

**Ordinance #855-2021 - SUPPLEMENTING AND AMENDING CHAPTER 270 OF THE CODE OF THE BOROUGH OF
LAUREL SPRINGS ENTITLED ZONING**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF LAUREL SPRINGS, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AS FOLLOWS:

SECTION 1. Chapter 270 is hereby deleted and replaced with the following:

ARTICLE I General Provisions

§270-1 Title; content

This chapter is a comprehensive ordinance regulating and limiting the uses of land and the uses and locations of buildings and structures, regulating and restricting the height and bulk of buildings and structures and determining the area of yards and other open spaces, regulating and restricting the density of housing and populations; dividing the Borough of Laurel Springs into districts for such purposes; adopting a map of said Borough showing boundaries and the classifications of such districts; establishing rules, regulations and standards governing the subdivision and development of land within the Borough; establishing a Joint Land Use Board (combined Planning Board and Zoning Board of Adjustment) and prescribing penalties for the violations of its provisions.

This chapter shall consist of text and a Zoning Map, said map being entitled "Zoning Map, Borough of Laurel Springs". The map, together with all explanatory matter thereon, is declared to be part of this chapter and is on file and shall be kept on file with the Borough Clerk and Joint Land Use Board Secretary. If and when changes are made in boundaries or other matters included on said Zoning Map, such changes in the map shall be made promptly after the amendment has been approved by the Borough Council.

§270-2 Short title

The short form by which this chapter may be known shall be the "Zoning Ordinance of the Borough of Laurel Springs".

§270-3 Purpose; objectives

A. This chapter is adopted pursuant to N.J.S.A. 40:55D-1 et seq., In order to promote and protect the public health, safety, comfort, convenience, prosperity, morals and general welfare and in the furtherance of the following related and more specific objectives:

1. To secure safety from fire, flood, panic, and other natural and manmade disasters.
2. To provide adequate light, air, and open space.
3. To ensure that the development of the Borough does not conflict with the development and general welfare of neighboring municipalities, the county, and the state as a whole.
4. To promote the establishment of appropriate population densities and housing concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment.
5. To encourage an appropriate and efficient expenditure of public funds by the coordination of public development with land use policies and plans.
6. To provide sufficient space and appropriate locations for a variety of residential, recreational, commercial, and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens.
7. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging the location of such facilities and routes which would result in congestion, blight, or safety hazards.
8. To promote a desirable visual environment through creative development techniques and good civic design and arrangements.
9. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the Borough and to prevent urban degradation of the environment through Improper use of land.
10. To encourage planned and comprehensive developments which incorporate the best features of design and relate the type, design, and layout of residential, commercial, and recreational development to the particular site and its surroundings.
11. To encourage senior citizen community housing construction.
12. To encourage coordination of the various public and private procedures and activities that shape land development with a view of lessening the cost of such development and to promote more efficient use of land.
13. To promote utilization of renewable energy sources.

B. These general objectives shall include, among others, the specific purposes set forth in the statements of intent of the various regulations for the respective zoning districts.

§270-4 Interpretation of standards

The provisions of this chapter shall be held to be minimum requirements. Where this chapter imposes a greater restriction than is imposed and required by other provisions of law or by other rules, regulations or resolutions, the provisions of this chapter shall control. Where other laws, rules, regulations, or resolutions require greater restrictions than are imposed by this chapter, the provisions of such other laws, rules, regulations, or restrictions shall control.

§270-5 Prohibited uses in general

All uses not expressly permitted in this chapter are prohibited.

§270-6 Applicability of definitions

Definitions as set forth in Article II shall apply through this chapter.

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§270-7 Applicability

- A. The regulations set forth in this chapter for each zoning district shall be minimum regulations, unless otherwise specified, and shall apply uniformly to each class or kind of structure or land.
- B. In all zoning districts, after the effective date of this chapter, any new building or structure or any tract of land shall be constructed, developed, and used only in accordance with the regulations specified for each district.
- C. In all zoning districts, after the effective date of this chapter, any existing building or other structure or part thereof or any tract of land which is not in conformity with the regulations for the district in which it is located shall be deemed as nonconforming and subject to the regulations of Article IX, §270-48 et seq.

§270-8 Compliance required

- A. Any and all initial erection, enlargement, alteration, moving or change in use of any structure shall require an application to the Zoning Enforcement Officer and a determination by that officer as to compliance with the Code of the Borough of Laurel Springs.
- B. All applicable requirements shall be met at the time of initial erection, enlargement, alteration, moving or change in use of a structure and shall apply to the entire structure or structures, whether or not the entire structure or structures were involved in the initial erection, enlargement, alteration, moving, or change in use.
- C. No building or structure shall be erected, moved, altered, added to, or enlarged unless in conformity with this chapter.
- D. No building or structure shall be designed, used, or occupied and no land shall be used or occupied for any purpose or in any manner other than as specified in this chapter.
- E. Where an application for a permit has been made and/or where preliminary plans were lawfully submitted to any governmental agency having applicable jurisdiction, or where actual construction has begun and diligently pursued before adoption of this chapter or any changes herein, no change in plans, construction or intended use of any building, structure or land shall be required in conformity with said changes.

§270-9 Types of regulations

The following minimum and uniform regulations shall apply in the respective districts:

- A. Use regulations, including uses by right, accessory uses and conditional uses.
- B. Area and bulk regulations, including required front, side and rear yards, maximum permitted height, and maximum allowable lot coverage.
- C. Off-street parking regulations, including minimum required parking spaces.
- D. Off-street loading regulations, including minimum required loading spaces for specified uses.

ARTICLE II - Definitions

§270-10 Word usage

- A. For the purposes of this chapter, the following rules of interpretation shall apply:
 - 1. Words used in the present tense include the future tense.
 - 2. Words used in the singular number include the plural number, and vice versa.
 - 3. Words used to include the male gender include the female gender, and vice versa.
 - 4. The word "used" shall also include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used.
 - 5. The word "person" includes corporations or partnership as well as individuals.
 - 6. The word "lot" includes the words "plot", "parcel", or "premises".
 - 7. The word "structure" includes the words "building", "dwelling" or "residence".
 - 8. The term "such as" shall be considered as introducing a typical or illustrative designation of terms and shall not be construed as constituting a complete list. The word "shall" is mandatory and not discretionary.
- B. Any word or term not defined herein shall be used with a meaning as defined in Webster's New International Dictionary of the English Language, unabridged and latest edition. Moreover, whenever a term is used in this chapter which is defined in N.J.S.A. 40:55D-1 et seq., such term is intended to have the meaning as defined in N.J.S.A. 40:55D-1 et seq., unless specified to the contrary in this chapter.

§270-11 Definitions

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings herein indicated:

ACCESS – A physical entrance to property.

ACCESSORY BUILDING, STRUCTURE OR USE – A building, structure or use which is customarily associated with and is incidental and subordinate to the principal building, structure or use and which is located on the same lot therewith, including, but not limited to garages, carports, decks, sheds, nonportable swimming pools and all roofed structures. Any accessory building attached to the principal building shall be considered part of the principal building.

ACCESSWAY – A single vehicular entrance and/or exit combination between a street and a lot.

ADDITION - The construction of a new improvement as a part of an existing improvement when such new improvement changes the exterior appearance of any landmark.

ADMINISTRATIVE OFFICER – The Zoning Enforcement Officer of the Borough of Laurel Springs unless a different official(s) is designated by ordinance or statute or by the Mayor.

