams or open drainage ways and buffer areas, or to provide additional neighborhood area for recreational purposes or school purposes. The planning board shall make certain that not only township requirements shall be satisfied, but also that dedicated area shall be so located as to meet any possible future needs of the neighborhood or region.

2. The planning board shall have full discretion as to the location and size of the various use need areas and their distribution. It shall not generally approve areas of less than five acres except when such site is considered adequate for its specific use, and it shall make certain that a reasonable portion of required dedicated area shall be located so as to specifically serve the needs of the development where located. Areas utilized for stormwater detention facilities shall not be counted toward fulfilling minimum open space area requirements for a cluster development. Areas utilized for stormwater retention facilities shall be counted toward fulfilling open-space area requirements.

E. Disposition of Dedicated Areas.

1. Dedicated areas shall be deemed free and clear of all mortgages and encumbrances to the township if the township so indicates, as provided in subsection D of this section; or

2. Deeded to a property owners' association, cooperative or condominium corporations, free and clear of any encumbrances, for their use, control and management for open-space recreational or agricultural use and to provide appropriate restrictions to assure the effectuation of the purpose of this title and to provide for the maintenance and control of the area. If nontownship ownership

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is approved, the maintenance responsibility shall be upon the property owners within the bounds of the development. Upon failure to maintain an orderly open space, the township may and can perform such maintenance and assess the cost to the responsible property owner pursuant to R.S. 40:55D-43.

F. Right of Owner. Proposals in accordance with this section shall only be approved by the planning board as above regulated if the lesser requirements will promote the public health, safety, morals and general welfare and will enhance property values within the area of development and Raritan Township. Nothing herein shall be construed as requiring a developer to elect this means of developing his or her tract. (Ord. 98-31 § 3; Ord. 91-38 § 3; Ord. 87-4 § 2; prior code § 15-9.19)

16.64.030 Height.

A. Permitted Exceptions. Height limitations stipulated elsewhere in this title shall not apply to church spires, belfries, cupolas, flagpoles, and farm structures. Mechanical appurtenances such as condensers, elevator penthouses, exhaust fans and similar equipment are exempt from height limitations, provided that they do not exceed ten percent of the roof area, do not extend more than six feet above the height limitation for the zone in which the building is located, and are completely screened or shielded. The provision of this section shall not apply to prevent the erection above the building height Raritan Township General Ordinances limit of a parapet wall or cornice for ornament (and without windows) extending above such height limit not more than six feet. Front, rear and side yards shall be increased by one foot for each foot by which such buildings exceed the height limit not more than six feet. Front, rear and side yards shall be increased by one foot for each foot by which such buildings exceed the height limit herein established for such zone in which it is located, and further provided that in no case shall any building have a height greater than fifty (50) feet unless explicitly permitted by this title. (Ord. 04-22 § A)

B. Noncommercial accessory tower structures may be authorized in all residential zones, provided:

1. The setback for the central vertical portion of the structure shall be a minimum of thirty-five (35) feet from all property lines for structures up to thirty-five (35) feet and shall increase by one foot of area for every one foot of increased height; said height not to exceed a maximum of seventy-five (75) feet.

2. The structure shall be located in the area behind the principal residential structure as delineated by a line along the rear wall of the structure and extending to either side of the property.

3. How Measured. Height shall be measured from the mean level of the ground adjacent to the structure to a point midway between the highest (ridge line) and lowest (eaves) point of the roof, but not including chimneys, spires, towers, elevator penthouses and similar projections. The mean level of the ground surrounding the structure shall be computed by averaging the grade at the four corners at the base of the structure or the four most extreme points on the north, south, east and west sides of a principal structure where multiple corners exist, or four points ninety (90) degrees apart from a circular structure.

The base of earth berms surrounding a structure shall be considered the grade from which height is measured. (Ord. 97-41 § 1; prior code § 15-9.21)

16.64.040 Yard area.

A. 1. Front Yards. The minimum building setback shall be maintained as required in Schedule I set out in the Appendix following this title, except that a structure to be erected on a vacant lot between two improved lots may follow the average setback of the two improved lots, but in any case, not less than twenty-five (25) feet from the street right-of-way line.

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If a vacant lot is between two improved lots upon which structures are set back greater than the required setback, then the proposed structure on the vacant lot shall also be set back along the average setback line of the two improved lots, but in no event need to set back more than one hundred (100) feet.

2. Within the B-4 highway business zone, the required minimum front yard of one hundred (100) feet shall be devoted to landscaping with grass, flowers and shrubs and shall not be used for buildings, structures (other than permitted signs), off-street parking, off-street loading. Such minimum required front yard devoted to landscaping may be pierced by vehicular and pedestrian accessways the design and width of such shall be approved by the planning board as part of the site plan approval process. The property owner shall have a continuing responsibility to maintain such landscaped areas. Such continued responsibility for maintenance (including replacement of plant material which has died) shall be set forth as a note on the site plan and shall be incorporated into any resolution granting site plan approval.

Such landscaped strip may also be devoted to trees provided the number, location and species is approved by the municipal agency as part of the site plan approval process.

B. Side and Rear Yards. In any residential zone, on lots on which a single-family attached or detached residence is the principal use, utility sheds of less than eighty (80) square feet in gross floor area and under ten feet in height, and any unroofed patio or deck which is no higher than three feet above existing grade, and any residential drive or parking area, other than a common drive, may be located within five feet of any side or rear lot line.

C. Front Steps and Overhangs. Residential front steps and roof overhangs may extend into the required yard setback area in any residential zone by no more than five feet.

D. Permitted Reductions. In any industrial zone, setback requirements may be reduced for principal and accessory structures to a minimum of ten feet where adjacent to a railroad or power company right-of-way.

E. Public Dedications. Where any property owner or his or her predecessor in title has given up property to the township either through condemnation or gift for the purpose of facilitating improvement to existing township streets, the area given up shall also be counted as part of the premises for the purpose of complying with this section.

Where in the B-4 zoning district land is to be dedicated for public streets, the area of such public street dedication shall be included as part of the site area of the development submitted for site plan approval for the purpose of calculating the permitted hard surface coverage and floor area ratio. Any hard surface within the street right-of-way of the street to be dedicated shall not be included as part of the hard surface for the purpose of calculating the permitted hard surface coverage of the site area of the development. (Ord. 93-24 §§ 5, 6; prior code § 15-9.22)

16.64.050 Temporary uses.

It is recognized that it may be in the interests of the township and in accordance with the purpose of this title to permit temporary activities for limited period of time, which activities may not be permitted by other provisions of this title. Such uses shall be permitted if they are of such nature and are so located that, at the time of application, they will:

A. In no way exert a detrimental effect upon the lawful use of land and activities normally permitted in the zone in question; and

B. Contribute materially to the welfare and well-being of the township.

Upon favorable findings by the planning board, the board may direct the land use enforcement officer to issue a zoning permit for a period not to exceed six months. The planning board may authorize extensions of such zoning permits for an additional period of not more than six months. Such extensions in total time shall not exceed the total period of construction on the site or when such temporary use is located within a planned residential development shall not exceed the period of construction of the planned residential development.

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In subdivisions and planned developments designed for residential use, the planning board may permit the use of one unit of each type of dwelling as a model unit and the use of not more than one such dwelling as a temporary sales office. The use of the dwellings as model units and the operation of the sales office shall not extend beyond the date of the initial sale or occupancy of all of the units. A rental office may be permitted in an apartment complex at all times. (Amended during 3-00 supplement; Ord. 85-1 § 1; prior code § 15-9.23)

16.64.060 Existing lots of record.

In any zone, a permitted use may be constructed upon an existing lot of record existing February 12, 1979, which does not meet the minimum lot area and width requirements for the zone in which located, provided that the minimum lot area and width requirements for an existing lot of record under Schedule I set out in the Appendix following this code are met, and provided that the owner and/or the owner's predecessor in title or subsequent owner of the existing lot of record cannot own or have owned any adjacent land which would, when combined with the existing lot of record, make it a conforming lot or a more conforming lot.

Any lot made nonconforming after February 12, 1979, as the result of local, county, state or federal government taking of land may be considered a conforming lot, provided that the lot has at least seventy (70) percent of its area and lot width as required in its zone district. (Ord. 91-13 § 2: prior code § 15-9.24)

16.64.070 Backland lots.

In any R-1, R-2 and R-3 zone district, single-family detached dwellings on lots not abutting on any street as defined in Section 16.64.090(E), shall be permitted, provided that the lots have physical access to a street as defined in Section 16.64.090(E), and provided that the tract, of which the backland lot is a part, cannot be subdivided with the required frontage and the remaining land cannot be further subdivided.

New backland lots shall not be permitted as part of any major subdivision. Their use shall be restricted to those tracts where a lack of street frontage prohibits conventional lot development and where the remaining land as part of this backlands lots subdivision can not be further subdivided because of lack of lot area. An existing backland lot may be further subdivided if all resulting parcels comply with the zoning ordinance and such further division may be by means of a major subdivision.

Lots permitted under this section shall meet all requirements of the zone where located, except that the area of the lots shall contain at least twice the area required in the zone. Access shall be provided by means of a fifty (50) foot parcel of land, which shall be part of the lot, between the main body of the lot and the street. This access shall be improved to a suitable width satisfactory to the approving agency and as necessary to ensure access by emergency vehicles in all seasons. The fifty (50) foot wide parcel of land shall not be included as part of the lot area requirement. (Ord. 85-13 § 1; prior code § 15-9.25)

16.64.080 General regulations applicable to all zones.

In addition to the regulations of this chapter, several other township regulations may have to be met before a zoning permit, construction permit, or certificate of occupancy can be issued. These include, but are not limited to, the following:

- A. Building code;
- B. Floodplain and stormwater management;
- C. Land subdivision;
- D. Signs;
- E. Site plan review;
- F. Soil erosion;

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G. Health. (Prior code § 15-9.26)

16.64.090 Lot regulations.

A. Lot Width Measurements.

1. The minimum lot width required shall be measured at the proposed street right-of-way line and at the setback line, and shall be maintained for an additional forty (40) feet toward the rear of the lot on a line perpendicular to the setback line.

2. At the end of a cul-de-sac:

a. The minimum frontage at the right-of-way line may be less than the minimum required, but in no case less than fifty (50) feet.

b. The minimum frontage at the setback line may be sixty-five (65) percent of the required frontage.

3. For lots fronting on an outside horizontal curve in a road, the minimum frontage at the right-of-way line may be reduced to not less than seventy-five (75) percent of the minimum required.

4. In all lots, whether or not of an irregular shape, it must be possible to inscribe a circle of a diameter equal of the minimum lot width specified in Schedule I set out in the Appendix following this title.

B. Sight Triangle. At all street intersections, fences, landscaping, grading or other obstruction to vision exceeding thirty (30) inches in height above the established grade of the street at the property line shall not be erected or maintained on any lot within the triangle formed by the street lot lines of such lot and a line drawn between points along such street lot lines fifty (50) feet distant from their point of intersection.

C. All yards facing on a public street shall be considered front yards and shall conform to the minimum front yard requirements for the respective zone for both intersecting streets, for both principal and accessory buildings. Corner lots shall be considered to have two front yards and two side yards and no rear yard.

Lots within the minimum required distance from the corner of two streets or the same street shall have the required frontage on both streets.

D. Where a building lot has frontage on a street which the master plan or the official map of the township or county indicates is proposed for right-of-way widening, the required front yard setback and yard area shall be measured from such proposed right-of-way.

E. Lots shall abut street. No zoning or construction permit shall be issued for a new structure or use unless:

1. The lot abuts a street giving physical access to such proposed building or structure.

2. Such street shall have been duly placed on the official map of the township or shall be:

a. An existing state, county or township street or highway;

b. A street shown upon a plat approved by the planning board or board of adjustment; or

c. A street on a plat duly filed in the office of the Hunterdon County recording officer prior to the passage of an ordinance under the Municipal Land Use Law, 1975, or any prior law which required prior approval of plats by the township committee or other authorized body.

Before any permit shall be issued, such street shall have been certified to be suitably improved by township standards, or such suitable improvement shall have been assured by means of a performance guarantee in accordance with standards and specifications approved by the township committee as adequate in respect to the public health, safety and general welfare for the special circumstances of the particular street.

F. No more than one commercial vehicle of a pickup or van-type may be parked out of doors overnight in any residential zone. All other commercial vehicles, except trailers, construction equipment and non-school buses which are prohibited, shall be stored within a structure totally enclosing the vehicle. No more than one commercial vehicle of any type shall be

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stored or maintained on any residential property. Only one truck tractor owned by the occupancy of the residence on a lot may be housed on a residential lot, but only if stored in an enclosed building and only on lots of more than two acres.

G. Recreation vehicles larger than a pickup truck or van-type, boats, trailers and motor homes shall not be stored out-of-doors on any residential lot less than fifteen thousand (15,000) square feet.

H. Business structures or uses shall not display goods for sale purposes or coin-operated vending machines of any type in any location which would infringe upon the required yard areas specified in this title.

I. No business or sales shall be conducted from any vehicle parked on a lot.

J. All yards, open space, off-street parking and required landscaping must be contained within the zone in which the use is permitted.

K. Any subdivision proposed after the effective date of this amendatory ordinance concerning property which contains existing or proposed street rights of way, Freshwater Wetlands and their associated transition areas as determined and/or verified by the New Jersey Department of Environmental Protection, flood plains, storm water detention and/or retention facilities, existing easements precluding structures, bufferyards and State open waters, shall divide such property in such a manner that each resulting lot created shall have a minimum required improvable area as specified in paragraph M of this chapter. A flood plain shall be defined as extending to the one hundred (100) year flood plain of a river, stream or other tributary and to the stream encroachment line established in accordance with the Flood Hazard Area regulations where the one hundred (100) year flood plain has not been delineated. (Ord. 01-9 & Ord. 02-54)

The above requirements are in addition to net acreage requirements in the R-6, R-6LM and R-7 zoning districts.

L. Any subdivision proposed after the effective date of the ordinance codified in this subsection shall divide such property in such manner that each resulting lot created shall have a minimum lot area exclusive of stormwater detention facilities as specified in subsection M of this section. In the case of surface impoundment stormwater detention or retention facilities, the minimum lot area as required in subsection M of this section shall not include the impoundment area extending to an elevation of one foot above the one hundred (100) year storm design elevation. Such elevation shall be specified on the subdivision plat and the elevation of one foot above the one hundred (100) year storm design elevation shall be indicated on the subdivision plat.

In the case of non-surface detention facilities, such facilities shall be enclosed by an easement which easement area shall be excluded from the minimum lot area as required in subsection M of this section.

It is the intent of this section that stormwater detention facilities (both surface impoundment and non-surface detention facilities) shall be located on one parcel of property.

M. Zoning District	Minimum Required Improvable Area
R-1	65,000 sq. ft.
R-1A	50,000 sq. ft.
R-2	40,000 sq. ft.
R-3	40,000 sq. ft.
R-3	30,000 sq. ft. (served by sanitary sewer)
R-4	30,000 sq. ft.
R-5	30,000 sq. ft. (15,000 sq. ft.) ¹

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R-6	30,000 sq. ft. (15,000 sq. ft.) ¹
R-6LM	2,200 sq. ft.
R-7	2,200 sq. ft.

1. 30,000 sq. ft. of the minimum lot area specified on Schedule I and elsewhere in Title 16 - Land Development Code is required for a lot to be used for a single family dwelling not served by public water and sewer and on a lot on which is to be located a two family dwelling. 15,000 sq. ft. of the minimum lot area specified on Schedule I and elsewhere in Title 16 - Land Development Code, is required for a lot to be used for single family dwelling served by public water and sewer. (Ord. 01-9)

Within such minimum required improvable area a lot circle having a diameter at least equal to the required lot width for the district in which such lot is located shall be able to be inscribed in the area of such lot exclusive of areas of existing or proposed street rights of way, Freshwater Wetlands and their associated transition areas as determined and/or verified by the New Jersey Department of Environmental Protection, flood plains, storm water detention and/or retention facilities, existing easements precluding structures, bufferyards and State Open Waters, as set forth in subsections K and L of this section.

Any lot which is proposed as part of a cluster development shall have an area equal to the minimum lot area required in the zoning district for a cluster development as specified on Schedule III set out in this Chapter which minimum lot area shall be exclusive of any area of existing or proposed street rights of way, Freshwater Wetlands and their associated transition areas as determined and/or verified by the New Jersey Department of Environmental Protection, flood plains, storm water detention and/or retention facilities, existing easements precluding structures, and State Open Waters, as set forth in subsections K and L, and having a lot circle at least equal to the required lot width which shall be able to be inscribed in the minimum lot area exclusive of existing or proposed street rights of way, Freshwater Wetlands and their associated transition areas as determined and/or verified by the New Jersey Department of Environmental Protection, flood plains, storm water detention and/or retention facilities, existing easement precluding structures, bufferyards, and State Open Waters, as set forth in Section 16.64.090, Paragraphs K and L of this section.

Any lot which is proposed as part of a cluster development shall have an area equal to the minimum lot area required in the zoning district for a cluster development as specified on Schedule III of this Chapter which minimum lot area shall be exclusive of any area of existing or proposed street rights of way, Freshwater Wetlands and their associated transition areas as determined and/or verified by the New Jersey Department of Environmental Protection, Flood Plains, Storm water detention and/or retention facilities, existing easements precluding structures, bufferyards, and State Open Waters, as set forth in Section 16.64.090, Paragraphs K and L, and having a lot circle at least equal to the required lot width which shall be able to be inscribed in the minimum lot area exclusive of existing or proposed street rights of way, Freshwater Wetlands and their associated transition areas as determined and/or verified by the New Jersey Department of Environmental Protection, Flood Plains, Storm water detention and/or retention facilities, existing easements precluding structures, bufferyards, and State Open Waters, as set forth in Section 16.64.090, Paragraphs K and L. (Ord. 02-54)

N. Any subdivision proposed after the effective date of this amendment concerning property which contains an easement or easements which preclude structures shall divide such property in such manner that each resulting lot created shall have a minimum lot area exclusive of such existing easement or easements which preclude structures as follows:

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**Minimum Lot Area
Excluding Easements Which
Preclude Structures**

N. Zoning District

R-1	65,000 sq. ft.
R-2	50,000 sq. ft.
R-3	40,000 sq. ft.,

Within such minimum lot excluding an easement or easements which preclude structures a lot circle having a diameter at least equal to the required lot width for the district in which such lot is located shall be able to be inscribed in the area of such lot exclusive of the easement or easements which preclude structures.

Any lot which is proposed as part of a cluster development shall have an area equal to the minimum lot area required in the zoning district for cluster development as specified on Schedule III set out in the Appendix following this title which minimum lot area shall be exclusive of any existing easement or easements which preclude structures and a lot circle having a diameter at least equal to the required lot width shall be able to be inscribed in said minimum lot area exclusive of an existing easement or easements which preclude structures.

Any existing right-of-way other than a street right-of-way which precludes structures shall be treated the same as an easement which precludes structures. (Ord. 01-9; Ord. 00-3 §1; Ord. 91-9 § 1; Ord. 89-34 § 1; Ord. 87-4 § 1; prior code § 15-9.27)
(Ord. 01-9, Amended, 04/02/2001)

16.64.100 Building and use regulations.

A. In all zones, on lots on which the principal use is residential, there shall not be located more than one single-family detached structure and permitted accessory structures. The permitted accessory buildings and structures are:

1. One detached garage housing not more than three vehicles and not exceeding fifteen hundred (1,500) square feet in area; (Ord. 06-21)

2. On nonfarm residential lots accessory structures housing horses, livestock, fowl, rabbits not exceeding two percent of the lot upon which located and not located in the front yard nor within one hundred (100) feet of any property line nor within any riparian buffer as required under Section 16.14.110; (Ord. 06-21)

3. On residential lots, accessory buildings and structures not exceeding a total of eight hundred (800) square feet may be erected provided such are used for purposes customarily incidental to the principal residential use. Such permitted accessory buildings and structures shall exclude pools, detached garages (as listed in Section 16.64.100.A.1), and accessory structures housing animals (as listed in Section 16.64.100.A.2) in the calculation thereof; (Ord. #02-8)

4. An accessory structure having a gross floor area greater than eight hundred (800) square feet may continue on a new lot created by subdivision provided the gross floor area of such accessory structure shall not exceed two percent of the area of such new lot.

Such accessory structure shall only be used for a permitted customary accessory use as specified for such residential zoning district;

5. As part of an approval of a subdivision which property contains an accessory structure which will exceed two percent of the lot area on which it will be located, the planning board may condition the timing of the removal of such accessory structure such that:

a. Such accessory structure may be permitted to remain until a construction permit is granted for the principal use for the lot on which such accessory structure is located, or

b. Such accessory structure may be permitted to remain until a construction permit is issued for ninety-five (95) percent of the principal structures to be developed in such subdivision, or

c. Such accessory structure may be permitted to remain until a specified time limit as set

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forth in the planning board resolution granting final approval has occurred;

6. Notwithstanding any other section of these regulations, farm buildings as accessory buildings for the purposes of housing livestock, farm equipment, and farm products may be located on farms of five acres or more provided such farm structures do not exceed a maximum lot coverage of two percent of the lot area upon which farm building is erected.

B. All uses and structures in all zones shall meet the applicable performance standards of Article IV of this title.

C. Maximum Petroleum Tank Capacities. The following maximum tank capacities apply to the storage of petroleum products by category of land usage. All tanks on a lot may not exceed the maximums listed:

Petroleum Tank Uses. The use and placement of petroleum tanks on property in residential zoning districts shall be only for purposes of directly providing a petroleum supply for vehicles of the occupants of the residential structure which vehicles shall normally be parked on such residential lot and heating fuel directly to the main structure on the lot.

1. Residential Uses.

a. Fuels for vehicles used by occupant: one thousand one hundred (1,100) gallons underground or five hundred fifty (550) gallons above ground. Maximum of one thousand one hundred (1,100) gallons per lot.

b. Heating fuels: two thousand (2,000) gallons underground or six hundred sixty (660) gallons above ground. The above are the maximums permitted on any residential lot per dwelling unit.

2. Commercial, Office or Governmental Uses.

a. Vehicle fuels for occupant's vehicles: ten thousand (10,000) gallons underground or five hundred fifty (550) gallons above ground. Maximum of ten thousand (10,000) gallons per lot.

b. Heating fuels: fifteen thousand (15,000) gallons underground or one thousand three hundred twenty (1,320) gallons or as otherwise permitted by the Uniform Construction Code and/or Fire Prevention Code above ground. The above are the maximums permitted per lot.

3. Commercial Distribution, Industrial or Research Uses.

a. Petroleum products, methane through No. 2 fuel (including blends, such as gasoline, jet fuel, diesel fuel, wide range naphthas, etc.): sixty thousand (60,000) gallons.

b. Petroleum products, No. 3 fuel through residium (commonly referred to as fuel oils): eighty-four thousand (84,000) gallons.

Notes:

a. Tanks and all ancillary equipment, whether installed above or below ground, must meet minimum setback requirements for principal structures.

b. Tanks shall be installed in accordance with the Uniform Construction Code, National Fire Prevention Code, all other applicable regulatory requirements and the requirements of this title. (Ord. 95-33 § 3; Ord. 90-18 § 3; prior code § 15-9.28)

16.64.110 Preservation of natural features.

A. Riparian Buffers.

1. To preserve the existing environmental and natural features of the Township, no structure shall be built within one hundred (100) feet and no disturbance of soil or vegetation shall occur within seventy-five (75) feet of the top of the bank of an existing stream carrying water on an average of six (6) months of a year, and/or shown on a United State Department of the Interior Geological Survey quadrangle.

2. Category One Waters and Special Water Resource Protection Areas. The standards of Section 16.84 shall apply. (Ord. 06-21 § A)

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B. No persons, firm or corporation shall strip, excavate or otherwise remove topsoil for sale or other use other than on the premises from which taken, except in connection with the construction or alteration of a building on such premises and excavating or grading incidental thereto, or except as hereinafter specified.

C. No structure or paving other than sidewalk shall be constructed over an on-site sanitary disposal field, and no animals shall be permitted to graze or be penned over a disposal field or within fifty (50) feet of the top of the bank of a stream described in subsection A of this section. It is the intent of this subsection to prevent damage to sanitary disposal fields and to prevent pollution of streams by the disturbance of stream corridors by large numbers of animals or by an animal or animals penned in a small area near a stream or prevent pollution from animal wastes. (Prior code § 15-9.29)

16.64.120 Fences.

A. Fences shall be considered as accessory uses to a principal permitted use and are permitted in all zones in accordance with the below-listed requirements and, where applicable, the design standards for site plan review.

B. Location. All fences and walls shall be within property lines. No fence or wall shall violate sight easement requirements as established in Section 16.64.090(B) of this chapter or street rights-of-way, nor shall any fence obstruct any stream, drainageway or floodplain.

C. Residential Uses. No fence on any lot in any residential district or on a lot in any other district on which residential buildings are erected shall exceed four feet in height above ground level when located at a distance closer to any street line than the front setback line prescribed for such district, nor shall any such fence exceed seven feet in height above ground level when located at a distance equal to or greater than the front setback line prescribed for the district.

Notwithstanding the above, a fence of the chain link type having a height not exceeding ten feet may be erected around a tennis court accessory to a single-family residence. Such tennis court must be located in the rear yard of such lot and shall be for private use only. The fence must be placed directly around the perimeter of the tennis court and must be located not closer to any property line than the required setback for an accessory structure.

D. Nonresidential Uses. No fence on any lot in any nonresidential district shall exceed a height of eight feet above ground level. When site plan review is required, however, the approving agency shall have the right to waive this requirement when justified for safety or security reasons or for special screening purposes.

E. Materials. No fence shall be erected of barbed wire, electrically charged, topped with broken glass or metal spikes or constructed of any material which in any manner may be dangerous to persons or animals, except that this provision shall not apply to duly constituted farms on five acres or more.

F. Design. Fences shall be architecturally coordinated with structures occupying the same lot and surroundings.

G. Maintenance. Every fence and wall shall be maintained in a safe, sound, vertical condition and shall withstand wind and weather and shall be subject to inspection of the Raritan Township construction department. If it is determined by the department that any fence or retaining wall or portion thereof is not being maintained in a safe, sound and vertical condition, the department shall notify the owner of the lot in writing of its findings and order such fence or retaining wall or portion thereof to be repaired or removed within fifteen (15) days from the date of such written notice to the owner. (Ord. 95-33 § 2; prior code § 15-9.30)

16.64.130 Steep slope provisions.

A. Subdivisions. The applicable provisions of this title relating to minimum lot sizes and dwelling unit density for residential development shall be modified in areas of slopes greater than

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twelve (12) percent.

1. Determination of Modification.

a. This modification shall be determined by multiplying the net land area (total area outside of rights-of-way) in various slope categories by the following factors:

Slope (percent)	Factor
30 or greater	0
20 - 29	0.2
13 - 19	0.5

b. Slope calculations shall be based on elevation intervals of ten feet.

2. The maximum number of dwelling units allowed on tract shall be completed as follows:

$$\begin{aligned}
 & \text{(Land with 30-percent slopes} \times 0) \\
 & + \text{(Land with 20- to 29-percent slopes} \times 0.2) \\
 & + \text{(Land with 13- to 19-percent slopes} \times 0.5) \\
 & = \text{total land available for development (TLD).}
 \end{aligned}$$

$\frac{\text{TLD}}{\text{Minimum lot area required per dwelling unit (Schedule I set out in the Appendix following this title)}}$	=	Total number of dwelling units permitted on tract
---	---	---

3. The concentration of development on lesser slopes is encouraged, and the planning board may authorize development on lots smaller than permitted in the zone district in accordance with the provisions of this chapter for cluster residential development (Section 16.64.020), where applicable provided that the total number of dwelling units does not exceed the maximum allowed after application of the above modification formula.

4. Subdivision plats shall be designed so that the larger lots resulting from the application of this section shall be located in the steep slope areas.

To calculate the amount of area by which lots in steep slope areas shall be increased in size, the total land available for development (TLD) calculated in subsection (A)(2) of this section shall be subtracted from the net land area (total area outside of right-of-way) calculated in subsection (A)(1)(a) of this section. The difference resulting from the subtraction shall be the area by which lots in steep slope areas shall be increased in size. Lots shall be increased in size in relation to the amount of area of steep slope on such lot and steepness of such slope so that the largest increases occur on those lots evidencing the largest amounts of areas of steep slope and the greatest steepness of slope.

5. In areas with slopes of thirteen (13%) percent to nineteen and ninety-nine hundredths (19.99%) percent, no more than thirty (30%) percent of such areas shall be developed and/or regraded or stripped of vegetation.(Ord. 01-41)

6. In areas with slopes of twenty (20%) percent to twenty-nine and ninety-nine hundredths (29.99%) percent, no more than fifteen (15%) percent of such areas shall be developed and/or regraded or stripped of vegetation.(Ord. 01-41)

7. In areas with slopes of thirty (30%) percent or more, no development, grading or removal of vegetation shall be permitted. (Ord. 01-41 § 5, 6 &7)

B. Site Plans. The maximum hard surface coverage permitted in Schedule I set out in the

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Appendix following this title shall be modified in areas of slopes greater than twelve (12) percent, as follows:

Percentage of Slope	Maximum Hard Surface Coverage
20 or greater	No development permitted
13 - 19	50% of that permitted in zone
0 - 12	As permitted in zone

(Ord. 89-34 § 2; prior code § 15-9.31)

16.64.140 Hours of Operation

A. In the B-1, B-2, B-3, B-4, O-1, O-2, OR and CR zoning districts the hours of operation shall be limited to 5 a.m. to 12 a.m. where such a use is adjacent to a residential zoning district (“adjacent to” shall include uses located across a public street from a residential zone).

B. In the B-5 and PCOS, zones the hours of operation shall be controlled by the limitations listed in those specific zoning districts. (Ord. #08-16)

Chapter 16.66

LOW AND MODERATE INCOME HOUSING

Sections:

16.66.010 Regulations applicable to R-5, R-6LM and R-7 districts.

16.66.010 Regulations applicable to R-5, R-6LM and R-7 districts.

The following regulations shall apply to all low and moderate income housing units in the R-5 district, R-6LM district and R-7 district.

A. Fifty (50) percent of all low and moderate income units shall be priced so as to be eligible for rent or purchase by low income households and fifty (50) percent shall be eligible for rent or purchase by moderate income households. If a fraction results from the above fifty (50) percent calculation, the number of moderate income units may exceed the number of low income units by 1.

B. Bedroom Distribution.

1. At a minimum, thirty-five (35) percent of all low and moderate income units shall be two-bedroom units;

2. At a minimum, fifteen (15) percent of all low and moderate income units shall be three-bedroom units; and

3. No more than twenty (20) percent of all low and moderate income units may be efficiency units.

At least one-half of all two bedroom and one-half of all three bedroom units shall be for low income households.

The above shall not apply to age restricted housing units.

C. Construction Sequencing. Low and moderate income housing units shall be built in accordance with the following schedule:

Minimum Percentage of Low and Moderate Income Units Completed	Percentage of Market Housing Units Completed
0	25
10	25 + 1 unit
50	50
75	75
100	90
---	100

D. Low and moderate income units shall be subject to all Raritan Township non-zoning affordable housing ordinances and regulations in effect or as may be adopted or amended.