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ADULT BOOKSTORE – An establishment having any portion of its stock-in-trade books, magazines, other publications, films, and other viewing materials which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified sexual activities, sexual conduct or specified anatomical areas or an establishment which has any segment or section of the premises devoted to the sale, rental, or display of such material.

ADULT MOTION PICTURE THEATER – An enclosed building used for presenting film or films, continuous slides or pictures presenting materials distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities, sexual conduct or specified anatomical areas for observation by patrons therein.

AISLE – The traveled way by which cars enter and depart parking spaces.

ALTERATIONS – Any work done on an existing improvement which:

A. Is not an addition to that improvement; or

B. Changes the appearance of the exterior surface of any improvement.

ANTENNA – A structure, usually constructed with wire or wires, for radiating waves into space or receiving them from space.

APPLICANT – The landowner or the agent, optionee, contract purchaser or other person authorized in writing to act for the landowner submitting an application under this chapter, or Chapter 157 Land Use Procedures, or any application relating to land use or development.

APPLICATION FOR DEVELOPMENT – The application or appeal forms, together with the required fees and all accompanying documents required for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance or direction for issuance of a permit pursuant to Section 25 or 27 of the State Municipal Land Use Law (N.J.S.A. 40:55D-34 or 40:55D-36).

AUTOMOBILE SALES LOT OR BUILDING – A lot or building used for the sale or hire of automotive equipment. This shall be interpreted to include new and used car dealerships and auto accessory salesrooms but not the sale of junked automotive equipment.

AUTOMOBILE SERVICE STATION – A structure and surrounding land used for the storage and sale of petroleum fuel primarily to motor vehicles and for accessory uses such as the sale of lubricants, accessories or supplies or the performing of minor repairs. A “service station” is not a repair garage, body shop or car wash.

AWNING – A roof-like covering of canvas, aluminum or other material attached to a metal or other frame which is entirely supported by the building or other structure to which it is attached.

AWNING SIGN – A sign which is attached to or made part of an awning.

BABY-SITTING – An activity provided in an occupied residence in which childcare is provided only for a child or children related to the resident caregiver or only for a child or children of one unrelated family or only for a combination of such children, not being a child-care center or family day-care home. “Baby-sitting” is a permitted accessory use in all Borough residences.

BANK – A commercial bank, savings and loan, or savings bank.

BARRIER CURB – A steep-faced curb intended to prevent encroachment.

BASEMENT – The portion of a building that is partly below grade which has more than ½ of its height, measured from floor to ceiling, below the average finished grade of the ground adjoining the building. A “basement” shall be counted as a story if used for business or dwelling purposes other than for a janitor employed on the premises.

BED AND BREAKFAST – A portion of a residential dwelling unit containing no more than three sleeping accommodations, without individual cooking facilities, which are used, let, or hired out for compensation for the use of temporary guests for no more than seven days. A central dining room may be utilized to furnish breakfast only to the guests.

BEDROOM – A room planned or used primarily for sleeping.

BELGIAN BLOCK CURB – A type of paving stone generally cut in a truncated, pyramidal shape, laid with the base of the pyramid down.

BERM – A mound of soil, either natural or man-made, used as a view obstruction.

BILLBOARD – Any structure or portion thereof on which lettered or pictorial matter is displayed for advertising purposes other than on a building or the grounds to which the advertising applies. “Billboards” are prohibited in all zoning districts.

BLOCK – An area bounded by one or more streets or a municipal boundary and of sufficient size to accommodate a lot or lots of the minimum size required by this chapter.

BOARD – The Joint Land Use Board comprised of the Planning Board and/or the Zoning Board of Adjustment established by ordinance of the Borough of Laurel Springs as authorized by the State Municipal Land Use Law (N.J.S.A. 40:55D-25).

BOARDING HOUSE – A building, other than apartment buildings or townhouses, or part thereof arranged or used for lodging, with or without meals, for compensation, monetary or otherwise, and not occupied as a single housekeeping unit. “Boarding houses” are prohibited in all zoning districts.

BRIDGE – A structure designed to convey motorized or nonmotorized vehicles and/or pedestrians over a watercourse, railroad, street or other obstacle or depression.

BUFFER – An area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences and/or berms designed to continuously limit the view of and/or sound from the site to adjacent sites or properties.

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BUILDABLE AREA – That portion of a lot lying between required yards and/or setback lines.

BUILDING – A combination of materials to form a construction adapted to a permanent, temporary, or continuous occupancy and having a roof, created to shelter human activity.

BUILDING AREA – The horizontal plane projection taken at grade level of all covered or roofed areas on a lot, whether permanent or temporary. In computing “building area”, cornices, eaves, gutters, and uncovered steps are excluded.

BUILDING HEIGHT – The building height shall be measured from the average grade line perimetering the building to the top of the main roof cornice line, excluding necessary utility-type roof structures. Building height calculations shall not include building service equipment (i.e., mechanical services, elevator penthouses, condensers, exhaust fans and air-conditioning and similar equipment) and similar projections; provided, however, that such projections shall not cover more than 5% of the roof area and shall be shielded.

BUILDING LINE – A line formed by the intersection of a horizontal plane at average grade level and a vertical plane that coincides with the exterior surface of the building on any side. In case of a cantilevered section of a building, the vertical plane will coincide with the most projected surface. All yard requirements shall be measured to the building line.

CALIPER – The diameter of a tree trunk measured in inches, measured six inches above ground level for trees up to four inches in diameter and measured 12 inches above ground level for trees over four inches in diameter.

CAPITAL IMPROVEMENT – A governmental acquisition of real property or a major construction project.

CARTWAY – The hard or paved portion of a street customarily used for vehicles in the regular course of travel. Where there are curbs, the “cartway” is that portion between the curbs. Where there are no curbs, the “cartway” is that portion of the paved or graded width.

CELLAR – The portion of a building that is partly or entirely below grade, which has more than ½ of its height, measured from floor to ceiling, below the average finished grade of the ground adjoining the building. A “cellar” shall be counted in floor area ratio computations if used for business purposes other than for ancillary storage. A “cellar” shall not be used as a dwelling unit.

CERTIFICATE OF OCCUPANCY – A statement signed by the Construction Official setting forth that a particular lot or a particular structure may lawfully be occupied for a specific use or uses.

CHARGING STATION – A machine or machines that supply electric energy for the recharging of plug-in electric and/or hybrid vehicles, providing electrical conversion, monitoring, and safety functionality, which support faster charging at higher voltages and currents than standard electrical outlets.

CHILD-CARE CENTER – Any facility maintained for the care, development and supervision of six or more children under the age of six years, who attend the facility for less than 12 hours a day, and which offers such programs as day-care centers, drop-in centers, recreation-type centers sponsored and operated by a county or municipal government, day nursery schools, play schools, cooperative child centers, infant-toddler programs, and/or kindergartens that are not an integral part of a private educational institution or system offering elementary education in grades kindergarten through sixth. A “child-care center” shall not offer programs operated by a public or private day school of elementary and/or high school grade, special activity programs for children, youth camps and/or religious classes.

CIRCULATION – Systems, structures, and physical improvements for the movement of people, goods, water, air, sewage, or power by such means as streets, highways, railways, waterways, towers, airways, pipes and conduits and the handling of people and goods by such means as terminals, stations, warehouses and other storage buildings or trans-shipment points.