E. Low and moderate income housing units shall be designated on the site plan and shall have compatible exteriors to non-low and moderate income housing units and shall be located so that such low and moderate income housing units will have comparable access to that of non-low and moderate income housing units to all common elements within the development.

F. Low and moderate income housing units shall be evenly dispersed throughout the entire

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development in as uniform a fashion as is practical, such that an inclusionary development shall integrate the low and moderate income units with market units. No more than fifty (50) percent of the units in any single, multi-unit structure shall be reserved for low or moderate income households, unless this requirement is specifically waived by the planning board/board of adjustment as a condition of site plan approval. Such waiver shall nonetheless further the integration of low/moderate units with market units in accordance with N.J.A.C. 5:93-5.6(e). (Ord. 96-6 § 1; Ord. 90-28 §§ 6--8 Ord. 87-30 § 6)

Chapter 16.68

CONDITIONAL USES

Sections:

- 16.68.010 Purpose.
- 16.68.020 Applications.
- 16.68.030 Review and public hearing.
- 16.68.040 Action.
- 16.68.050 General standards for conditional uses.
- 16.68.060 Specific standards.

16.68.010 Purpose.

Recognizing that certain uses, activities, and structures are necessary to serve the needs and convenience of the township; and at the same time, recognizing that such uses may be or become inimical to the public health, safety and general welfare if located without proper consideration being given to existing conditions and the character of the surrounding area, such uses are designated as conditional uses and are enumerated in Chapter 16.14 and Schedule IV set out in the Appendix following this title for the zones in which they are permitted and are required to meet the following special review procedures. (Prior code § 15-9.32(a))

16.68.020 Applications.

Applications for conditional uses shall include all forms, exhibits, checklists, plans and information as required for sketch or preliminary site plan applications as set forth in the site plan review regulations of the township's code and any additional information necessary to show compliance with this chapter. (Prior code § 15-9.32(b))

16.68.030 Review and public hearing.

The planning board shall review and process the application in accordance with procedures established for sketch or preliminary site plans as set forth in the site plan review regulations of the township's code and shall provide for a public hearing and notice in accordance with Chapter 16.08. (Prior code § 15-9.32(c))

16.68.040 Action.

The planning board shall review and grant or deny the application for a conditional use and the attendant site plan within ninety-five (95) days of the filing of a complete application with the administrative officer or within such further time as may be consented to by the applicant. (Prior code § 15-9.32(d))

16.68.050 General standards for conditional uses.

The following general standards shall apply to all conditional uses:

A. The use shall be a conditional use as set forth in Schedule IV set out in the Appendix following this title and shall conform to all applicable regulations and standards governing the zone in which it is permitted, except as may be modified by this chapter.

B. All design standards and requirements of Chapter 16.18 and site plan review standards, Chapter 16.20 shall apply as appropriate.

C. Off-street parking and loading facilities shall, be provided as required in Chapter 16.70 and

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the design standards for site plan review and ingress and egress shall be so designed as to cause minimum interference with traffic or abutting streets.

D. All applicable performance standards as set forth in Chapter 16.74 shall be met and documented as to compliance.

E. All applicable provisions of Articles IV and V of this title, and other appropriate chapters of the township's code shall be met.

F. The use shall be so designed, located and proposed to be operated that the public health, safety, welfare and convenience of the public shall be protected. (Prior code § 15-9.33)

16.68.060 Specific standards.

A. Hospitals and Nursing Homes.

1. Such uses shall be located on lots meeting the following requirements:

Size of Facility (Number of beds)	Minimum Site Area (Acres)
30 or less	5
31 - 50	10
51 - 100	12
Each additional 50	2

2. They shall front on roads with a minimum pavement width of thirty (30) feet. Hospitals shall front on a state or county highway.

3. The maximum height of such structures shall be not more than five stories or seventy-five (75) feet for hospitals, or two stories or thirty (30) feet for nursing homes.

4. Minimum front, rear and side yards for principal and accessory structures shall be one hundred (100) feet for hospitals and fifty (50) feet for nursing homes, except when across from, abutting or adjacent to a residence or residential zone. Then the planning board may require additional setbacks and yards to provide adequate buffers and safeguards to protect adjacent uses from nuisance characteristics.

5. Public sewer is required.

B. Clubs, Lodges and Fraternal Organizations.

1. Such uses shall be on lots of not less than five acres.

2. The minimum width of the lot shall be two hundred (200) feet.

3. Eating and drinking facilities shall be accessible only from within the main structure, except for loading and unloading areas, kitchen and emergency exits.

4. Minimum front, rear and side yards shall be fifty (50) feet except if across from, adjacent to or abutting a residence or residential zone. Then the planning board may require additional setbacks to provide adequate buffers and to protect adjacent uses from nuisance characteristics. This requirement shall apply to any structure, principal or accessory, or improvement such as a tennis court, swimming pool or similar use.

5. The maximum height of such structures shall not be more than two and one-half stories nor more than thirty-five (35) feet.

6. Parking shall be provided in the rear or side of the building.

7. The discharge of firearms shall be prohibited.

C. Riding Academies and Boarding Stables.

1. The minimum lot area shall be ten acres.

2. The use shall be located on its own lot.

3. Buildings used for the quartering of horses shall not be located closer than one hundred

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(100) feet from any property line. Other buildings shall not be located closer than fifty (50) feet from any property line.

4. Horses quartered on the lot shall be limited to a maximum of one per acre.

D. Animal Hospitals and Commercial Kennels.

1. Such uses shall be on minimum lots of ten acres.

2. Structures housing animals and exercise areas for animals shall be at least three hundred (300) feet from any residences and adjacent or abutting lots or three hundred (300) feet from any required front, side or rear yard setback lines of adjacent or abutting lots when these lots are vacant.

3. Minimum front and side yards shall be at least fifty (50) feet each, except if abutting a residence or a residential zone. Then the planning board may require additional setbacks to provide adequate buffers and to protect adjacent uses for nuisance characteristics.

4. The maximum height of such uses shall be two and one-half stories or thirty-five (35) feet.

E. New Motor Vehicle Agencies.

1. Such uses shall have a minimum lot area of five usable acres per lot.

2. Used cars, machinery or equipment shall not be sold, except as an accessory use to a new car, machinery or equipment dealer operating for such purpose from a principal or main building which shall contain not less than ten thousand (10,000) square feet of usable floor area.

3. Said uses may be located on separate lots within Raritan Township pursuant to the provisions contained in this section.

4. The area devoted to outside display of new and used cars, machinery or equipment shall not exceed the area of the principal or main building, or fifty (50) percent of the total lot area, whichever is greater. All driveways, customer parking areas, display areas and vehicle storage areas shall be paved with asphalt or similar surfaces. Farm machinery and construction equipment agencies shall have all driveways and customer parking areas paved with asphalt or similar surfaces. Outdoor farm or construction equipment display, service and temporary storage areas shall be paved, graveled or mowed turfed surfaces as approved by the planning board. Cars, machinery and construction equipment shall be kept at least twenty (20) feet from the right-of-way and property lines, and shall be neatly arranged in specified areas.

5. 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 to neighbors. In particular, so-called "string-lights" shall not be permitted.

6. Where the use is situated adjacent to residentially used property, adequate screening shall be provided along the property line as provided by the planning board in individual cases.

7. Repair of motor vehicles shall be performed in a fully enclosed building, and no motor vehicle parts or inoperative motor vehicles shall be stored outside. Farm and construction equipment agencies may temporarily store inoperative vehicles outside when being repaired in the agency's service facility, provided that the storage area is screened and located as approved by the planning board.

F. Shopping Centers.

1. Such uses shall have a minimum lot area of ten acres with primary access to a state highway and secondary access to arterial or connector streets as defined by the township's master plan.

2. Existing and proposed roads shall be capable of handling the traffic in terms of access, capacity and safety.

3. All structures shall be set back at least one hundred (100) feet from all perimeter tract lines and street rights-of-way, except if abutting a residential district, the minimum setback shall be two hundred (200) feet from the zone line.

4. No structure may be built higher than forty-five (45) feet, except that office buildings may be constructed to a height of sixty (60) feet, provided that they are set back from the perimeter lot lines two hundred (200) feet plus one foot for each foot in excess of forty-five (45) feet.

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5. Parking shall be provided at the ratio of four and five-tenths vehicles per one thousand (1,000) square feet of gross building area for commercial usage and as required by Chapter 16.70.

6. No more than thirty (30) percent of the total tract area shall be occupied by structures.

7. Permitted uses may include retail and service establishments, office structures, movie theaters, auto service centers, commercial recreation facilities, motels and restaurants located within the main shopping center structures.

8. Shopping centers may be in multi-ownership, except that the applicant must present evidence that the entire tract is under the control and management of a single corporation or condominium association.

9. Design of the shopping center shall be in keeping with a high level of center design. If construction is undertaken in stages, each stage must relate to each other functionally, architecturally and aesthetically.

10. Such uses shall have at least five hundred (500) feet of continuous frontage on a road with a pavement width of at least thirty-six (36) feet or upgraded to thirty-six (36) feet.

11. Public water and sewer shall be required.

G. Public and Private Schools, Child Care Centers, Houses of Worship, Public Uses and Essential Services.

1. Public and private schools and child care centers in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8 and R-9 zoning districts, shall be permitted upon compliance with the following standards:

a. Consideration shall be given to minimize any adverse nuisance characteristics resulting from recreation uses or utilization of buildings for recreation, social or cultural activities.

b. For enrollments of one to twenty-five (25) pupils, there shall be a minimum lot area of fifty thousand (50,000) square feet for the first six pupils plus three thousand five hundred (3,500) square feet per pupil for the seventh succeeding pupils up to and including the twenty-fifth pupil. For enrollments of more than twenty-six (26) pupils, there shall be a minimum lot area of two acres for the first twenty-six (26) pupils plus two thousand square (2,000) feet per pupil for the twenty-seventh and succeeding pupil up to and including the six hundredth pupil plus one thousand (1,000) square feet of lot area for each pupil beyond six hundred (600).

c. Any property so used shall front on an arterial or collector street.

d. Off-street parking and loading facilities shall be provided as required in this article. All parking areas shall be located at least twenty-five (25) feet from a street or property line, and at least ten feet from a building. Design for ingress and egress shall be sufficient to ensure maximum safety of pupils and other persons on the site.

e. Outdoor areas located near or adjacent to hazardous areas determined by the planning board to be unsafe (such as, but not limited to, streets, roads, driveways, parking lots, railroad tracks, swimming pools, rivers, streams, steep grades, cliffs, open pits, high-voltage boosters or propane gas tanks) shall be fenced or otherwise protected by a natural or manmade barrier or enclosure as required by the planning board.

f. All buildings shall be located at least fifty (50) feet from a street, and at least twenty-five (25) feet from a side property line and forty (40) feet from a rear property line.

2. Minimum lot areas for houses of worship shall be evaluated on an individual basis and shall include consideration of geographic area served, size of congregation, use of building for accessory functions and potential impact on surrounding uses. Minimum lot size shall be fifty thousand (50,000) square feet, with one hundred fifty (150) feet of frontage.

3. Public uses shall include all facilities of the township of Raritan, or franchise thereof, county of Hunterdon, state of New Jersey, and federal government or official agencies of these jurisdictions. These facilities shall be encouraged to locate facilities in areas suitable for these uses and to develop suitable site design standards to minimize any adverse impact on adjacent surroundings by reason of nuisance characteristics (noise, glare and pollution) or by traffic or aesthetic considerations.

4. Essential services not specifically set forth in Section 16.64.010(B) shall require a

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conditional use permit.

Essential services shall be permitted in all zones on land with sufficient area appropriate for the facility or service to be provided. Consideration for existing or future adjacent abutting or surrounding development shall be a key determinant in the planning board's establishment of reasonable development standards.

H. Farm Stands.

1. A farm stand is only permitted as an accessory use to a permitted agricultural use. Sale of farm products shall be limited to seasonal products of which at least fifty (50) percent shall be grown on the premises and/or other farm parcel owned or cultivated by the farm stand operator.

2. Farm stand structures shall not exceed one thousand (1,000) square feet in total floor area.

3. The location of farm stands with relation to the public right-of-way shall give due consideration to the safety of vehicles entering and leaving the farmstand area.

I. Home Occupations.

1. A home occupation shall be carried on entirely within the principal building by the inhabitants thereof and shall not exceed twenty-five (25) percent of the total gross floor area of the principal building.

2. No home occupation shall require exterior structural alterations of an existing structure. The exterior design of new structures shall reflect the principal residential use of the structure.

3. No home occupation shall permit the employment of more than two employees who are not permanent residents of the principal structure.

4. No commodity shall be sold on the premises in connection with such use, and no display of products shall be visible from the street.

5. Only one home occupation shall be conducted upon the premises.

6. The minimum lot size shall be eighty thousand (80,000) square feet.

J. Home Business. Home businesses shall be permitted upon compliance with the following standards:

1. The property shall meet existing lot requirements of Schedule I set out in the Appendix following this title.

2. A separate parking area for the business shall be provided in accordance with Chapter 16.70.

3. A ground sign shall be limited to twenty-five (25) square feet in area.

4. The business shall constitute either entirely, or partly, the means of livelihood of the members of the household occupying the dwelling.

K. Camps.

1. Camps shall have a minimum lot area of twenty-five (25) acres, and the physical characteristics of the lot (topography, vegetation and water area) shall be appropriate for the proposed use.

2. All camp structures and campsites shall be set back at least two hundred (200) feet from all lot lines.

3. The discharge of firearms shall be prohibited.

4. Indoor showers and toilet facilities shall be provided.

L. Agricultural Research Facilities.

1. The minimum lot size shall be one hundred fifty (150) acres.

2. All structures shall be set back at least three hundred (300) feet from all lot lines.

3. Not more than five percent of the lot shall be occupied by structures.

4. Such uses shall be permitted only in conjunction with an existing agricultural use.

M. Helistops.

1. The helistop shall be set back at least one hundred (100) feet from any sidewalk, street or other public area. The landing area shall not be closer than eight hundred (800) feet to any residential zone.

2. The minimum length of the landing area shall be one and one-half times the length of the

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largest helicopter using facility. The width shall be equal to the length of the landing area or sufficient to create a minimum area of one thousand five hundred (1,500) square feet, whichever is greater.

3. The minimum obstruction clearance plane shall be a slope no greater than eight to one (8:1) computed on the ratio of eight horizontal to one vertical measured from the perimeter of the landing area.

4. The minimum angle between approach and departure paths shall be one hundred thirty-five (135) degrees measured from the perimeter of the landing area.

5. Fencing or other protection sufficient to provide for public safety must be erected.

6. The helistop shall be provided with such fire protection equipment as may be deemed necessary by the planning board, after consultation with the township fire department.

N. Group Homes.

1. The proposed area to be used for the intended purpose shall be at least twice the minimum lot size for the zone.

2. The driveways or means of ingress and egress shall be adequate in width to provide for two vehicles to pass each other and comply with the standards for driveways in effect in the township.

3. An improved parking area shall be provided at a standard of one space for each staff person and one additional parking space for each three persons for which a permit was secured.

4. In accordance with N.J.S.A. 40:55-D-66.2, no more than fifteen (15) persons, other than resident staff, shall be permitted to live in the residence.

5. A buffer shall be supplied in accordance with Section 16.74.120, where appropriate.

O. Gasoline Filling Stations and Public and Repair Garages.

1. Repair of motor vehicles shall be performed in a fully enclosed building. No motor vehicle shall be offered for sale on the site, and no motor vehicle parts or partially dismantled motor vehicles shall be stored outside.

2. No vehicle parking shall be permitted on the site other than that for customers and employees of the establishment.

3. Accessory goods for sale at gasoline filling stations may be displayed out of doors on the pump island(s) and the building island only. Such limited outdoor display may be on the above islands only if contained within a suitable metal stand or rack. Tires shall be stored only inside the principal building. Vending machines, if any, shall be located within the principal building.

4. Any outdoor storage of waste materials shall be to the rear of the principal building and fenced of a height of not less than six feet. Such area shall not exceed one hundred (100) square feet and shall not be closer than twenty (20) feet to any right-of-way or lot line.

5. Floor drains shall not be connected to the sanitary sewer system. A separate grease separation unit shall be installed.

6. Tanks and ancillary equipment including fuel pumps and dispensers shall not be located within any freshwater wetlands and their associated transition areas as determined and/or verified by the New Jersey Department of Environmental Protection, Floodplains, within fifty (50) feet of any State Open Waters, one hundred (100) feet of the top of the bank of an existing stream carrying water on an average of six (6) months of a year, and/or shown on a United States Department of the Interior Geological Survey quadrangle, or within 300 feet of any Category One Waterway or tributary of a Category One Waterway. (Ord. #06-11§ 6)

P. Repealed. (Ord. 01-28)

Q. Accessory Apartments.

1. There shall be no more than one accessory apartment unit per principal residential structure.

2. An accessory unit shall have a total floor area of at least four hundred (400) square feet.

3. An accessory apartment shall be no larger than 1000 sq. ft. and have no more than two bedrooms.

4. Detached garages may not be converted in accordance with the definition of "accessory apartment" and any application to create an apartment in a detached garage or other detached

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structure shall require a d(1) variance.

5. Adequate provisions shall be made for water supply and disposal of sewage. The on-site sewage disposal plan and well water sufficiency and potability must be approved by the county health department and/or the RTMUA.

6. Structures converted to include accessory units shall have one and one-half parking spaces per unit (a total of three parking spaces per residential structure). Parking spaces shall be paved with suitable materials; material used for new paving shall be consistent with the original driveway.

7. The minimum lot size shall be a minimum of the lot size otherwise required for the zone in which it is located. (Ord. 08-18 § Q)

R. Occupational, Vocational and Academic Training Center for Handicapped Person.

1. Off-street parking and loading facilities shall be provided as required in this article for the appropriate activity. Design of ingress and egress shall be sufficient to ensure maximum safety of pupils and persons on the site.

2. Such use shall comply with the area and bulk standards pertaining to the B-3 zoning district.

3. As part of the site utilization, consideration shall be given to minimize any adverse operational characteristics resulting from outdoor activities, such as recreation uses or utilization of buildings for educational activities.

4. Such services shall be provided by a nonprofit organization which services may also include the training of unemployed persons provided all applicable provisions and standards of the ordinance are complied with.

5. The planning board review of the activities proposed on the site shall find that such activities are directly related and necessary to the occupational, vocational and educational services of such training center.

S. ECHO Unit.

1. An ECHO unit shall only be located upon a lot upon which a single-family dwelling is located and only one ECHO unit shall be permitted per lot.

2. The minimum lot size upon which an ECHO unit is to be located shall be as follows:

				Lot Served by Septic System
	a.	R-1 district	-	261,360 sq. ft.
	b.	R-1A district	-	80,000 sq. ft.
	c.	R-2 district	-	75,000 sq. ft.
	d.	R-3 district	-	50,000 sq. ft.
	e.	R-4 district	-	40,000 sq. ft.
	f.	R-6 district	-	40,000 sq. ft.

The minimum lot size for a lot served by and connected to the sanitary sewer system upon which an ECHO unit is to be located shall be forty thousand (40,000) square feet in the R-3 and R-6 zoning districts only. An ECHO unit to be located on a lot in the R-1, R-1A, and R-4 districts to be served by sanitary sewer shall meet the minimum lot size for a lot served by a septic system.

3. The ECHO housing unit shall comply with the required setbacks applying to the principal structure and in addition shall not be located closer than the principal structure to any front lot line and most preferably shall be located to the rear of the rear line of the principal structure. Such ECHO unit may be attached to the principal residential dwelling on the premises. If such unit is not attached to the principal dwelling on the premises it shall be separated from such dwelling by at least thirty (30) feet.

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4. The ECHO housing unit shall be positioned on the lot in such a way as to minimize its visibility from other nearby and abutting lots. The municipal agency may require screening to accomplish this condition.

5. The ECHO unit is to contain a bathroom, kitchen, living and sleeping facilities.

6. If the ECHO unit is to be occupied by only one occupant who is a relative by blood, marriage or adoption of the owner/occupant of the primary residence on the site, a second occupant can only be a care giver to the ECHO unit resident. Such care giver must vacate the ECHO unit when the ECHO unit occupant related to the owner/occupant of the primary residence vacates the ECHO housing unit.

7. Proof of approval by the board of health of well and septic systems must be submitted to the municipal agency.

8. The applicant shall be responsible for preparing the site for installation of the ECHO unit.

9. The exterior of the ECHO housing unit shall be covered with material and color that compliments the facade of the primary residence on the lot.

10. The ECHO unit shall be a unit which is self-contained, barrier free, energy efficient, capable of being moved to another site but which is to be located on a foundation. An ECHO unit shall comply with the definition of "dwelling."

11. The ECHO unit shall be removed from the premises upon the death of permanent change of address of the original occupants. This removal shall take place within ninety (90) days of the earlier of the events. To facilitate this requirement the unit shall be part of an ECHO housing unit program sponsored by the township or other governmental unit or agency or the municipal agency shall be satisfied that adequate provisions have been made guaranteeing the removal of the ECHO unit at the term of the subject occupancy.

The lot shall be restored by the owner of the premises to the status prior to the installation of the unit.

T. Low Intensity Highway Oriented Conditional Uses - NJSH-12. Within the area designated as low intensity highway oriented conditional uses - NJSH-12 in the R-3 zoning district as shown on the map entitled "Low Intensity Highway Oriented Conditional Uses - NJSH-12," dated July 16, 1998, which map is made a part of this chapter by reference, the following uses may be permitted as conditional uses subject to the specific standards as set forth.

1. The uses permitted in the area designated for low intensity highway oriented conditional uses - NJSH-12 shall be as follows:

a. Nursing home, assisted living facility;

b. Retail uses, medical offices and/or medical clinics which in total gross floor area of the building or buildings housing such retail uses, medical offices or medical clinics shall not exceed sixteen thousand (16,000) square feet;

c. Customary accessory uses to subdivision (1)(a) or (b) above.

2. Such uses shall be served by sanitary sewers and evidence of a capacity reservation shall be submitted with an application for development.

3. If water supply from a well or wells is to be used as a source, a well test report indicating that an adequate supply for consumption is available, without adversely affecting other existing wells in the area, shall be submitted. Such report shall be prepared and signed by a geologist or hydro geologist.

In addition, a report shall be submitted by the applicant proving an adequacy of water for fire fighting. The adequacy of water for fire fighting shall be approved by the township fire marshal and fire chief either prior to or as a condition of any development plan approval.

4. No building proposed to be used as an assisted living facility and/or nursing home, retail use, medical offices or medical clinics or loading area accessory thereto, shall be located within one hundred (100) feet of an adjacent property used for residential purposes, which property exists on the tax map of the township, last revised 1/1/98, and no parking area, access and/or drive shall be located within fifty (50) feet of an adjacent property used for residential purposes

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which property exists on the tax map of the township last revised 1/1/98, nor shall any parking area or loading area be located within one hundred (100) feet of Route 12.

5. Buffer Strips. All lots or parts of lots which are to be developed with uses permitted as conditional uses in the area designated as low intensity highway oriented conditional uses - NJSH-12, whose side or rear lot lines abut a residential use or are adjacent to a residential zone shall be screened from said residential use or zone by landscaped buffer strips or other such screening as may be approved by the planning board. A buffer composed of natural material shall preferably be provided. Such buffer shall be of sufficient depth to form a year round screen. The natural buffer may be required to be supplemented with evergreens where necessary to form a year round screen. Where a natural buffer is considered by the planning board as impracticable or inappropriate a landscaped buffer may be provided and shall consist of a minimum of two staggered rows of evergreens at least six feet in height at time of planting. The planning board may allow a fence to supplement the evergreens.

6. A nursing home and/or assisted living facility shall be located on lots meeting the following requirements:

Size of Facility (Number of Beds)	Minimum Site Area (Acres)
30 or less	5
31 - 50	10
51 - 100	12
Each additional 50	2

7. A nursing home and/or assisted living facility, retail use, medical office or medical clinic shall not have access from any residential street, but shall have direct access from a collector or major collector street, county road or state highway.

8. The maximum height of structures shall not exceed two and one-half stories. In no such case shall such two and one-half stories exceed a height of thirty-five (35) feet.

9. The minimum front, rear, and side yards for principal and accessory structures to be used for nursing home, assisted living facility retail use, medical offices or medical clinic use shall be as follows:

- a. Front yard: one hundred (100) feet;
- b. Side yard (each): fifty (50) feet;
- c. Rear yard: one hundred (100) feet.

10. Signs shall be limited to one ground sign not exceeding thirty-two (32) square feet in area per lot and a wall sign or signs which in total area shall not exceed five percent of the building facade which contains the main entrance to the building or one hundred (100) square feet whichever is lessor.

11. Low and Moderate Income Units Required. Nursing home and assisted living facilities shall be required to provide units affordable to low and moderate income persons and households at the rate of at least ten percent of the number of bedrooms to be constructed.

12. Off-street parking shall be provided for a nursing home at the rate of one space per each bed and for an assisted living facility at the rate of one-half of one space for each unit.

13. Off-street parking and off-street loading shall be provided at the rate required by the development ordinance of the township for retail, medical office and medical clinic uses.

14. The maximum hard surface coverage for any site containing a use or uses set forth as permitted conditional uses in the area designated as low intensity highway oriented conditional uses - NJSH-12 shall not exceed thirty (30) percent.

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15. No lot in the area designated as low intensity highway oriented conditional use - NJSH-12, to be used for retail use and/or medical office and/or medical clinic shall be located within one thousand five hundred (1,500) feet of a lot in the area designated as low intensity conditional uses - NJSH-12 used for retail use and/or medical office and/or medical clinic.

U. Seasonal Sales Areas.

1. The seasonal sales shall be accessory to a use already conducted on the site.
2. The sales shall not exceed a period of six (6) months per calendar year.
3. No additional signage is permitted.
4. The area shall be designated on an approved site plan.
5. If the seasonal sales area is to be located on area designed and approved for use as parking, the Planning Board may determine at any time that the area shall be converted back to its primary use as a parking area if the parking demand of the property requires it.

V. School Bus Depots:

1. Minimum Lot Size of ten (10) acres.
 2. All vehicles must be parked on permanently paved and marked areas.
 3. Any work conducted on vehicles must be done indoors.
 4. Safe and efficient access and routing to and from the facility must be provided.
 5. No motor vehicle parts or partially dismantled motor vehicles shall be stored outside.
 6. Any outdoor storage of waste materials shall be to the rear of the principal building and fenced at a height of not less than six (6) feet. Such area shall not exceed one hundred (100) square feet and shall not be closer than twenty (20) feet to any right of way line or lot line. No outdoor storage of tires shall take place.
 7. Floor drains shall not be directly connected to the sanitary sewer system. A separate grease and oil separation unit shall be installed.
 8. No un-registered or immobilized vehicles may be stored, parked or otherwise maintained on the site for a period greater than six (6) months.
 9. No passengers may be picked up or dropped off at the site.
- (Ord. 98-47 § 4; Ord. 98-31 § 5; Ord. 95-41 § 1; Ord. 95-33 § 1; Ord. 94-5 § 8, prior code 15-9.34; Ord. #01-28 § P; Ord. #02-47 § U; Ord. 02-58 § V)

Chapter 16.70

OFF-STREET PARKING AND LOADING

Sections:

- 16.70.010 Required.
- 16.70.020 Standards for off-street parking areas.
- 16.70.030 Off-street loading and unloading.
- 16.70.040 Minimum required off-street parking.

16.70.010 Required.

In all zones, in connection with every business, institution, recreational, residential, manufacturing, research laboratory, public building, hospital, house of worship, or any other use, these shall be provided at the time any building or structure is erected, enlarged or increased in capacity, off-street parking spaces and loading and unloading areas in accordance with Section 16.20.040 and with the design standards for site plan review. Such facilities shall be completed prior to the issuance of a certificate of occupancy. The standards in Section 16.70.020 shall not apply to single-family houses. (Ord. #06-11)(Prior code § 15-9.35)

16.70.020 Standards for off-street parking areas.

A. Size. Each off-street parking space shall measure not less than nine feet by eighteen (18) feet, exclusive of access drives and aisles, except that parallel curb parking spaces shall be eight feet by twenty-three (23) feet. In areas which have head-on parking other than ninety (90) degrees, the width of the space shall be not less than nine feet measured at right angles to the parking lines, and these lines shall extend to a point measuring eighteen (18) feet at right angles to the curb or edge of the pavement. Except in the case of single-family dwellings, no parking areas provided hereunder shall be established for less than four spaces. The approving authority may alter the size of parking spaces in length and width and the aisle width to allow for the overhang of curbing, small cars, etc., where such adjustments are appropriate to the intended use and traffic volume.

B. Access Aisles and Driveways.

a. Different Zone. No access drive, driveway, pathway or any other means of egress or ingress shall be located in any residential zone to provide access to uses other than those permitted in such residential zone.

b. Aisle Widths. Aisles from which vehicles directly enter or leave parking spaces shall not be less than:

- i. Twenty-five (25) feet wide for perpendicular parking;
- ii. Eighteen (18) feet wide for sixty (60) degree angle parking.
- iii. Fourteen (14) feet wide for thirty (30) and forty-five (45) degree angle parking.

C. General Standards for Parking Areas.

a. Design. Parking areas and access to parking areas shall be planned and designed in accordance with accepted engineering parking design principals such as those contained in Transportation and Land Development, Institute of Transportation Engineers, 2nd Edition, except as modified by requirements contained herein and the design standards for site plan review of the site plan regulations in Section 16.20.040.

b. Review. All plans shall be reviewed by the township engineer and his or her recommendations shall be forwarded to the planning board for its review pursuant to the

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regulations and procedures governing site plan review.

c. Landscaping and Drainage. Parking areas shall be landscaped in accordance with the design standards for site plan review to minimize nuisance characteristics to adjacent properties and for aesthetic reasons. They shall be drained and paved in accordance with good engineering and construction practices as required by the township engineer and township specifications.

d. Markings and Access. Parking spaces, driveways and aisles shall be clearly marked and delineated. For safety, fire-fighting purposes, and efficiency direct through vehicular and pedestrian access for emergency services and for the general public between adjacent parking areas shall be provided.

D. Joint Provision of and Sharing of Parking Facilities. Any two or more nonresidential uses may collectively provide the required off-street parking spaces, provided that the total of such parking facilities shall equal the sum of the spaces required for each participating use. Where the Planning Board determines that the proposed location and operation of the facilities and uses is such that the parking facilities may be shared, then the parking may be provided in an amount to be determined by the Planning Board based on the planned peak usage of that use or structure which requires the highest number of spaces as required by this chapter (i.e. if there is a development of two retail uses that have peak usage times that differ substantially enough to permitted shared parking then parking need only be required for that peak parking period.

E. Location of Parking Facilities.

1. Separate Lot. Parking facilities shall be located on the same lot as the principal structure, except if space for the required off-street parking is not available on the same lot, off-street parking may be provided within one thousand four hundred (1,400) feet of the entrance of the use or structure, provided that a legal agreement ensuring that the parking will be available shall be approved by the planning board attorney.