CLUB, SOCIAL – A private or nonprofit organization for social purposes in which the principal use is in an enclosed building and no outdoor sports are involved.

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

COMPLETE APPLICATION – An application for development shall be complete for purposes of commencing the applicable time period for action by the Zoning Enforcement Officer. In the event that the application is not certified to be complete within 45 days of the date of its submission, the application shall be deemed complete upon the expiration of the 45-day period for purposes of commencing the applicable time period for action by the Board, unless the application lacks information indicated on a checklist adopted by ordinance and provided to the applicant and the Zoning Enforcement Officer has notified the applicant, in writing, of the deficiencies in the application within 45 days of the submission of the application. The applicant may request that one or more of the submission requirements be waived, in which event the Board may subsequently require correction of any information found to be in error and submission of additional information not specified in this chapter or any revisions in the accompanying documents as is reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application have been met. The application shall not be deemed incomplete for lack of any such additional information or any revision in the accompanying documents so required by the Board.

CONCEPT PLAN – A preliminary presentation and attendant documentation of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

CONDITIONAL USE – A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as specified in this chapter.

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CONSERVATION EASEMENT – An easement in favor of the Borough for the purpose of preserving open space, buffers and/or the natural, scenic, aesthetic, or historic value of land and precluding any building on the premises.

CONSTRUCTION OFFICIAL – The municipal official specified in the Building Code and designated as such by the Borough Council responsible for the enforcement of the State Uniform Construction Code.

CONTIGUOUS PARCEL – Tracts of land which share a common boundary.

COUNTY MASTER PLAN – A composite of the Master Plan for the physical development of the county in which the municipality is located, with the accompanying maps, plats, charts and description and explanatory matter adopted by the County Planning Board pursuant to N.J.S.A. 40: 27-2 and 40:27-4.

COUNTY PLANNING BOARD – The County Planning Board, as defined in Section 1 of PL. 1968, c. 285 (N.J.S.A. 40:27-6.1), of the county in which the land or development is located.

COURT – Any area bounded by three or more attached building walls.

COVERAGE, BUILDING – The square footage or other area measurement by which all buildings occupying a lot as measured in a horizontal plane around the periphery of the foundation and including the area under any roof extending beyond the foundation.

COVERAGE, LOT – The square footage or other area measurement by which all buildings and impervious surfaces cover a lot as measured in a horizontal plane to the limits of the impervious area(s), such as surface areas, walkways, patios, and plazas. All surfaced parking areas and driveways, all required parking areas which are permitted to remain unsurfaced, and all gravel driveways shall be included in the computation of lot coverage.

CUL-DE-SAC – A local street with only one outlet and having the other end for the reversal of traffic movement.

CULVERT – A structure designed to convey a watercourse not incorporated in a closed drainage system under a road or pedestrian walk.

CURB – A vertical or sloping edge of a roadway with a height of 10 inches or 18 inches. See also barrier curb and mountable curb and applicable construction details.

DAY-CARE CENTER – A facility duly licensed by the State Department of Institutions and Agencies for the daytime accommodation of children.

DAYS – Calendar days.

DEDICATION – An appropriation or giving up of property to public use, which precludes the owner or others under him from asserting any right of ownership inconsistent with the use for which the property is dedicated.

DEMOLITION – The partial or total razing or destruction of any landmark or of any improvement.

DENSITY – The number of dwelling units per gross area of land, including streets, easements, and open space portion of a development.

DEVELOPMENT – The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure or of any excavation or landfill; and any use or change of the use of any building or other structure or land or extension of use of land for which permission may be required pursuant to this chapter.

DRAINAGE – The removal of surface water or groundwater from the land by drains, grading or other means, such as retention or detention basins, including control of runoff to minimize erosion and sedimentation during and after construction or development and means necessary for water supply preservation or prevention or alleviation of flooding.

DRAINAGE AND UTILITY RIGHT-OF-WAY – The lands required for the installation and maintenance of stormwater and sanitary sewers, water pipes or drainage ditches and other utilities or lands required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

DRIVE-IN – Premises constructed to cater primarily to the motoring public, whether or not serving pedestrians as well as the automobile trade, and used for the sale to the public of any product and providing curb and/or window counter service.

DRIVEWAY – A means of ingress and egress for vehicles to and from a property.

DWELLING – Any permanent building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons. Dwellings may include but not be limited to the following types:

- A. DWELLING, SINGLE-FAMILY – A freestanding detached building on one lot, or within a lot held in common ownership, serving one family.
- B. DWELLING, TWO-FAMILY – A freestanding detached building on one lot, or within a lot held in common ownership, serving two families, with private exterior entrances to each dwelling.
- C. DWELLING, SEMI-DETACHED - A freestanding detached building on one lot, or within a lot held in common ownership, serving up to four families, with private exterior entrances to each dwelling and, in general, having the exterior appearance of a single-family dwelling (e.g., duplex, triplex or quadplex dwelling types)
- D. DWELLING, MULTI-FAMILY – A building or portion thereof used or designed as a residence for three or more dwelling units, including garden apartments and mid-rise apartment projects.
- E. DWELLING, GARDEN APARTMENT – Three or more dwellings located within a single building, with an entrance to each dwelling by direct access from the outside or through a common hall. Garden apartments may include buildings in cooperative or condominium ownership.
- F. DWELLING, MID-RISE APARTMENT – Three or more dwellings located within a single building more than four stories high with direct access to a common hallway served by elevators from the ground level.

DWELLING UNIT – A group of interrelated rooms or structures intended or designed for non-transient residential use of one family, separate from other dwelling units by lockable doors, having access to the outside without crossing another dwelling and having living and sleeping facilities, cooking facilities, fixed or portable, and complete sanitary facilities for the exclusive use of the occupants thereof.

EASEMENT – A right to use the real property of another, created by deed or other legal means, for the benefit of private persons or the public, for one or more specific purposes, such as access, drainage, conservation, historic preservation, or provision of utility services.

EDUCATIONAL INSTITUTION – Any public or private educational institution normally subject to regulations prescribed by the State of New Jersey.

ENVIRONMENTAL IMPACT REPORT – A description and analysis of all possible direct and indirect effects that development will have on residents and the site itself as well as adjacent and noncontiguous areas.

ERECT – To build, construct, attach, place, suspend or affix, and shall also include the painting of wall signs and the printing of signs or displays on the exterior surface of a building, structure, or natural surface.

EROSION – The detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

ESTABLISHMENT – One place of business or one permanent usage.

EXTERNALLY LIGHTED – Any sign whose sole source of artificial illumination is outside the display portion of the sign.

FAÇADE SIGN – Any sign attached to or painted on a building.

FAMILY – One or more persons customarily living as a single housekeeping unit.

FAMILY DAY-CARE HOME – Any private residence approved by the New Jersey Division of Children and Families or an organization with which the Division contracts for family day-care in which child-care services are regularly provided to no fewer than three and no more than five children for no less than 15 hours per week. A child being cared for under these circumstances is not included in the total number of children receiving child-care services if the child being cared for is legally related to and resides with the provider.

FENCE – A structure usually made of posts, boards or rails and serving as an enclosure, barrier, or boundary to access to or from a part or whole of a property, including walls, screens or hedges intended to be a natural or man-made fence.

FILLING STATION – Any establishment servicing motor vehicles with fuel, supplies and accessories, but not major repairs, including establishments designated as motor vehicle service stations or gasoline stations.

FINAL APPROVAL – The official action of the Board taken on a preliminarily approved major subdivision or site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guarantee properly posted for this completion or approval conditioned upon the posting of such guarantee.

FINAL PLAT – The final map of all or a portion of a subdivision which is presented for final approval.

FINANCIAL INSTITUTION – Any structure wherein business of primarily a financial nature is transacted, such as banks, savings and loans, mortgage companies and similar institutions.

FLOODPLAIN – The relatively flat area or lowlands adjoining the channel or a river, stream, watercourse, canal, or anybody of standing water which has been or may be covered by floodwater.

FLOOR AREA – The sum of the gross horizontal areas of the several floors of a building or group of buildings on a lot, measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings. "Floor area" shall not include:

A. Roof overhangs less than three feet or any floors or portions thereof contained on terraces or balconies projecting beyond the exterior face of the building.

B. Areas occupied permanently by mechanical equipment.

C. Any space where the floor-to-ceiling height shall be less than seven feet, provided that such space shall be used only for storage, building maintenance and operation activities.

D. Roofed or enclosed areas devoted exclusively to off-street parking and loading space in excess of the number required by this chapter.

FLOOR AREA RATIO (FAR) – The aggregate floor area, in square feet, of a building or group of buildings on a lot divided by the area, in square feet, of the lot.

FREESTANDING SIGN – Any sign attached to a structure, the sole purpose of such structure being to support the sign.

FUNCTIONAL SIGN – Directional, information or public service signs, such as signs which provide information to motorists and pedestrians, indicating locations of rest rooms, telephones or similar facilities of public convenience, and signs located on mechanical dispensing equipment that identifies the product,

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

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

GARAGE, REPAIR – Any building, premises, and land in which or upon which a business, service or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted or rendered.

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GRADE – The slope of a road, path, driveway, swale or other surface or the average finished ground elevation adjoining a building at project completion.

GRADE LEVEL – The lowest point of elevation of the finished surface of the ground where the sign support structure meets the ground.

GROUND COVER – Low-growing plants or sod that in time form a dense mat covering the area in which they are planted, preventing soil from being blown or washed away, and the growth of unwanted plants.

HISTORIC BUILDING – Any building or structure which is historically or architecturally significant.

HISTORIC LANDMARKS – Any buildings, structures, sites, objects, or districts which possess integrity of location, design, setting, materials, workmanship, and association and which have been determined to be of particular historic significance to the Borough of Laurel Springs by reflecting or exemplifying the broad cultural, political, economic, or social history; associated with important historic personages or events; or embodying distinctive architectural or engineering characteristics,

HOME OCCUPATION – An occupation, conducted in a dwelling unit, which is subordinate to the residential use and shall not occupy more than 25% of the net habitable floor area of the principal dwelling, not including the cellar or basement.

HOMEOWNERS' ASSOCIATION – A community association, including a condominium association, which is organized in a development in which individual owners have a shared interest in open space and facilities.

HOTEL – A building or group of buildings consisting of individual sleeping units designed for transient travelers and not for permanent residency.

HOUSEKEEPING UNIT – One or more persons living together in one dwelling unit on a nonseasonal basis and sharing living, sleeping, cooking and sanitary facilities on a nonprofit basis.

IMPROVEMENT - Any structure or any part thereof installed upon real property by human endeavor and intended to be kept at the location of such construction or installation for a period of not less than 120 continuous days.

INTERESTED PARTY – In a criminal or quasi-criminal proceeding, any citizen of the State of New Jersey, or in the case of a civil proceeding in any court or in any administrative proceeding before a municipal agency, any person, whether residing within or without the municipality, whose right to use, acquire or enjoy property is or may be affected by any action taken under the provisions of this chapter or whose rights to use, acquire or enjoy property under the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) or this chapter or under any other law of this state or of the United States have been denied, violated, infringed upon or by an action or a failure to act under the provisions of this chapter.

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

LAND – Includes improvements and fixtures on, above or below the surface.

LANDSCAPE SCREEN/STRIP – A completely planted visual barrier (or having equivalent natural growth) composed of evergreen plants and trees and/or shrubs arranged to form both a low-level and high-level screen.

LANDSCAPE TRANSITION BUFFER - An area of land restricted to landscape elements which may include lawns, plantings, natural features, earth berms, sculpture, lighting, bikeways, and pedestrian pathways, but not including motor vehicle parking, extending along the entire lot line(s) where they are required. The width of a landscape buffer shall be measured at right angles to the lot line.

LANDSCAPING – An area of land restricted to landscape items, which may also include such elements as natural features, earth berms, sculpture, signs, lighting, accessways, bikeways and pedestrian pathways, but not including motor vehicle parking, extending along the entire lot line where they are required. The width of a landscape area shall be measured at right angles to the lot line.

LEAST-COST HOUSING – Purchase or rental housing which is constructed and kept available for families or individuals, including senior citizens, whose income range above moderate income levels and up to 150% of the median income as defined, from time to time, for the Borough by the U.S. Department of Housing and Urban Development.

LOADING SPACE – An off-street parking space or berth on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading or unloading.

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

LOT AREA – The area of a lot taken at its perimeter, exclusive of any portion within a public or private street right-of-way.

LOT, CORNER – A lot at the junction of and abutting on two or more intersecting streets where the interior angle of intersection does not exceed 135 degrees. Each corner lot shall have two front yards, one side yard and one rear yard, the side and rear yards to be designated at the time of application for a construction permit.

LOT DEPTH – The length of a line lying midway between and parallel to side lines or midway between and making equal angles with two converging side lines, between the point of its intersection with the street line and the point of its intersection with a rear lot line.

LOT, FLAG – A lot having its full size and area behind another lot and having access to a street by a right-of-way not less than 50 feet wide. Such lots, known as “rear” or “L-shaped” shall also be defined as such herein.

LOT FRONTAGE – The straight-line distance measured between points where side lines meet street lines; e.g., the chord of a circle in a cul-de-sac.

LOT, FRONT OF – In the case of a lot abutting one street only, the edge of the lot which abuts the street. When a lot abuts two or more streets, the front of the lot is that abutting side which is so designated on the lot plan by the Zoning

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Enforcement Officer; and abutting edges adjacent to the designated front shall be considered as sides of the lot. Any other edge abutting a street, which is not a front or side as above defined, shall also be considered a front.

LOT, INTERIOR – A lot other than a corner lot.

LOT LINE – Any boundary of a lot other than a street line.

LOT, THROUGH – A lot, other than a corner lot, which extends from one street to another, having frontage on both streets.

LOT WIDTH – The distance between the side lines measured parallel to the front lot line at the minimum front yard setback line.

LOW-INCOME HOUSING – Housing which, with the appropriate purchase or rental subsidy, is constructed and kept available for families or individuals, including senior citizens, whose incomes do not exceed low-income levels as defined, from time to time, for the Borough by the U.S. Department of Housing and Urban Development.

MAINTENANCE GUARANTY – Any security, other than cash, which may be adopted by the Borough for the maintenance of any improvement required by this chapter.

MAJOR SITE PLAN – Any development plan not classified as a minor site plan.

MARQUEE – Any hood, canopy, awning, or permanent construction which projects from the wall of a building, usually above an entrance.

MASTER PLAN – A composite of one or more written or graphic proposals for the development of the Borough as set forth in and adopted pursuant to N.J.S.A. 40:55D-28 et seq.