2. Parking in Rear. Whenever parking is provided in the rear of any nonresidential structure or use, suitable rear entrance to the structure or use shall be provided.

3. Parking Adjacent to Residence Zone. Where a nonresidential zone abuts a residence zone, no parking spaces shall be located closer than twenty-five (25) feet from the residence zone line, and no driveway shall be located closer than fifteen (15) feet to the residence zone line. For additional site plan standards related to buffering from residential and other properties see Section 16.20.040) (Ord. 06-11 § A, B, C, D & E) (Ord. 87-27 § 4; prior code § 15-9.36)

16.70.030 Off-street loading and unloading.

All nonresidential uses shall have provisions for off-street loading and unloading in accordance with Section 16.20.040. Such plans shall be reviewed by the township engineer, and his or her recommendations shall be forwarded to the planning board for its review under the design standards for site plan review. (Ord. 06-11 § 16.70.030)(Prior code § 15-9.37)

16.70.040 Minimum required off-street parking.

It is the intent to require that all uses provide for adequate off-street parking for employees, clients and visitors. The following standards are expected to meet this objective. In the event that evidence is presented that a particular use or establishment will require more off-street parking spaces than are required by this title, the planning board may require that additional off-street spaces be provided.

A. In the event that the number of required parking spaces results in a fraction of a space, one more parking space shall be provided.

B. Handicapped parking spaces shall be provided as required by the New Jersey Administrative Code.

C. In the event of a mixed use, the required off-street parking shall be the sum of the required off-street parking for each use. A mixed use is two or more independent and/or distinct

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uses in the same or separate structures, not the separate portions of any individual use. (i.e. a manufacturing use will also contain warehousing and office space, but the parking calculation shall be based on the gross floor area using the manufacturing standard).

D. If an applicant can demonstrate, or the Planning Board determines, that a particular use does not require all the required off-street parking at the time of approval, the planning board may authorize up to twenty-five (25) percent of the required off-street parking to be landscaped and maintained as a parking reserve or banked parking. Such parking reserve shall be converted into parking (paved and in full conformance with this title) at such time as the planning board determines that the need exists. The area to be reserved shall be fully designed at the time of site plan approval. Any area reserved shall be counted as hard surface for the purposes of storm water management computations and for calculations in relation to hard surface coverage restrictions.

E. Vehicle Storage. Recognizing the difference between areas used for the long-term storage of vehicles either for sale, for rent, for repair, or other use the following standards shall supplement those standards found elsewhere in this Section and those standards for parking lot design, landscaping and lighting.

- a. Stacking of cars two deep is permitted. Parking spaces may measure 8.5 feet by 36 feet.
- b. No storage of vehicles shall be permitted along access aisles. All access aisles shall be kept free and clear to permit emergency vehicle access.
- c. Any vehicle storage area used for the storage of new and/or used vehicles shall provide an area for the loading and unloading of vehicles from car transport trailers.
- d. All storage of vehicles shall take place on paved surfaces in marked spaces.
- e. Any storage area shall be appropriately screened from adjacent properties and from any public roadway. See section 16.20.040 for additional screening, fencing and/or buffer requirements.
- f. Storage areas should be delineated on the site plans and shall be separate and apart from parking and display areas.
- g. Lighting for storage, display and parking are different. See section 16.20.040 for lighting guidelines.

F. Required spaces by Use. In cases of uses not specifically mentioned in the following schedule, the Planning Board shall determine the number of spaces required, through review of testimony from the applicant, review of recognized parking standards, review of similar standards contained herein, and through field investigations of similar uses.

Uses	Minimum Number of Required Spaces
1. Assembly hall	10 spaces per 1000 sq. ft. or 1 for every 3 seats ¹
2. Athletic Club	6 spaces per 1000 sq. ft.
3. Auditorium	Same as assembly hall
4. Auto Dealer	1 space per employee plus 3 per 1000 sq. ft. of showroom space plus 4 per service bay. This does not include any area designated as vehicle storage or display.
4. Bank	5 spaces per 1000 sq. ft.
5. Bowling alley	5.5 per lane
6. Car wash	1 space per employee, plus 1 per self-service station, plus 10 stacking spaces
7. Carpet Store	3 spaces per 1000 sq. ft.
8. Child Care/Day Care	.25 spaces per student, plus 1 drop-off

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	space per 6 students, to be adjusted based on arrival patterns.
9. Club, lodge or fraternal organization	20 spaces plus 5 spaces per 1000 sq. ft. of floor space.
10. College	1 space for every 2 students
11. Community center	Same as assembly hall
12. Convenience Store	5 spaces per 1000 sq. ft.
13. Farm Stands	4 spaces per 1000 sq. ft., or 8 spaces whichever is greater.
14. Funderal Home or Mortuary	10 spaces plus 20 spaces per 1000 sq. ft.
15. Furniture Store	3 spaces per 1000 sq. ft.
16. Gas Station	1 space per employee
17. Gas Station & Convenience Store	1 space per employee plus 4 per 1000 sq. ft. of store
18. Golf Course	12 spaces per hole.
19. Grade School	2 spaces per classroom
20. High School or prep school	.25 spaces per student over driving age, plus 1 per employee
21. Hospital	5 spaces per bed
22. House of Worship	1 space for every 3 seats, or one for where benches are used.
every 3 ft. of seating spaces	
23. Manufacturing	1 space per employee on maximum shift
or 1 per 800 sq. ft.	whichever is greater ²
24. Miniature Golf or Driving Range	1 space per 3 persons of facility capacity
plus 1 per employee.	
25. Motel or Hotel	1.25 spaces per room
26. Museum	2 spaces per 1000 sq. ft.
27. Nursing Home	1 space per bed
28. Office, general	4 spaces per 1000 sq. ft.
29. Office, home occupation	4 spaces plus 5 spaces per 1000 sq. ft.
30. Office, medical	5 spaces per 1000 sq. ft.
31. Research of laboratory use	1 space per employee plus 10% visitor
space.	
32. Residences, including single family,	The standards of N.J.A.C. 5:21-4.14
shall govern.	
multi-family, age restricted, and	
assisted living	
33. Restaurant, Fast Food	15 spaces per 1000 sq. ft.
34. Restaurant, Sit Down	1 space for every two seats or 16 spaces
per 1000 sq. ft. which-	
	ever is greater ¹ .
35. Retail Store	4 spaces per 1000 sq. ft.
36. Supermarket	5 spaces per 1000 sq. ft.
37. Theater	1 space for every 3 seats
38. Vehicle repair	4 spaces per service bay plus one per
employee	
39. Warehouse	1 space per 2000 sq. ft. or 1 per
employee whichever is greater.	
40. Wholesale	3 spaces per 1000 sq. ft.
41. Industrial Park/Flex Space	2 spaces per 1000 sq. ft. or 1.5 per
employee whichever is greater	

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42. Mini-warehouses

1 space per 6,000 sq. ft.

43. Discount Club

5 spaces per 1000 sq. ft.

¹ Notwithstanding the above an eating and drinking establishment containing a seating capacity of less than fifty (50) seats may be established in a retail development containing a gross floor area of not less than fifteen thousand (15,000) square feet meeting the following conditions:

- a. Seventy-five (75) percent of the gross floor area of such retail development shall be devoted to retail stores and shops and service establishments (not including restaurants, eating and drinking places and office use); and
- b. Such retail development shall provide off-street parking in the amount of at least one space per each two hundred fifty (250) square feet of gross floor area; and
- c. All eating and drinking establishments within such retail development shall not exceed the rate of one seat for each one hundred fifty (150) square feet of gross floor area; but in no case shall the seating capacity of all eating and drinking establishments in one retail development exceed two hundred fifty (250) seats when the required off-street parking for such is based upon one off-street parking space per each two hundred fifty (250) square feet of gross floor area.

(Ord. 06-11 § A, B, C, D, E & F)(Ord. 06-21 § ¹)

Chapter 16.72

SIGNS

Sections:

- 16.72.010 Intent.**
- 16.72.020 Permit procedures.**
- 16.72.030 Prohibit signs.**
- 16.72.040 General sign requirements.**
- 16.72.050 Permitted signs by zone district.**
- 16.72.060 Sign type regulations.**
- 16.72.070 Special signs and sign regulations.**

16.72.010 Intent.

It is the intent of these regulations to:

- A. Control the size, location, character and other pertinent features of all exterior on-premises signs (street graphics);
- B. Promote signs (street graphics) which are:
 - 1. Compatible with surroundings and expressive of the identity of individual proprietors and of the character of the community,
 - 2. Orderly, readable and appropriate to the activity to which they pertain,
 - 3. Nondistracting to motorists so as not to contribute to traffic accidents,
 - 4. Safe from hazard,
 - 5. Aesthetically pleasing. (Prior code § 15-9.39)

16.72.020 Permit procedures.

A. Permits Required. No signs shall be erected, structurally altered, or moved without a permit issued pursuant to the provisions of this section. A permit shall not be required for the following signs, provided that they meet the requirements of Section 16.72.040, and provided that each meets the stated additional requirements.

- 1. Signs of a public, noncommercial nature, including safety signs, "no trespassing" signs, signs indicating scenic or historic points of interest, and signs for philanthropic, fraternal or religious organizations;
- 2. Memorial signs and tablets: nonilluminated memorial signs or tablets indicating the name of a building or date of erection, not exceeding two square feet in surface area which are part of the building construction or are attached as wall signs;
- 3. Nameplates and identification signs less than two square feet and nonilluminated or shielded (illuminated not to exceed seventy-five (75) watts) nameplate;
- 4. Seasonal Decorations. Seasonal decorations shall be permitted for display purposes on public or private property provided that such decorations are safely maintained. When on municipal property, approval of the township committee is required;
- 5. Grave markers;
- 6. Private "no-trespassing" and "no-hunting" signs placed on private property shall be permitted, provided that each sign does not exceed one square foot;
- 7. Temporary signs, grand opening banners and celebration bunting when in accordance with Section 16.72.070(D);
- 8. Garage sale signs, when in accordance with Section 16.72.050(A)(1)(f);

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9. Directional signs pursuant to Section 16.72.070(C)(6);
10. Directory signs erected as part of a municipally sponsored program, location and size approved by the municipal planner;
11. Political signs.
 - B. Permit Applications. A sign permit may be obtained upon application to the construction official and, where applicable, the advertiser shall obtain a permit from the New Jersey Department of Transportation, outdoor advertising section for graphics adjacent to interstate and federal aid primary highways. The advertiser shall be responsible for obtaining the permit.
 - C. Information to be Submitted as Part of Sign Application.
 1. Completed sign application form, including authorization signature of owner;
 2. Drawings, information, specifications, etc., as set forth on the sign application form;
 3. Application fee. (Ord. 98-50 § 9; prior code § 15-9.40)

16.72.030 Prohibit signs.

No sign shall be constructed, reconstructed, erected or maintained which:

- A. Bears or contains statements, words or pictures of an obscene, indecent or immoral character which will offend public morals or decency;
- B. Purports to be, or is an imitation of, or resembles an official traffic sign or signal, or which bears the words "stop," "go slow," "caution," "danger," "warning," or similar words other than those contained in the name of the business;
- C. By reason of its size, location, movement, content, coloring or manner of illumination may be confused with or construed as a traffic control device, or which hides from view any traffic or street sign or signal;
- D. Advertises or publicizes an activity, business, product, real estate or service not conducted on the premises upon which such sign is maintained.
- E. Is in any way animated, except time and temperature devices; emits smoke, visible vapor, particles, sound or odor;
- F. Is located in a public right-of-way or approved sight easement (if sign is taller than thirty (30) inches), except those owned and operated by a duly constituted governmental agency as a traffic control or warning sign.
- G. Consists of banners, pennants (except banners or pennants permitted in Section 16.72.070(D)), ribbons, streamers, strings of light bulbs (except seasonal decorations) and spinners;
- H. Is portable or temporary, except as permitted in Section 16.72.070(D), is fixed on a movable stand; is self-supporting without being permanently embedded in the ground; is supported by other objects; is mounted on wheels or a movable vehicle or is made easily movable in any other manner;
- I. Is located (painted, affixed, etc.) on a water tower, storage tank, smokestack, utility pole or other similar structure;
- J. Is located (painted, stapled, affixed, etc.) on trees, rocks or other natural features, or on fences, dividing walls or other accessory structures unless it is a directional sign;
- K. Is placed above the eaves of a building or structure or on a flat roof; (Ord. 04-20 § K)
- L. Projecting signs, except as utilized as residential nameplate and identification signs pursuant to Section 16.72.050(A)(1)(a). (Ord. 92-4 § 2; prior code § 15-9.41)

16.72.040 General sign requirements.

- A. Conformance with Construction Code. All signs shall conform to the requirement of the New Jersey Uniform Construction Code.
- B. Maintenance. All signs, including official signs, together with all their supports, braces, hooks, guys and anchors, shall be of substantial and sturdy construction, shall be kept in good

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repair, and shall be painted or cleaned as often as necessary to maintain a clean, neat, legible, safe and orderly appearance. All lighting elements shall be kept in good working order when lighting is provided.

The area surrounding ground signs shall be kept neat, clean and landscaped. The owner of the property, or his designee, upon which the ground sign is located shall be responsible for maintaining the condition of the area.

C. Obstruction to Doors, Windows or Fire Escapes. No sign shall be erected, relocated or maintained so as to prevent ingress or egress from any door, window or fire escape. No sign, other than warning signs, shall be attached to a fire escape or standpipe.

D. Obstruction of Architectural Features. No sign shall be erected, relocated or maintained in such a manner as to cover or intrude upon any architectural features of a building, such as windows, columns, moldings, railings or any major decoration or structural feature.

E. Graphics Not to Constitute Traffic Hazards. In order to secure and maintain reasonable traffic safety, no sign shall be erected or maintained in such a manner as to obstruct free and clear vision or distract the attention of the driver of any vehicle by reason of the position, shape, color, reflection, illumination, etc., thereof.

F. Lighting of Signs. Indirect or interior lighting may be used to illuminate any sign, provided that the source of light shall concentrate the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property.

G. Unsafe Signs. Whenever a sign shall become structurally unsafe or endanger the safety of the building or the public, the construction official shall order such sign to be made safe or removed. Such order shall be complied with within ten days of the receipt thereof by the person owning or using the sign or by the owner of the building or premises on which such unsafe sign is affixed or erected.

H. Nonconforming Sign. Any lawful nonconforming permanent sign which existed on the date of this code may be continued and, except as provided in subsection I of this section, may be restored whenever it is damaged in any manner whatsoever.

I. Removal of Damaged Signs. Any sign damaged, destroyed or deteriorated in any manner whatsoever to the extent of more than seventy-five (75) percent of its replacement value shall be removed or alternatively reconstructed in accordance with the provisions of this revision and thereafter utilized only in such a manner as to conform to all provisions of this code.

J. Removal of Derelict Signs. Any location where business goods are no longer sold or produced or where services are no longer provided shall have ninety (90) days to entirely remove any remaining or derelict on-premises signs following notification by the township and at the expense of the owner of such property. Where due written notification has been given by the township and compliance has not been made within the required ninety (90) day period, the township may cause removal of such sign, with the cost for such removal to be attached to the property.

K. Measurement of Gross Advertising Area of a Sign. The entire square footage of the space within a single continuous perimeter enclosing the extreme limits of such sign, and in no case passing through or between any adjacent elements of the same. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.