MINOR SITE PLAN – Any development plan which:

- A. Is limited to the proposed construction of any permitted accessory use(s) other than fences and signs such as a home occupation or off-street parking area as such accessory uses are specifically permitted in this chapter; or
- B. Consists of an expansion of or addition to or alteration of an existing conforming structure and/or use not exempted from site plan review and
 1. Not accounting for more than 5% additional building coverage nor 5% additional lot coverage;
 2. Not exceeding more than 2,000 cubic feet of enclosed and roofed area;
 3. Not involving a planned unit development; and
 4. Not entailing the installation of any road improvements or the expansion of public facilities

MOBILE SIGN – A sign which is not affixed to the building structure or permanently attached to a freestanding structure.

MODERATE-INCOME HOUSING – Housing which, with the appropriate purchase or rental subsidy, is constructed and kept available for families or individuals, including senior citizens, whose incomes do not exceed moderate-income levels as defined, from time to time, for the Borough by the U.S. Department of Housing and Urban Development.

MOTEL – A building or group of buildings containing rented rooms for transients and having access either directly to the outside or through a common lobby or corridor.

MOUNTABLE CURB – A low curb with a flat slope designed to be crossed easily without discomfort.

MOVING LANE – Any traffic lane where traffic movement is the primary, if not sole, function.

MULCH – A layer of wood chips, dry leaves, straw, hay, plastic, or other materials placed on the surface of the soil around plants to retain moisture; to prevent weeds from growing; to hold the soil in place; and to aid plant growth.

MULTIPLE-OCCUPANCY AND TENANCY SIGNS – Signs relating to a use or facility containing multiple occupancy and tenancy and displaying the names, professions, and interests of the various tenants.

MUNICIPALITY – The Borough of Laurel Springs.

NONCONFORMING BUILDING OR STRUCTURE – A building or structure, the size, dimension, or location of which was lawful prior to the adoption, revision, or amendment of a zoning ordinance but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision, or amendment.

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

NONCONFORMING SIGN – Any sign lawfully existing on the effective date of an ordinance, or any amendment thereto, which is rendered nonconforming by reason of the adoption, revision, or amendment thereof.

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

NUISANCE – Any offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion or disturbance of another's rights, including the actual or potential emanation of any physical characteristics or activity of use across a property line which can be perceived by a human being, or the generation of an excessive or concentrated movement of people or things, such as but not limited to noise; dust; smoke; fumes; odor; glare; flashes; vibrations; shock waves; heat; debris; litter; trash sites; electronic or atomic radiation; effluent; noise of a congregation of people, especially at night; vehicular traffic; transportation of things by truck, rail or other means; invasion of nonabutting or nearby property by projecting signs, marquees or canopies; or any adverse effect on value or desirability of nearby property caused by any such matters as appearance, exposed storage or inoperable automobiles, junk, materials and neglect or dilapidation of lands or buildings.

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NURSING HOME – A facility operated for the purpose of providing therein lodging, board and nursing care to sick, invalid, infirm, disabled, or convalescent persons for compensation and duly licensed by all governmental agencies.

OBJECT – A thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, moveable yet related to a specific setting or environment.

OFFICE BUILDING – A structure where over half the floor is utilized for the carrying out of consultation, recordkeeping, or clerical work or as a place where a professional conduct his business.

OFFICE COMPLEX – Two or more office buildings with common parking areas.

OFFICES – A space accommodating any or all of the following executive, general corporate and clerical activities, research, and consumer product development connected with service industries, such as financial, insurance and banking; development of computer software; demographic, economic and statistical research; and activities of a similar character.

OFFICIAL SIGN – Any sign, symbol or device erected and maintained by a federal, state, county, or local government agency for the purpose of informing or guiding the public or for the protection of health, safety, convenience, and general welfare as determined by the approving authority.

OFF SITE – Located outside the lot lines of the lot or portion of a lot but within the property, of which the lot is a part, which is the subject of a development application or contiguous portion of a street or right-of-way or drainage or utility easement.

OFF-SITE SIGN – Any sign located on a lot other than the lot occupied by the use, event or product which said sign identifies.

OFF-STREET PARKING SPACE – A temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way.

OFF TRACT – Not located on the property which is the subject of a development application nor on a contiguous portion of a street or right-of-way or drainage or utility easement.

ON SITE – Located on a lot or portion of a lot which is the subject of a development application.

ON-STREET PARKING SPACE – A temporary storage area for a motor vehicle which is located on a dedicated street right-of-way.

ON TRACT – Located on the property which is the subject of a development application or a contiguous portion of a street or right-of-way.

OPEN SPACE – Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupiers of land adjoining or neighboring such open space; provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

OPEN SPACE ORGANIZATION – An incorporated, nonprofit organization operating in a planned development under recorded land agreement, provided that:

A. Each owner is automatically a member,

B. Each occupied dwelling unit is automatically subject to a charge for proportionate share of expenses for the organization's activities and maintenance, including any maintenance costs levied against the corporation by the Borough, and

C. Each owner and tenant have the right to use the property.

OUTBUILDING – A subordinate structure on the same lot as the principal structure, separate from but accessory to said principal structure, such as detached garage, carport, greenhouse, work shed and toolshed.

OWNER – Includes the duly authorized agent, attorney, purchaser, devisee, fiduciary, or a person having vested interest in the property in question.

PARKING SPACE – An area, either within a structure or in the open, for the parking of motor vehicles, exclusive of driveways, access drives, fire lanes and public rights-of-way, except that nothing shall prohibit private driveways for dwelling units from being considered off-street parking areas, provided that no portion of such driveway within the right-of-way line of the street intersected by such driveway shall be considered an off-street parking space. The width and length of each space shall be measured perpendicular to each other, regardless of the angle of the parking space to the access aisle or driveway.

PERFORMANCE GUARANTY – Any security, in accordance with the requirements of this chapter, which may be accepted, subject to review and approval by the Borough Attorney, in lieu of a requirement that certain improvements be completed prior to final approval of a development application, including performance bonds, letters of intent, escrow agreements and other similar collateral or surety agreements.

PERMITTED USE – Any use of land or buildings as permitted by this chapter.

PERSON – Any association, partnership, corporation, cooperative group, trust, or other entity as well as an individual.

PLAZA – A continuous open area accessible to the public at all times and designed to receive maximum sunlight, containing but not limited to trees and other landscaping, seating, decorative pavement, artwork, and kiosks.

PREAPPLICATION CONFERENCE – An initial meeting between applicants and/or developers and municipal representatives which afford applicants and developers the opportunity to present their proposals informally.

PRELIMINARY APPROVAL – The conferral of certain rights prior to final approval after specific elements of a development plan have been agreed upon by the Board and the applicant.

PRELIMINARY FLOOR PLANS AND ELEVATIONS – Architectural drawings prepared during early and introductory stages of the design of a project illustrating in a schematic form its scope, scale and relationship to its site and immediate environs.

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PRELIMINARY SUBDIVISION PLAT – A map indicating the proposed layout of a development and related information that is submitted for preliminary approval.

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

PRINCIPAL FAÇADE – The portion of the building which faces the street which generates the most vehicular and pedestrian traffic, as determined by the approving authority.

PRIVATE STREET – A street that is not publicly maintained or not intended to be publicly maintained.

PROFESSIONAL – A member of a recognized profession, such as doctors, ministers, architects, professional engineers, lawyers, and such similar professional occupations, as so designated in Title 45 of the New Jersey Statutes Annotated. For the purposes of this chapter, an artist, author, barber, beautician, musician, plumber, electrician, or carpenter shall not be considered a “professional”.

PROFESSIONAL OFFICE – The office of a member of a recognized profession or occupation, including architects, dentists, doctors, lawyers, veterinarians, ministers, optometrists, engineers, realtors and such other similar professions or occupations which may be so designated by the Board upon a finding by such Board that such occupation is truly professional in character by virtue of the need for similar training and experience as a condition for the practice thereof and that the practice of such occupation shall in no way adversely affect the safe and comfortable enjoyment of property rights in any zone in which it is located to a greater extent than for the professional activities listed herein.

PROJECTED SIGN – A display or exhibit cast or reflected upon a wall, screen or other surface or area, whether for continuous periods or not.

PROPERTY OWNER – The record holder of title.

PUBLIC UTILITY – Closely regulated private enterprise with an exclusive franchise for providing a public service.

PYLON – A sign supported by or suspended from a freestanding column or columns.

QUORUM – The majority of the full authorized membership of a municipal agency.

RECREATIONAL VEHICLE – A vehicular-type portable structure, without permanent foundation, which can be towed, hauled, or driven and primarily designed as temporary living accommodation for recreational, camping and travel use, and including but not limited to travel trailer, trucks, campers, camping trailers and self-propelled motor homes.

REPAIR – Any work done on any improvement which:

A. Is not an addition to the improvement, and

B. Does not change the appearance of the exterior surface.

REPLACEMENT – Repairs when a building permit is required for the same.

RESIDENCE DISTRICT – That portion of the Borough designation as Residential on the Official Zoning Map of the Borough of Laurel Springs

RESIDENTIAL CARE FACILITIES FOR THE ELDERLY – A development of apartment and/or townhouse residential living units exclusively for single persons who are 60 years of age or older, or for households with at least one person being 60 years of age or older, with ancillary and directly related facilities to be primarily used by the residents of the development, including health-care services, dining facilities, recreational facilities and other ancillary facilities deemed appropriate by the reviewing authority and in accordance with the applicable provisions of this chapter.

RESTAURANT – Any premises where food is commercially sold for on-premises consumption to patrons seated at tables or counters. Any facility making use of carhop or parking lot service to cars for the consumption of food to be eaten in said cars or outdoors shall not be considered a “restaurant” for the purpose of this chapter and shall be deemed to be a drive-in establishment.

RESTAURANT, DRIVE-IN OR TAKE-OUT – Any retail food establishment, such as a restaurant, refreshment stand, snack bar, dairy bar or hot dog or hamburger stand, where food is served primarily for consumption at counters, stools or bars outside the building or primarily for consumption in automobiles parked on the premises or off the premises, whether brought to said automobile by the customer or by employees of the restaurant, regardless of whether or not additional seats or other accommodations are provided for the customers inside the building; however, no transaction may be made on the street or sidewalk.

RESTAURANT, FAST FOOD – An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off the premises.

RESUBDIVISION – The further division or relocation of lot lines or any lot or lots within a subdivision previously made and approved or recorded according to law or the alteration of streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law but not including conveyances so as to combine existing lots by deed or other instrument.

RIGHT-OF-WAY – The boundary lines of land used or intended for use as streets, as shown on deeds, plats or the Master Plan, and from which yard and other requirements shall begin.

ROOF SIGN – Any sign erected, constructed, or maintained upon or over the roof of a building with its principal support on the roof structure.

ROOMING HOUSE – A dwelling wherein furnished rooms without meals are rented for valuable consideration. Rooming houses are prohibited in all zoning districts.

SCHOOL – Any public or private institution offering instruction for students up to and through the secondary level.

SENIOR CITIZEN HOUSING – Housing within which residency shall be restricted to permanent residents of the age of 62 years or over except for the spouse and one child 18 years or more of age of a qualifying resident.

SETBACK – An area extending the full width of the lot between the street right-of-way and the required yard within which no buildings or parts of buildings may be erected.

SETBACK LINE – A line drawn parallel with a street line or proposed street line or lot line and drawn through the point of a building nearest to the street line or lot line. The term “required setback” means a line that is established a minimum horizontal distance from the street line or proposed street line or lot line and beyond which a building or part of a building is not permitted to extend toward the street line or lot line.

SHADE TREE – A tree in a public space, street, special easement, or right-of-way adjoining a street.

SHOPPING CENTER – A tract of land with buildings or structures planned as a whole and intended for three or more retail establishments, with accessory parking and loading on the same site.

SIDEWALK (AREA) – A paved path provided for pedestrian use and usually located at the side of a road within the right-of-way.

SIGHT TRIANGLE – A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

SIGN – Any symbol, device, image, poster, flag, banner, billboard, awning or design used for advertising purposes attached to, erected on or otherwise maintained on or in any premises containing any word, letters or parts of letters, figures, numerals, phrases, sentences, emblems, devices, trade names or trademarks by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business or commodity or product, which is visible from any public street or highway and is used to attract attention.

SITE - The place where a significant event or pattern of events occurred. It may be the location of prehistoric or historic occupations or activities that may be marked by physical remains or it may be the symbolic focus of a significant event or pattern of events that may not have been actively occupied. A site may also be the location of a ruined building, structure, or object if the location itself possesses historic, cultural, or archaeological significance.

SITE PLAN – A development plan of one or more lots on which is shown:

- A. The existing and proposed conditions of the lot, including but not limited to topography, vegetation, drainage, floodplains, marshes, and waterways.
- B. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting, and screening devices.
- C. Any other information that may be reasonably required in order to make an informed determination concerning the adequacy of the plan in accordance with the requirements of this chapter.

SKETCH PLAN – A rough layout of a proposed land development of sufficient detail, clarity, and accuracy to be used for discussion prior to submission of a preliminary plan.

SOIL CEMENT – A mixture of Portland cement and locally available soil. It serves as a soil stabilizer.

STABILIZED TURF OR EARTH – Turf or earth (soil) strengthened usually by the mixing of cement or lime with the original material to achieve increased strength, thereby reducing shrinkage and movement.

STORMWATER DETENTION – A provision for storage or stormwater runoff and the controlled release of such runoff during and after a flood or storm.

STORY – That portion of a building located between the surface of any floor and the next floor above it or, if there is no floor above it, then the space between the floor and the ceiling above it.

STREET - Any street, avenue, boulevard, road, parkway, viaduct, drive or other way which is an existing state, county or municipal roadway; which is shown upon a plat heretofore approved pursuant to law; which is approved by official action as provided in this chapter; or which is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats; and which is included the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines,

STREET FURNITURE – Man-made, aboveground items that are usually found in street rights-of-way, including benches, plants, canopies, and shelters.

STREET HARDWARE – The mechanical and utility systems within a street right-of-way, such as hydrants, manhole covers, traffic lights and signs, utility poles and lines, parking meters and the like.

STREET HIERARCHY – The conceptual arrangement of streets based upon function. A hierarchical approach to street design classifies streets according to function, from high-traffic arterial roads down to streets whose function is residential access. Systematizing street design into a road hierarchy promotes safety, efficient land use and residential quality.

STREET LINE – The edge of the existing or future street, right-of-way, whichever may result in the widest right-of-way, as shown on the adopted Master Plan or Official Map, forming the dividing line between the street and a lot.

STRUCTURAL TRIM – The molding, battens, cappings, nailing strips, latticing, platforms and letters, figures, characters, or representations in cut-out or irregular form which are attached to the sign structure.