Cutout letters or numbers supported independently on a wall shall be measured by the smallest rectangle which encompasses the entire letter. Ground, hanging and window signs which have no background shall be measured by the smallest rectangle which encompasses all of the lettering, illustration or total display, exclusive of any supporting members used solely for such purpose. Ground signs consisting of opaque or translucent backgrounds and having cutout letters mounted on them shall be measured by the outside dimensions of the background.

Ground signs carrying the same message on two sides shall be considered a single sign, provided that the two sides are parallel and of the same size.

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Ground signs with four sides are permitted, provided that parallel sides carry the same message. Two sides may contain a message, and the opposite two sides may contain a logo. The total square footage of all four sides shall not be greater than twice the permitted square footage of a single ground sign, and each side may not be greater than that permitted for a single ground sign.

L. All street graphics shall, in addition to complying with this revision, comply with all appropriate county, state and federal regulations. Should any county, state or federal regulations be applicable, said regulations shall apply in lieu of this revision to the extent that such regulations are more restrictive. (Prior code § 15-9.42)

16.72.050 Permitted signs by zone district.

A. Residential Zones.

1. Single-Family Attached and Detached Dwellings.

a. Nameplate and Identification Sign. A sign of any type indicating the name or address of the occupant may be permitted, provided that the sign shall be no larger than two square feet. A permitted home occupation may be included with the name of the occupant. Only one sign per dwelling unit is permitted in addition to a mailbox identification sign.

b. Multifamily Developments. One ground sign, not to exceed thirty-two (32) square feet, may be erected at the primary entrance to an apartment complex.

c. Farms. In addition to a nameplate and identification sign meeting the requirements of subdivision (1)(a) of this subsection, one additional sign (ground sign) not to exceed fifteen (15) square feet may be erected at the entrance of an active farm. The existence of a farm stand shall not permit any additional signs over that for a farm, except that the permitted fifteen (15) square feet of sign area may be a wall or roof sign rather than a ground sign.

d. Planned Residential Developments. Ground signs not to exceed thirty-two (32) square feet each may be placed at the primary entrances to PRD's in locations approved by the planning board. A sign plan for the entire development shall be submitted in accordance with the criteria set forth in subsection (C)(4) of this section. Commercial uses within a PRD shall be regulated pursuant to Section 16.72.070(B).

e. Residential Subdivisions. One ground sign of a permanent nature and not exceeding thirty-two (32) square feet may be erected at the primary entrance to a residential subdivision having a homeowners' association and where the association or developer shall maintain the sign.

f. Temporary Garage Sale Signs. One temporary garage sale sign is permitted if it does not exceed eight square feet and is displayed only during the time the sale is being conducted. No off-premises garage sale signs are permitted.

B. Public Zone and Uses. Signs of schools, churches, colleges, libraries and other institutions and for parks and public uses of a similar nature may be erected and maintained, provided that:

1. The size of any ground sign shall not exceed thirty-two (32) square feet, and that not more than one such is placed on a property unless such property fronts upon more than one street, in which instance a sign may be erected on each frontage. Sixteen square feet of the gross advertising of one ground sign may be devoted to changeable copy and may be a separate sign attached in an aesthetically pleasing manner to the same ground sign structure.

2. Signs affixed to the facade of the principal structure shall be permitted, provided that the signs shall not exceed five percent of the prime building facade.

These requirements shall also apply to public uses established in residential zones. The planning board may permit ground signs of up to one hundred (100) square feet if, in the planning board's judgement, a sign of greater size is required to safely and conveniently indicate the location of a public use and the sign will not have an effect upon surrounding uses.

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C. Office, Industrial and Commercial Zones for Single-Tenanted and Single-Structure Developments.

1. Wall Signs. The total gross advertising area of all wall signs on any one property shall not be greater than five percent of the area of the building facade fronting on the street. On corner lots, the area of the facade which fronts on the more heavily traveled or higher classification road shall be utilized. The maximum area of all wall and roof signs shall not exceed one hundred (100) square feet. (Ord. 04-20 §1)

2. Ground Signs. One ground sign, excluding directional signs, shall be permitted on a single lot. Adjacent lots in common ownership shall be considered one lot pursuant to Section 16.64.060. The total advertising area shall not exceed sixty-five (65) square feet in the professional office zone and one hundred (100) square feet in the other nonresidential zones under this category. The planning board may permit a total sign area of one hundred (100) square feet in the professional office zone for nonoffice uses if the planning board finds that such additional area is appropriate to the site and necessary for reasonable visibility of the business or activity.

3. Window Signs. See Section 16.72.060(D), for specific regulations.

4. Design. All signs erected on a single lot shall be coordinated as to color, materials, construction, lighting, general quality and appearance, and shall be compatible with the architecture of the main buildings.

D. Office, Industrial and Commercial Zones for Multi-Use, Multi-Structures and Multi-Tenanted Structures and Developments. Within the office, industrial and commercial zones of the township, multi-use, multi-structure and multi-tenanted structures and developments require sign regulations which will ensure that all signs and graphics erected within the development will enhance each other and will not detract from the overall unified appearance of the complex.

1. Each such development shall submit a sign coordination plan to the planning board for approval. The sign coordination plan shall include details as to how all future signs on the property will be coordinated. Coordination shall be evaluated on the basis of a consistent sign design theme throughout a particular project. The design theme shall include one or more of the following:

- a. Style of lettering and color scheme;
- b. Construction materials and lighting;
- c. Uniform location;
- d. Size and shape.

2. Wall Signs.

a. Conventional (Non-enclosed) Developments. One wall sign shall be permitted for each tenant. Tenants occupying corner locations may display one wall sign on each of two facades, with a maximum of two signs per corner location. The total gross advertising area of each tenant on the ground floor shall not exceed five percent of the facade containing the main entrance to the tenant's portion of the building.

b. Enclosed malls or similar structures, where the primary entrances to the individual tenants of the building are internal, shall not be permitted to have an external wall sign erected on the facade of the building (except the prime tenants) unless the tenant has a private customer or client entrance to the exterior. Said sign shall be a wall sign and shall be placed immediately adjacent to the private external entrance and shall not exceed six square feet. Prime tenants shall be permitted a wall sign pursuant to subdivision (2)(a) of this subsection, except that the planning board may permit a seven percent gross advertising area for individual prime tenant wall signs if such additional area shall assist in developing a harmonious and integrated sign plan in accordance with Section 16.72.010. (Ord. 04-20 & 04-23 § subsection a & b)

3. Ground Signs. One ground sign (excluding directional signs) shall be permitted on any single lot. However, the planning board may permit one additional ground sign if the property has vehicular access to more than one public street. Adjacent lots in common ownership shall be

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considered one lot pursuant to Section 16.64.060. The total advertising area shall not exceed one hundred (100) square feet. Shopping centers containing eight or more tenants on the ground floor, enclosed malls, industrial parks or office parks may have one ground sign with a total advertising area not exceeding one hundred fifty (150) square feet.

4. Canopy Signs. Signs hanging from overhangs above the entrance to a tenant may be permitted, provided that each sign does not exceed two square feet. Such signs shall only be permitted where wall signs are not easily visible to pedestrians such as in covered walkway situations.

Notwithstanding the above or Section 16.72.060(C), wall signs otherwise permitted by this section may be affixed to a covered walkway rather than a wall provided:

a. Such sign location affixed to a covered walkway is approved by the planning board as part of a sign coordination plan and a uniformity of sign locations results;

b. The area of such sign affixed to a covered walkway does not exceed in size the area of a wall sign otherwise permitted for such development.

5. Window Signs. See Section 16.72.060(D) for specific regulations. (Ord. 87-27 § 5; prior code § 15-9.42)

16.72.060 Sign type regulations.

A. Ground Signs. An activity may display one or more ground signs of the area indicated under the appropriate requirements as set forth in Sections 16.72.040 and 16.72.050, and as set forth in the following:

1. The maximum height of the ground sign shall not exceed twenty-five (25) square feet. However, ground signs in industrial, office and neighborhood business zones shall not exceed ten feet in height, and shall not exceed six feet in height in residential zones. The planning board may permit a sign height of up to twenty (20) feet, where it finds that such height is appropriate to the site and is necessary for reasonable visibility of the activity on the premises.

The height of the ground sign shall be measured from the base of the sign to the extreme top of the sign, including framing and structural members. Where the grade from the edge of the existing pavement (of the street from which vehicles primarily view the sign) to the base of the sign differs by three feet or more, height of the sign shall be measured from the grade at the edge of the pavement to the extreme top of the sign, including framing and structural members.

2. No portion of a ground sign (excluding directional signs) shall be located closer than the following distances to street rights-of-way, provided that the ground sign (including directional signs) is not located within a dedicated sight easement (unless less than thirty (30) inches high) or a sight distance as set forth in other sections of the zoning ordinance.

Area of Sign (square feet)	Minimum Distance (feet)
less than 26	5
26 - 75	10
75 - 100	15
more than 100	20

3. Ground signs shall be a minimum of seventy-five (75) feet from any other ground sign (excluding directional signs) on the same or adjacent properties.

4. The planning board shall have the authority to waive the strict application of subsection (A)(2) or (3) of this section if, because of local site conditions, strict adherence would cause undue inconvenience to the public or constitute a hazard.

5. Ground signs shall be located so as to safely guide the motorist to the vehicular entrance

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to the activity. Any ground sign which proves to be confusing to the motorist in this respect shall be relocated to a more appropriate location as required by the planning board where physically possible.

6. The location or relocation of a ground sign (except directional signs) shall be approved by the planning board after submission of a site plan which accurately shows the proposed sign and its relationship to paved and landscaped areas, parking, access drives and buildings within two hundred (200) feet of the sign.

B. Wall Signs. An activity may display one or more wall signs of the total area indicated under the appropriate requirements as set forth in Sections 16.72.040 and 16.72.050, and as set forth in the following:

1. Wall Signs.

a. Wall signs shall only be located within the signable area of the facade of a structure. The signable area of the facade of a structure is that portion of the facade up to eaves or second floor windows, whichever is lower, which is free of windows and doors or major architectural detail.

b. Wall signs are not permitted for activities located on the second or higher floors. (See subsection D of this section.)

c. The width of a wall sign or roof sign may not exceed the width of the building or section of a building occupied by tenant or activity. (Ord. 04-20 §§ subsection B1 & B2)

C. Canopy Signs. Canopy signs are only permitted pursuant to Section 16.72.050(D)(4) and in accordance with the following:

1. The minimum clearance to the lowest portion of a canopy sign shall be seven feet.

2. Canopy signs shall only list the name of the activity.

3. Canopy signs may not extend out from under the overhang or ceiling to which it is attached.

D. Window Signs. Window signs of a permanent or temporary nature are permitted as follows:

1. Maximum sign area, twenty-five (25) percent of window area;

2. Only for commercial and office uses;

3. On any floor of a building;

4. Signs within the interior of a structure designed to be seen and read from the exterior shall be considered as part of any maximum window sign area. (Prior code § 15-9.44)

16.72.070 Special signs and sign regulations.

A. Organization Sign Display. Organization sign displays are permitted in lieu of the placement of many scattered prohibited organization signs along the many thoroughfares of the community. Organization sign displays shall be located as approved by the planning board in accordance with the following regulations:

1. Location, at or near the major entrances to the municipality or at a prominent and visible location on public, institutional or other nonresidential property;

2. Maximum size, one hundred (100) square feet;

3. Sign type, ground sign only;

4. The display shall be landscaped and may be lighted;

5. The design of the display shall be approved by the planning board in accordance with Section 16.72.050(D)(1);

6. The planning board may reject the location of an organization sign display if the location has poor visibility or will create a hazardous situation for vehicular traffic.

B. Signs for Commercial Uses Within a PRD. Signs for commercial uses within a PRD shall be regulated by Section 16.72.050(D), except that only one ground sign shall be permitted which does not exceed thirty (32) square feet and a maximum of ten feet in height.

C. On-Premises Directional Signs. On-premises directional signs are on-premises signs

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designed to direct motorists and pedestrians within a site and governed by the following regulations in addition to Sections 16.72.030 and 16.72.040.

1. Directional signs shall be approved during site plan review procedures by the planning board and in accordance with Section 16.72.050(D)(1). Changes and additions to the approved plan for directional signs may be approved by the municipal planner.

2. Entrance and exit signs may contain the name of the activity, but shall not advertise the activities in any way.

3. Directional signs may contain a logo used throughout the project.

4. Entrance and exit signs shall not exceed three square feet. However, the square footage may be increased to sixteen (16) square feet if the planning board finds that the scale of the project or volume of traffic attracted by the activity warrants enlarged signs for safety.

5. Sign messages shall be clear and concise.

6. Directional signs of three square feet or less shall not require sign permits.

7. Directional signs which are found by the planning board to be confusing or inappropriately placed shall be removed or relocated as required by the planning board.

D. Grand Opening Banners, Celebration Bunting and Temporary Signs.

1. Grand Opening Banners. Grand opening banners are permitted if attached to the building in which the new activity has been established. Grand opening banners may be in place for four weeks from the date of opening of the activity.

2. Celebration Bunting. Celebration bunting is permitted on state holidays and days of public celebration. Bunting shall be removed within seven days of the date of celebration.

3. Temporary signs are permitted as notification of special events on the premises of public, fraternal, charitable or religious organizations only in accordance with subdivision (3)(a) below; temporary real estate signs only in accordance with subdivision (3)(b) below; pennants, banners (other than grand opening banners) and temporary signs on the premises of commercial establishments only in accordance with subdivision (3)(c) below; temporary signs advertising the future construction or location of a use upon a site only in accordance with subdivision (3)(d) below; and temporary signs for commercial establishments during periods of long term public roadway construction projects in accordance with subdivision (3)(e) below. (Ord. 03-31 § 3)

a. Temporary public or organization signs shall be removed within five days after the event shall have taken place. No permit shall be required for such temporary sign, provided that there is only one such sign per premises, the sign does not exceed thirty-two (32) square feet, and provided that the sign shall not remain in place more than four weeks. Only two events may be advertised by a temporary sign per calendar year. A temporary sign is not permitted on a premises that has a changeable copy sign erected upon it.

b. Temporary signs advertising the sale or rental of the premises upon which they are located may be permitted, provided that:

i. The size of any such sale or rental sign shall not exceed eight square feet.

ii. Not more than one sign is placed upon any property.

iii. Such signs shall be promptly removed when premises are sold or rented.

c. Pennants, a banner (other than a grand opening banner) and/or a temporary ground sign are permitted accessory to a commercial establishment in the I-1, I-2, O-1, O-2, B-1, B-2, B-3 and B-4 zoning districts for a total of six weeks in any calendar year for notification only of special events, special promotional purposes, temporary sales, grand openings, etc., provided that such pennants, banner or temporary ground sign do not cause a danger to the general public in accordance with Section 16.72.050(G).

The total area of a banner and/or temporary ground sign shall not exceed sixteen (16) square feet in area. The height of a ground sign shall not exceed five feet.

Any display of such pennants and/or banner and/or temporary ground sign shall not exceed a maximum of six weeks in any calendar year. Any display of such pennant and/or banner and/or temporary ground sign for a period from one day to seven consecutive days shall constitute a total

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display period of one week.

An application for a sign permit shall be filed and approved for such pennants, banner or temporary ground sign from the township zoning officer before such display is permitted. No charge shall be made for a sign permit for such pennants, banners or temporary ground sign. (Ord. 00-35)

d. Temporary signs advertising the future construction or location of a use may be permitted upon a site, provided that:

i. The sign does not exceed thirty-two (32) square feet in area.

ii. The sign is not erected until preliminary subdivision or site plan approval has been granted.

iii. The sign is removed upon issuance of any certificate of occupancy for the structure or use.