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

STUB STREET – A portion of a street for which an extension has been proposed and approved. It may be permitted when development is phased over a period of time, but only if the street in its entirety has been approved in the preliminary plan.

SUBDIVISION –

A. The division of a lot, tract, or parcel of land into two or more lots, tracts, parcels, or other divisions of land for sale or development. The following shall not be considered “subdivisions” within the meaning of this chapter if no new streets are created:

1. A division of land found by the Board to be for agricultural purposes when all resulting parcels are five acres or more in size.
2. Divisions of property by testamentary or intestate provisions, provided that the division is in conformity with the applicable ordinance requirements.
3. Divisions of property upon court order, including but not limited to judgments of foreclosure.
4. Consolidation of existing lots by deed or other recorded instrument.
5. The conveyance of one or more adjoining lots, tracts, or parcels of land, owned by the same person or persons and all of which are found and certified by the Zoning Enforcement Officer to conform to all requirements of the Borough of Laurel Springs municipal development regulations, and which are shown and designated as separate lots, tracts or parcels on the Tax Map or atlas of the Borough.

B. The term “subdivision shall also include the term “resubdivision”.

SUBDIVISION, MAJOR – Any division of land not classified as a minor subdivision.

SUBDIVISION, MINOR – Any division of land containing an aggregate of two lots (one new lot and the remaining parcel) each fronting on an existing street or streets; not involving any new street or the installation of any street improvements or the extension of Borough facilities; not involving any streets requiring additional right-of-way width as specified in the Master Plan or Official Maps and/or the street requirements of this chapter, unless such additional right-of-way width, either along one or both sides of said street(s), as applicable, shall be deeded to the Borough or to the appropriate governmental authority prior to classification as a “minor subdivision”; not involving any required off-tract improvements; not adversely affecting the development of the remainder of the parcel of adjoining property; not being a further division of an original tract of land for which previous subdivision(s) have been approved by the Borough within the current calendar year and where the combination of the proposed and previously approved minor subdivision(s) constitute a major subdivision; not involving a planned development; and not being deficient in those details and specifications required of minor subdivisions as specified in this chapter. The original tract of land shall be considered any tract in existence at the time of the adoption of this Zoning Ordinance as shown on the Borough Tax Maps. Any readjustment of lot lines resulting in new lots shall be classified as a “minor subdivision” for purposes of the application submission and review requirements, but not for purposes of counting whether there has been a subdivision within the current calendar year.

SWIMMING POOL – As defined and regulated by the Borough of Laurel Springs, Chapter 237, and any amendment thereto hereafter adopted. “Swimming pool” presently means and includes any private swimming pool, tank, or other device which is artificially constructed to provide outdoor recreational facilities for swimming, bathing or wading, whether of permanent construction or portable in nature, upon any premises for the use of the occupants of said premises and their guests, which has a depth of at any point in excess of 15 inches or a capacity of 300 gallons or more, and whether said pool is below ground, above ground level or partly above and partly below ground level.

TEMPORARY SIGN – A sign which is erected for a limited period of time.

THEATER, LEGITIMATE – An indoor facility designed and intended for live dramatic, cultural, or other similar events.

THEATER, MOTION PICTURE – An indoor facility designed and intended for the showing of movies on a fixed screen.

TOPSOIL – The original upper level of soil material to a depth of six inches, which is usually darker and richer than the subsoil.

USE – The purpose for which land or structure(s) is arranged, designed, or intended or for which either land or structure(s) is or may be used, occupied, or maintained.

USE, PRINCIPAL – The main or primary purpose or purposes for which land and/or structure(s) or use therefor is designed, arranged, or intended or for which they may be occupied or maintained under this chapter. All other structures or uses on the same lot and incidental or supplementary thereto and permitted under this chapter shall be considered accessory uses.

VARIANCE – Permission granted to an applicant for the development by the Board to depart from the literal requirements of the zoning provisions of this chapter.

VEHICULAR SIGN – Any sign permanently or temporarily attached to a nonoperating vehicle, including but not limited to a car, truck, van, or bus.

YARD – A ground area, unoccupied space open to the sky, except for permitted fences, garden walls, plantings or accessways, and that portion of any lot extending inward from the lot or street line for the distance required by the district within which the lot is located.

YARD, FRONT – A ground area, unoccupied except for planting and/or accessways, fully open to the sky, between the street line and a line drawn parallel thereto along the front of the building, extending from lot line to lot line.

YARD LINE – A line drawn parallel to a street or lot line at a distance therefrom equal to the respective yard dimension required by this chapter.

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YARD, REAR – A ground area, unoccupied except for plantings and/or accessways, fully open to the sky, between the rear lot line and a line drawn parallel thereto along the rear of the building extending from lot line to lot line.

YARD, REQUIRED – Any yard measured between a line drawn parallel to a street or lot line at a distance therefrom equal to the respective yard dimension required by this chapter.

YARD, SIDE – A ground area, unoccupied except for permitted fences, garden walls, planting and or accessways, fully open to the sky, between any lot line other than a street or rear lot line and a line drawn parallel thereto along the side of the building, between the front and rear yards.

ZONING DISTRICT –finite area of land, as designated by its boundaries on the Zoning Map, through which specific and uniform regulations govern the use of land and/or the location, size and use of buildings.

ZONING ENFORCEMENT OFFICER – The municipal officer appointed by the Borough Council to carry out the literal provisions of the Zoning Ordinance.

ZONING MAP – The map annexed to and made part of this chapter, indicating zoning districts.

ZONING PERMIT - A document signed by the administrative officer which either:

A. Is required by ordinance as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building; or

B. Acknowledges that such use, structure, or building complies with the provisions of the Borough Zoning Ordinance or variance therefrom duly authorized by a municipal agency pursuant to N.J.S.A. 40:55D-60 and 40:55D-70.

ARTICLE III - Zoning Districts, Rules and Regulations

§270-12 Establishment of districts

The Borough of Laurel Springs is hereby divided into the following zones, differentiated according to use, area, and bulk requirements, to be designated as follows:

R-1 Zone	Residential
PO/R Zone	Professional Office/Residential
BC Zone	Business Commercial Zone

Within and incorporated into the above referenced zones, the Borough has created certain overlay, redevelopment, and rehabilitations districts, pursuant to plans adopted by resolution of the governing body, which plans are specifically incorporated herein and made a part hereof, and are referred to as follows:

- Laurel Road Professional Overlay District
- Downtown Area Redevelopment District
- White Horse Pike Corridor Redevelopment District
- 135 Broadway Redevelopment District
- Stone Road Rehabilitation District

§270-13 Zoning Map

The boundaries of each zoning district are established on the map entitled “Zoning Map of the Borough of Laurel Springs” which accompanies and is hereby made part of this chapter.

§270-14 Interpretation of zone boundaries

In determining the boundaries of zones shown on the map, the following rules shall apply:

- A. The boundary lines of the above-mentioned districts are shown on the Zoning Map.
- B. District boundary lines are intended to coincide with lot lines, the corporate boundary of the Borough, the boundary lines of parks and other publicly owned lands and also the center lines of streets, alleys, railroads, and waterways.
- C. In all cases of ambiguity or uncertainty as to the boundary line, the location of such boundary line shall be determined by the Board.