4. Developments with four or more homes for sale may be advertised on a sign not to exceed thirty-two (32) square feet. One such sign shall be permitted on each frontage if the development fronts on more than one street. All development signs shall be removed when ninety-five (95) percent of the lots has been initially sold or initially rented. (Ord. 92-4 § 1; prior code § 15-9.45)

e. Commercial uses located in any area of roadway construction that is undertaken by a public agency and that is scheduled to exceed or has exceeded a period of one year from the start date of construction to the completion date of construction as estimated by the federal, state, county, or local agency that has primary jurisdiction over said roadway and/or project, may place upon their premises temporary signage not to exceed sixteen (16) square feet in area and not to exceed five feet in height for the duration of the construction project. The area of construction shall be that area delineated on the construction drawings showing the limits of construction for the federal, state, county, or local agency that has primary jurisdiction over said roadway. Said temporary signs must be removed upon the completion of the construction project in that area in front of the specific commercial enterprise. Said temporary signs shall be in addition to any temporary signs permitted elsewhere in this section or direction signs placed by the governmental agency undertaking the roadway construction. (Ord. 03-31 § e)

Chapter 16.74

PERFORMANCE STANDARDS

Sections:

16.74.010	General application.
16.74.020	Conditional permit.
16.74.030	Regulations of nuisance elements.
16.74.040	Air pollution.
16.74.050	Wastes.
16.74.060	Radiation.
16.74.070	Noise.
16.74.080	Vibration.
16.74.090	Glare.
16.74.100	Heat.
16.74.110	Fire and explosion hazards.
16.74.120	Buffers.
16.74.130	Outside storage.

16.74.010 General application.

As a condition of approval and the continuance of any use, occupancy of any structure and operation of any process or equipment, the applicant shall supply evidence, satisfactory to the planning board or its designated representative, that the proposed use, structure, process or equipment will conform fully to all of the applicable performance standards. As evidence of compliance, the board may require certification of tests by appropriate government agencies or by recognized testing laboratories, any cost thereof to be borne by the applicant. The planning board may require that specific types of equipment, machinery or devices be installed or that specific operating procedures or methods be followed if the government agencies or testing laboratories examining the proposed operation shall determine that the use of such specific types of machinery, equipment, devices, procedures or methods is required in order to assure compliance with the applicable performance standards. Permits and certificates required by other government agencies shall be submitted to the planning board as proof of compliance with applicable codes. (Prior code § 15-9.47)

16.74.020 Conditional permit.

In the event that a determination cannot be made at the time of application that a proposed use, process or piece of equipment will meet the standards established in this chapter, the planning board may issue a conditional permit. The conditional permit would be based on submission of evidence that the proposed use, process or equipment will meet the standards established herein after completion or installation and operation.

Within thirty (30) days after a conditional certificate of occupancy is granted, a final permit shall be applied for and satisfactory evidence submitted that all standards established by this chapter have been met. (Prior code § 15-9.48)

16.74.030 Regulations of nuisance elements.

A. Definition. A "nuisance element" is any air pollution, wastes, radiation, noise, vibration, glare or heat which exceeds the performance standards of this chapter.

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B. Nuisance Determination Location. The determination of the existence of nuisance elements shall be made at the following locations:

Nuisance Characteristics	All R Zones	B-1, O-1, P,	B-2, O-2,	I-1, I-2
Smoke	VS	VS	VS	VS
Solid particles	VS	VS	VS	VS
Odors	SL	PL	ZL	ZL
Liquid wastes	BW	PL	PL	PL
Solid	BW	SL	SL	SL
Radiation	VS	VS	VS	VS
Noise	SL	PL	ZL	PL
Vibration	BW	PL	PL	PL
Glare	BW	PL	PL	ZL
Heat*	VS/PL	VS/PL	VS/PL	VS/PL

* Measurement shall be made at the vent or smokestack for heated air and at the property line for heated liquid or solid discharge.

Code:

- VS: Vent or smokestack
- PL: Property line
- ZL: Zone line
- BW: Building wall
- SL: Required setback line

C. Continued Compliance. Continued compliance with the performance standards stated herein shall be a requirement for the continued occupancy of any structure or the operation of any process or equipment. (Prior code § 15-9.49)

16.74.040 Air pollution.

A. General. No substance shall be emitted into the atmosphere in quantities which are injurious to human, plant or animal life or to property or which will interfere unreasonably with the comfortable enjoyment of life and property anywhere in the township. All provisions of the New Jersey Administrative Code Subchapters 4 and 6 of Title 7, Chapter 7, shall be complied with.

B. Smoke. In any nonresidential zone, no smoke, the shade of which is darker than No. 1 of the Ringelmann Smoke Chart, shall be emitted into the open air from any fuel-burning equipment, provided that smoke emitted during the cleaning of a fire box or the building of a new fire, the shade or appearance of which is not darker than No. 2 of the Ringelmann Smoke Chart, may be permitted for a period aggregating no more than three minutes in any fifteen (15) consecutive minutes.

In any R zone, no visible smoke shall be emitted into the open air.

C. Solid Particles.

1. In any R zone, no discharge of solid particles through a stack, duct or vent shall be permitted that is fifty (50) percent of the allowable emission in pounds per hour established by Subchapter 4 of the New Jersey Administrative Code.

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2. In any remaining zone, the allowable discharge shall be seventy-five (75) percent of the allowable omission permitted by the code.

3. No open burning shall be permitted in any zone.

4. All incinerators shall be approved by the New Jersey Department of Environmental Protection.

D. Odors. In any zone, no odorous material may be emitted into the atmosphere in quantities sufficient to be detected without instruments. (Prior code § 15-9.50)

16.74.050 Wastes.

A. Liquid Wastes. No liquid waste shall be discharged into any watercourse in the township, except as herein provided. If the applicant proposes to construct facilities for the treatment of waste, he or she shall supply:

1. A statement by the New Jersey Department of Health that such proposed facilities are in compliance with applicable state laws and regulations;

2. Approval by the appropriate officials of the installation of such facilities.

No liquid waste shall be discharged into the public sewage collection and disposal system unless the appropriate municipal or authority officials shall have first investigated the character and volume of such waste and shall have certified that it will accept the discharge of such waste material into the system. The applicant shall comply with any requirements of such officials, including the pretreating of such wastes, the installation of processing methods, separation or screening of wastes, control of pH and other methods of improving such wastes prior to discharge, as a condition of approval of such facilities.

B. Solid Wastes. Each use shall:

1. Assume full responsibility for adequate and regular collection, storage and removal of all refuse except if the township assumes the responsibility;

2. Comply with all applicable provisions of the Air Pollution Control Code;

3. Comply with all provisions of the State Sanitary Code, Chapter 8, Refuse Disposal, Public Health Council of the State Department of Health;

4. Permit no accumulation on the property of any solid waste, junk or other objectionable materials;

5. Not engage in any sanitary landfill operation on the property except as may be permitted by other township codes and ordinances. (Prior code § 15-9.51)

16.74.060 Radiation.

All use of materials, equipment or facilities which are or may be sources of radiation shall comply with all controls, standards and requirements of the Atomic Energy Act of 1954, as amended, and any codes, rules or regulations promulgated under such act, as well as the Radiation Protection Act, Chapter 116, P.L. 1958, as amended, whichever shall be more stringent. (Prior code § 19-9.52)

16.74.070 Noise.

The purpose of this section is to ensure that the environmental character of the area surrounding the proposed use, with respect to noise, shall not be altered. The standards established herein shall be interpreted in any specific case with this objective in mind.

Measurements, if required under this chapter, shall be made at the locations noted in Section 16.74.030(B). Measurements shall be made by a competent acoustical engineer using equipment meeting the United States of America Standards Institute Standard Section 1.4, 1961, or the latest revision thereof and Section 2.22 or the latest revision. All measurements shall be made in at least eight frequency bands.

Ambient noise levels shall be made during the hours the proposed use will be in operation

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and for periods of at least one hour and on three separate occasions.

The permitted noise level of the proposed use, measured at the measuring line, shall not exceed the ambient noise levels in each frequency band. Ambient levels may be increased by five decibels if the noise is continuous and operates only from six a.m. to six p.m.

Pure tones shall be at least five decibels below the active band level at the measurement line. (Prior code § 19-9.53)

16.74.080 Vibration.

In any zone, no vibrations discernible without instruments at the measuring point shall be permitted. (Prior code § 19-9.54)

16.74.090 Glare.

Glare is the sensation produced by brightness within the visual field that are sufficiently greater than the luminance to which the eyes are adjusted and which cause annoyance, discomfort or loss in visual performance and visibility. "Direct glare" is glare resulting from insufficiently shielded light sources in the field of view. Reflected glare results from specular reflections of high brightness in polished or glossy surfaces in the field of view.

No direct glare shall be permitted except as may be caused by lights placed on standards not exceeding the maximum height of structures allowed in the zone and shielded so as to restrict the maximum apex angle of the cone of illumination at ground level to ten footcandles.

Total direct and indirect glare, measured at the locations noted in Section 16.74.030(B) shall not exceed one footcandle except for lights used to illuminate entrances and exits of roadways and driveways. (Prior code § 15-9.55)

16.74.100 Heat.

Heat is thermal energy of radiative, conductive or convective nature. In any zone, any use or process shall not produce a temperature rise discernible at the measuring point or discharge water into any watercourse which shall produce a temperature increase of greater than three degrees in that watercourse. (Prior code § 15-9.56)

16.74.110 Fire and explosion hazards.

If it appears that any proposed use, structure, process or resulting product or material may constitute a fire or explosion hazard, the planning board may require the applicant to supply proof of:

A. Approval of the use, structure, process or resulting product or material from the State Department of Labor and Industry, indicating that adequate safeguards against fire and explosion have been taken or installed;

B. Approval from the appropriate township fire company that the applicant has complied with all applicable township fire prevention regulations. (Prior code § 15-9.57)

16.74.120 Buffers.

Where buffers are required, they should follow the guidelines found for bufferyards found in the site plan standards, Section 16.20.040.E. (Ord. 02-36)

16.74.130 Outside storage.

No open or outside storage of manufacturing or other materials, junk, scrap, raw materials, parts of waste products of any kind shall be permitted, except that refuse for collection may be stored in suitable covered containers in side or rear yards in a location convenient to the source of wastes and to the refuse collector. Such refuse storage areas shall be effectively screened by

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opaque fencing and/or landscaping providing an immediate screen. Permitted uses in the I-2 zone may have outdoor storage pursuant to Chapter 16.54 as permitted by the planning board in designated areas. (Prior code § 15-9.59)

Chapter 16.76

NONCONFORMING USES AND STRUCTURES

Sections:

- 16.76.010 Continuation of use.
- 16.76.020 Regulation of nonconforming uses.
- 16.76.030 Termination of nonconforming uses.
- 16.76.040 Nonconforming Lots

16.76.010 Continuation of use.

A use, building or structure lawfully in existence on the date of the passage of an ordinance, which shall be made nonconforming by such ordinance or any applicable amendment thereto, may be continued except as otherwise provided below. (Ord. #05-37§ section)

16.76.020 Regulation of nonconforming uses.

No nonconforming structure or use shall be enlarged, extended, reconstructed, substituted or structurally altered, except when changed to a conforming use or when required to do so by law as follows:

A. Restoration and Reconstruction. Any nonconforming use or structure damaged by fire, casualty or act of God resulting in a partial destruction thereof may be repaired and reconstructed and used as before, provided that the nonconforming use or structure shall not be extended or enlarged beyond what existed prior to such damage.

B. Repairs. Normal maintenance repair and incidental alteration of a nonconforming use or structure is permitted, provided that it does not extend or expand the nonconforming use or structure beyond what existed prior to the alteration or repair.

A building or other structure containing residential nonconforming uses or located on a nonconforming lot may be altered in any way to improve interior livability. However, no structural alterations shall be made which would increase the number of dwelling units, increase the floor area, or expand the building footprint.

C. Expansion. The expansion of a pre-existing nonconforming use or structure may be permitted only upon an application for a variance to the zoning board of adjustment.

(Ord. #05-37 §§ A, B, C)

16.76.030 Termination of nonconforming uses.

A nonconforming use or structure shall be considered abandoned and such nonconforming use or structure shall not thereafter be renewed if: the nonconforming use or structure is changed to a conforming use or structure for any period of time, or by the total destruction of the use or

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structure, or upon a finding of an intent to abandon by the zoning board of adjustment. (Ord. #05-37 § section)

16.76.040 Nonconforming Lots

Any vacant lot legally existing at the time the ordinance causing such nonconformity was enacted, made nonconforming by the passage of such ordinance or any applicable amendment thereto, may be utilized for a permitted use, provided that it meets the requirements for existing lots of record set forth in Section 16.64.060 and Schedule I set out in the Appendix following this title. Permitted uses may be expanded on a developed nonconforming lot, whether or not the lot meets the requirements of an existing lot of record, provided that all yard, setback, hard surface coverage, parking, floor area ratio and height requirements of this title are met. (Ord. #05-37 § section)

Chapter 16.78

ADMINISTRATION AND ENFORCEMENT

Sections:

- 16.78.010 Land use enforcement and zoning permit officers.
- 16.78.020 Zoning permits.
- 16.78.030 Construction permits.
- 16.78.040 Certificate of occupancy.
- 16.78.050 Variance fees.
- 16.78.060 Violations--Complaints.

16.78.010 Land use enforcement and zoning permit officers.

A. The land use enforcement officer shall have the responsibility to enforce the zoning ordinance.

B. The township planner shall have the responsibility to issue zoning permits in the capacity as zoning permit officer. The township planner is hereby designated as deputy land use enforcement officer and shall have the same duties and responsibilities concerning the enforcement of the zoning ordinance as the land use enforcement officer. (Ord. 85-22 § 1; prior code § 15-9.65)

16.78.020 Zoning permits.

A. Purpose. To ensure compliance with the provisions of this title, no person shall erect, alter or convert any structure or building or part thereof, nor alter the use of any land, subsequent to February 12, 1979, until the proper zoning permit has been issued by the zoning permit officer.

B. Issuance. It shall be the duty of the zoning permit officer to issue the proper zoning permit when he or she is satisfied that the structure, parking area or other use requiring a permit conforms to all requirements of this title.

C. Existing Permitted Uses. Upon written request from the owner, tenant, occupant or purchaser under contract, the zoning permit officer, after inspection, shall issue a zoning permit for a use legally existing on February 12, 1979, certifying the extent and type of use and whether any such existing use conforms to the provisions of this title.

D. Change of Use or Tenant. No owner, tenant or other person shall use or occupy any nonresidential, building, structure or land, the use or tenancy of which shall be changed, without first procuring a certificate of occupancy.

A rental facility providing storage units for warehousing of goods where such individual storage units do not exceed an area of two hundred (200) square feet may change tenancy without the necessity of obtaining a certificate of reoccupancy.

E. Denial. When the zoning permit officer is not satisfied that the applicant's proposal will meet the requirements of this title, he or she shall refuse to issue a permit and shall so notify the applicant in writing, giving the reasons for denial. The applicant may appeal to the board of adjustment for a reversal of modification of the official's decision.

F. If it shall appear, at any time, to the zoning permit officer that the application or accompanying plan is in any respect false or misleading, or that work is being done upon the premises differing materially from that called for in the application filed with him or her under existing laws or ordinances, he or she may forthwith revoke the permit, whereupon it shall be the duty of the person holding the same to surrender it and all copies thereof to the planning and

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zoning permit officer. (Ord. 86-4 § 1; prior code § 15-9.66)

16.78.030 Construction permits.

A. No construction permit shall be issued until the application for the construction permit has been reviewed by the zoning permit officer for compliance with this title and until a zoning permit has been issued.

B. If a variance is granted not involving subdivision or site plan approval, a construction permit shall be secured and construction begun within three months after the date when the variance was finally granted, and construction shall be completed within twelve (12) months of said date. For good cause, the zoning board of adjustment may, upon written application stating the reasons therefor, extend either the three-month or twelve (12) month periods.

C. Failure to Obtain Permit or Commence Work Within Time Period. Should the appellant or applicant fail to obtain the necessary construction permit or permits within such three-month period, or, having obtained the same, should he fail to commence work thereunder within such three-month period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn and abandoned his or her appeal or his or her application; and all permissions, permits and variances to him or her granted shall be deemed automatically rescinded by the zoning board of adjustment.

D. Failure to Complete Construction. Should the appellant or applicant commence construction or alteration within such three-month period, but should he or she fail to complete such construction or alteration within the twelve (12) month period, the zoning board of adjustment may, upon ten days' notice in writing, rescind or revoke the granted variance, or the issuance of the permit or permits, or other action authorized to the appellant or applicant. If the zoning board of adjustment further finds that conditions have so altered or changed in the interval since the granting of the variance, permit or action, such revocation or rescission of the action is justified. (Prior code § 15-9.67)

16.78.040 Certificate of occupancy.

A. New Uses. No structure or land shall be occupied or used until such time as a certificate of occupancy is issued by the construction official. Such certificate shall be issued upon application by the owner, prospective applicant or purchaser only after the land use enforcement officer determines that the facts represented on the application are correct and that the building, structure or use is in conformance with the provisions of this title and all other applicable chapters.

B. Scope of Certificate of Occupancy. The certificate of occupancy shall contain sufficient information as to the extent and kind of use, such that any future investigation of the premises would disclose the extent to which the use was altered. It shall also indicate whether such use is a permitted or nonconforming use and the extent to which the use does not conform to the provisions of this title. (Prior code § 15-9.68)

16.78.050 Variance fees.

A. Variance application fees shall be paid at the time of application to the appropriate board, as follows, to defray the cost of processing the application and publishing final notice decision:

For appeals under R.S. 40:55D-70a and 55D-70b	\$250
For applications under R.S. 40:55D-70c	300
For applications under R.S. 40:55D-70d	1,000
For applications under R.S. 40:55D-76	250

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In addition to the above, there shall be the following additional fees:

An additional fee equal to the original variance filing fee shall be paid for each additional meeting or part thereof at which the application is processed (not applicable to applications involving owner occupied single-family dwellings).

Applicants requesting a single applicant special meeting which is agreed to by the municipal agency shall pay an additional fee of one thousand dollars (\$1,000.00) per single applicant special meeting.

No additional hearings shall commence unless the applicable additional fee(s) outlined above are paid. (Ord. 06-14 § A)

B. Cost of Taking Testimony. The cost of taking testimony stenographically and of transcribing the same shall be borne and paid for by the appellant or applicant, and the board may require such deposit to be made for such purposes as shall be reasonable in the circumstances.

C. Fees and Escrow Schedule.

1. General Conditions. The applicant shall, at the time of filing an application for development, pay the following fees to the township by check or money order. The nonrefundable application fees as set forth in Sections 16.18.050 and 16.20.050, are to cover the administrative costs incurred by the township in processing applications. The escrow accounts are for the services required in connection with the application and installation of improvements, such as, the cost for professional services by the township engineer, planning board attorney, board of adjustment attorney, township planner and township attorney, to review and make recommendations on the application for development and inspection of improvements as they are installed and finally completed.

2. Escrow Fees--General Provisions.

a. In addition to the nonrefundable application fees, as specified in Sections 16.18.050 and 16.20.050, the applicant shall be required to establish one or more escrow accounts with the township to cover professional and expert review and consultation services, including testimony, associated with a review and processing of the application. These escrow fees shall be required for all applications with the exception that no such escrow fees will be required for an application involving a single "c" variance for a shed of 100 square feet or less on residentially zone and occupied property. (Ord. 00-32)

b. At the time of submission of an application for development to the administrative officer, the applicant shall be required to make a deposit to the escrow account as hereinafter provided and to execute an escrow agreement. The escrow agreement shall be in a form approved by the township attorney. The amounts specified for the escrow fee are estimates, which shall be paid prior to certification of an application as complete. In the event that more than the amounts specified for escrow is required to pay the reasonable costs incurred, the applicant shall, prior to being permitted to take the next step in the approval procedure or, in any event prior to obtaining building permits or occupancy permits for any element of the project, whichever is the next case, pay all additional sums required.

c. Following the approval of a preliminary major subdivision or preliminary site plan and prior to commencement of any construction on the applicant's property, the applicant shall be required to make a further deposit to a separate inspection escrow account to provide sufficient funds in escrow to pay for the inspection fees and any additional professional review services required.

3. Subdivision and Variance Escrow Accounts. The following escrow amounts shall apply to subdivision review.

- a. Sketch plat of a major subdivision: one hundred dollars (\$100.00) per lot.
- b. Minor subdivision: five hundred dollars (\$500.00) per lot.
- c. Minor subdivision involving boundary line adjustment only: two hundred dollars (\$200.00) per lot.
- d. Major subdivision preliminary plat: five hundred dollars (\$500.00) per lot.

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e. Major subdivision, final plat: one hundred dollars (\$100.00) per lot.

The following escrow amounts shall apply to variance applications which do not include or are not associated with applications for subdivisions of land or site plan review:

f. Appeals pursuant to N.J.S.A. 40:55D-70(a): four hundred dollars (\$400.00).

g. Appeals pursuant to N.J.S.A. 40:55D-70(b): four hundred dollars (\$400.00).

h. Appeals pursuant to N.J.S.A. 40:55D-70(c): six hundred dollars (\$600.00).

i. Appeals pursuant to N.J.S.A. 40:55D-70(d): including applications bifurcated under provision of 40:55D-76b: one thousand five hundred dollars (\$1500)

j. Request under 40:55-76 a. (1) and (2) of the Municipal Land Use Law: six hundred dollars (\$600.00).

If the above involve also a subdivision or site plan, such escrow fee shall be in addition to such subdivision or site plan escrow fee. (Ord. 05-9 § f, g, h, i & j)

k. Conditional Use: three hundred dollars (\$300.00) (Ord. 06-14 § k.)

A request for a variance pursuant to N.J.S.A. 40:55D-70(d) which application is bifurcated under the provision of 40:55D-76b, shall submit the following escrow: seven hundred fifty dollars (\$750.00) or three hundred fifty dollars (\$350.00) per acre for the first ten acres and one hundred dollars (\$100.00) per acre for each acre or portion thereof in excess of ten acres of the site for which the bifurcated 40:55D-70(d) variance is requested, whichever is greater.

4. Site Plan Review Escrow Accounts.

The site plan escrow shall be:

a. Minor site plan: one thousand dollars (\$1,000.00).

b. Preliminary site plan: initial deposit shall be equal to two times the required application fee.

c. Final site plan: initial deposit shall be three hundred dollars (\$300.00).

Except as provided in:

No. 13 - Informal review of a development; and

No. 14 - Pre-application meeting, the planning board or board of adjustment or township engineer or township planner shall not review, act upon, or consider any plan until such time as the initial fees and escrows are paid in full.

d. Sketch site plan: five hundred dollars (\$500).

5. The obligor shall reimburse the township for all reasonable inspection fees paid to the engineer providing inspection of improvements. The obligor shall pay to the township a deposit for the inspection fees in an amount not to exceed, except for extraordinary circumstances, the greater of five hundred dollars (\$500.00) or five percent of the cost of improvements, which cost shall be determined as follows:

The cost of the installation of improvements shall be estimated by the township engineer based on documented construction costs of public improvements prevailing in the general area of the municipality. The developer may appeal the township engineer's estimate to the governing body. The governing body shall decide the appeal within forty-five (45) days of receipt of the appeal in writing by the municipal clerk. After the developer posts a guarantee with the municipality based on the cost of the installation of improvements as determined by the governing body, he or she may institute legal action within one year of the posting in order to preserve the right to a judicial determination as to the fairness and reasonableness of the amount of the guarantee.

For those developments for which the reasonably anticipated fees are less than ten thousand dollars (\$10,000.00), fees may, at the option of the developer, be paid in two installments. The initial amount deposited by a developer shall be fifty (50) percent of the reasonably anticipated fees. When the balance on deposit drops to ten percent of the reasonably anticipated fees because the amount deposited by the developer has been reduced by the amount paid to the engineer for inspection, the developer shall deposit the remaining fifty (50) percent of the anticipated inspection fees. For those developments for which the reasonably anticipated fees are ten

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thousand dollars (\$10,000.00) or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited by a developer shall be twenty-five (25) percent of the reasonably anticipated fees. When the balance on deposit drops to ten percent of the reasonably anticipated fees because the amount deposited by the developer has been reduced by the amount paid to the engineer for inspection, the developer shall make additional deposits of twenty-five percent (25) of the reasonably anticipated fees. The engineer shall not perform any inspection if sufficient funds to pay for those inspections are not on deposit.

6. The payment of the required escrow amounts shall not relieve an applicant of the responsibility for payment of required inspection fees as provided in the development ordinance.

7. The township finance officer shall monthly advise the administrative officer of the balance of all escrow accounts and whether additional funds are required as provided hereinafter. In the event additional funds are required, it shall be the obligation of the administrative officer to notify the applicant of the additional escrow amounts required, and in the event there is a refusal or failure to make the payments required, the administrative officer shall notify the approving authority. In the event the additional fees are not paid, the planning board, board of adjustment or township professionals and consultants shall take no further action on the application until such time as the additional fees have been paid.

8. Replenishment of Escrow Balance. The escrow associated with each application shall be replenished whenever the original escrow is reduced by charges against the account to thirty-five (35) percent or less of the original amount. The administrative officer shall notify the applicant of the requirement to replenish the escrow, and the applicant shall be requested to deposit an amount to bring the balance up to fifty (50) percent of the original escrow amount. No further building permits or certificate of occupancies shall be issued, and no further consideration, review, processing, or inspection shall be performed until the additional escrow has been paid.

9. Accounting of Fees. In the event any applicant desires an account of the expense or fees paid by him or her for professional review, he or she shall request such in a letter directed to the administrative officer. The applicant shall be responsible for any costs incurred by the township in having its professional and administrative staff prepare an accounting of the fees expended.

10. Use and Return of Escrow Balance.

a. The township engineer, township planner, or approving agency attorney and any other professional engaged by the board as experts in connection with the application shall submit vouchers for all fees for consultation examination, review or testimony, to the approving agency for approval after which the bill shall be forwarded to the township and shall be paid from the escrow account.

b. If any money deposited in the escrow account is unexpended upon completion of the project and the satisfactory completion of the maintenance period, if any, or phased section in the case of a sectionalized application, the amount shall be returned to the applicant or, at the developer's request, applied to the next phase.

11. Whenever an amount of money in excess of five thousand dollars (\$5,000.00) shall be deposited by an applicant with the township for professional services employed by the township to review applications for development, the money, until repaid or applied to the purposes for which it is deposited, including the applicant's portion of the interest earned thereon, except as otherwise provided in this chapter, shall continue to be the property of the applicant and shall be held in trust by the township. Money deposited shall be held in escrow. The township shall deposit it in a banking institution or savings and loan association in this state insured by an agency of the federal government, or in any other fund or depository approved for such deposits by the state, in an account bearing interest at the minimum rate currently paid by the institution or depository on time or savings deposits. The township shall notify the applicant in writing of the name and address of the institution or depository in which the deposit is made and the amount of the deposit. The township shall not be required to refund an amount of interest paid on a deposit which does not exceed one hundred dollars (\$100.00) for the year. If the amount of interest

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exceeds one hundred dollars (\$100.00), that entire amount shall belong to the applicant and shall be refunded to him by the township annually or at the time the deposit is repaid or applied to the purposes for which it was deposited, as the case may be; except that the township may retain for administrative expenses a sum equivalent to no more than thirty-three and one-third (33 $\frac{1}{3}$) percent of that entire amount which shall be in lieu of all other administrative and custodial expenses.

12. Special Cases. When the planning board or board of adjustment decides that a traffic engineering review of a development is necessary, then such funds for such traffic engineering study, consultation, review and/or testimony shall be in addition to the escrow fees above specified. Other specialist which are necessary to review and make recommendations on a development including but not limited to geologist, hydrologist, landscape architect, architect shall be treated in the same manner as the traffic engineer.

13. Requests for Rezoning. The initial required escrow amount concerning a request for rezoning - being a requested change of zoning map designations - shall be four thousand dollars (\$4,000.00). (Ord. 06-14 § 13)

14. Informal Review of a Development. When an applicant submits an application for informal review, it shall be the applicant's option to request professional review of the development by executing an escrow agreement to cover the necessary and reasonable costs incurred by the approving agency.

The following escrows shall apply:

Informal subdivision review escrow amount: fifty dollars (\$50.00) per new lot to be created.

Informal site plan escrow amount: fifty dollars (\$50.00) per dwelling unit for residential uses or per acre in a tract for commercial, industrial, or other nonresidential uses.

No informal review of conditional uses, variances, appeals or directions to issue permits under 40:55D-76 is permitted.

15. Pre-application Meeting. A property owner or applicant may request a meeting with township professionals prior to submitting a formal application for development. The fees for such consultation or review shall be chargeable to the applicant's escrow account following his or her submission of a formal application and required escrow fees.

16. Conformity with Statutes and Prior Ordinances. With the adoption of the Municipal Land Use Law, L.1975 c.291, specifically, N.J.S.A. 40:55D-53.1, Deposits with Municipality; Escrow; Interest, effective August 28, 1985, all amounts paid by applicants for review and inspections by professional consultants of the township are to be deposited with the municipality in escrow for the satisfaction of payment of the professional fees, and to be maintained in escrow in accordance with the provisions of N.J.S.A. 40:55D-53.1, and any excess amounts remaining in the account upon full completion of the project, as evidenced by a resolution of release by the township committee based upon a recommendation of the township engineer and chief financial officer, shall be returned to the applicant. If the outstanding professional fees exceed the remaining escrow amount, the applicant shall pay all such fees prior to consideration by the township committee of any resolution of final approval or release of the cash deposits, bonds or other sureties posted by the applicant.

Any funds paid by an applicant for professional review or inspections prior to August 28, 1985, and in accordance with the existing ordinances of Raritan Township, were paid as flat-rate fees for those services based upon the flat-rate fee schedule in effect, and without relation to the actual costs, more or less, of the services provided.

17. When receiving direct monetary assistance from the Township of Raritan pursuant to the affordable housing assistance program any charitable, philanthropic, fraternal and religious non-profit organizations holding a tax exempt status under the Federal Internal Revenue Code of 1954 (26 U.S.C. 501(c) or (d)) shall be exempt from paying site plan, subdivision, variance, and escrow fees as required elsewhere under Title 16 of this Code. (Ord. 06-33 § 17.; Amended during 3-00 supplement; Ord. 92-6 § 6; Ord. 91-10 §§ 1--3; Ord. 90-20 § 1, 2, 4 and 7; Ord. 87-27 § 6; Ord. 87-10 § 1; prior code § 15-9.69)

16.78.060 Violations--Complaints.

A. Complaints. Any municipal resident, municipal property owner, citizen of the state of New Jersey or any interested party may sign a complaint for a violation of the Raritan Township zoning ordinance.

B. Abatement.

1. Any municipal resident, municipal property owner, citizen of the state of New Jersey, or any interested party, may sign a complaint for a violation of the Raritan Township zoning ordinance with the municipal court clerk.

2. The land use enforcement officer may sign a complaint for violation of the Raritan Township zoning ordinance with the municipal court clerk where he or she believes it to be appropriate. Such violations, upon conviction shall be subject to the provisions of Chapter 1.08.010. (Ord. 06-03 § 1; Prior code § 15-9.70)