§270-15 Principal and accessory buildings

- A. Unless otherwise specifically permitted within this chapter, no more than one principal dwelling or building shall be permitted on one lot. Any accessory building attached to a principal building by a common wall, an abutting wall or a roof shall be considered part of the principal building and shall adhere to the yard requirements for the principal building.
- B. Accessory buildings, structures and uses shall be permitted only on the same lot as the principal building to which they are accessory.
- C. Accessory buildings, structures and uses shall not be such as to alter the character of the premises on which they are located and shall not encroach upon any front, side or rear yard unless permitted by this chapter.
- D. All accessory buildings, structures or uses shall be governed by the bulk and area regulations of the zone in which they are located.

§270-16 Conformance required

No building shall hereafter be used, erected, altered, converted, enlarged, added to, moved, or reduced, wholly or in part, nor shall any lands be designed, used, or physically altered for any purpose or in any manner except in conformity with this chapter. Where a lot is formed from part of a lot already occupied by a building, such subdivision shall be affected in such a manner as not to impair any of the requirements of this chapter with respect to the existing building and all yards and other open space in connection therewith so that all resulting lots have adequate dimensions consistent with the requirements of the zoning district in which they are located.

§270-17 Permitted uses in all districts

All facilities owned or operated or hereafter owned or operated by the Borough of Laurel Springs or by any authority or agency created by it shall be deemed a permitted use in all districts.

§270-18 Prohibited uses in all districts

All uses not expressly permitted by this chapter are prohibited in all districts (unless permitted by conditional use permit as elsewhere in this chapter provided), such prohibition to include but not be limited to the following:

Any manufacturing operations which may create corrosive, toxic or noisome fumes, gas, smoke, odors, obnoxious dust, vapor or wastes, offensive noise or vibration, or which shall be otherwise objectionable in appearance or detrimental to public health, safety or general welfare

- All retail and mercantile operations prior to 5:00 a.m. and later than 11:00 p.m.
- Airports and heliports
- Amusement parks
- Antennas of any type erected on the exterior of a building or on a lot or dish antennas over 1 meter in diameter
- Asphalt manufacturing
- Assaying
- Boiler works
- Cannabis establishments and distributors referred to as Class 1, Class 2, Class 3 and Class 4 in the New Jersey Cannabis Regulatory Enforcement Assistance and Marketplace Modernization Act (the "Act"), P.L. 2021, c. 16, enacted February 21, 2021, N.J.S.A. 24:61-31 et seq.
- Cemeteries
- Construction trailers used as temporary offices or mobile homes
- Crematory
- Creosote treatment/manufacturing
- Distilleries, breweries, or marijuana production except as allowed as a conditional use in the Business Commercial District
- Dumping or storage of waste or scrap metal
- Fat rendering operations
- Iron, steel, brass or copper foundry, or smelting operations
- Junkyards, car wreck and automobile body repair yards and automobile painting or body repair establishments
- Motels, hotels, bed & breakfast, AIRBNB, and similar uses
- Open air cinemas
- Outdoor coin-operated or mechanical controlled businesses
- Outdoor overnight parking of commercial vehicles
- Outdoor storage of house trailers, campers, boats, construction equipment and non-licensed or unregistered vehicles
- Pet shops, kennels or other commercial establishments for breeding, boarding or sale of animals
- Petroleum refining/storage except in course of operation of gasoline service station
- Poolrooms, billiard parlors, bowling alleys or amusement establishments
- Quarrying
- Removing or causing to be removed topsoil from the Borough
- Rooming houses
- Stockyards, piggeries, or facilities for slaughtering of animals
- Stone crushing
- Storage, curing, or tanning of rawhide/animal skins
- Storage of oil, gasoline or petroleum except for on-the-premises consumption for heat, fuel or power
- Storage or sale of abandoned or junk motor vehicles or parts
- Sugar refinery
- Trailer camps
- Trucking terminals, including moving and storage
- Varnish production
- Welding shops

§270-19 Conditional use requirements

Any use listed as a conditional use in a particular district may be permitted by the Board, but only after it has determined that the development proposal complies with the conditions and standards set forth in this chapter for the location and operation of such use. All conditional uses shall comply with the following requirements and standards in addition to those set forth elsewhere in this chapter:

- A. All proposed structures, equipment or material shall be readily accessible for fire and police protection.
- B. The proposed use shall be so located and of such size and character that, in general, it shall be in harmony with the existing development in the general area in which it is proposed to be situated, particularly if it is located in a residential zone, and shall be free of nuisance characteristics.

- C. In addition to the above, in the event that any use is located in or directly adjacent to a residential zone:
1. The location, size, activity, site layout, street access, pedestrian and vehicular movement and possible assembly of people shall be harmonious with that residential zone.
 2. The location and height of buildings, fences and landscaping shall not discourage the appropriate development and use, or materially affect property values, of the adjacent lands or buildings.

§270-20 Uses requiring site plan approval

All activities except the following shall require site plan approval:

- A. The construction, customary use, and modification of single-family dwellings, including any permitted accessory buildings and uses incidental to the principal use of the property.
- B. Construction which is determined by the Construction Official to constitute ordinary repairs, as defined by the State of New Jersey Department of Community Affairs Uniform Construction, Code.
- C. A proposed development not involving a change in use, not affecting existing circulation, drainage, building arrangements, landscaping, buffering, lighting, or other considerations of site plan review. Such permitted development involves normal maintenance or replacement such as a new roof, painting, new siding, or similar activity.
- D. Any structure or use for which a site plan review application was made to the Board prior to the effective date of this chapter under municipal ordinances and regulations then in effect superseded by this chapter and that is developed in accordance with an approval of such application heretofore given by the Board pursuant to said prior ordinance and regulations, provided that such approval is less than two years old.

ARTICLE IV - R-1 Residential Zone

§270-21 Permitted uses

All uses not expressly permitted shall be deemed prohibited in the R-1 Zone (unless permitted as a conditional use subject to conditions and standards provided herein).

In the R-1 Residential Zone, no building or premises shall be used, and no building shall be erected or altered which is arranged, intended, or designed to be used except for one of the following uses:

- A. A single detached one-family house, in connection with which there may be a detached garage if consistent with §270-22 if on the same lot as the principal building. There shall not be more than one single detached one-family dwelling on a single lot.
- B. Accessory uses incidental or subordinate to a single detached one-family dwelling.
- C. Public parks, playgrounds and gardens and private parks, gardens, and greenhouses not larger than 240 square feet (more than 30 feet from front line); outdoor storage buildings not exceeding 120 square feet, professional offices when in the same building as the residence as specifically provided herein.
- D. Public recreational and community buildings and grounds.
- E. All facilities owned or operated or hereafter owned or operated by the Borough or by any authority or agency related to it.

§270-22 Accessory uses

The following accessory uses shall be permitted in this zone:

- A. Private residential swimming pools (See Chapter 237 and §270-53)
- B. Fences and walls (See §270-55 et seq.)
- C. Signs (See §270-59 et seq.)
- D. A detached garage of not more than a two-car capacity, used solely by the persons living in the dwelling house, and a building for housing garden tools, provided such garage or building is on the same lot as the dwelling house or on a lot contiguous thereto. No such accessory building shall be constructed upon a lot until the construction of the dwelling house has been commenced, nor shall an accessory building be used unless the dwelling house has been completed and put into use. No such accessory building shall exceed 450 square feet, with a maximum height of not more than 24 feet to the peak of the roof measured from the average grade line perimetering the building to the top of the main roof cornice line. The heights of any accessory building shall not be greater than 75% of the height of the principal structure.
- E. Setbacks. Accessory structures customarily associated with residential uses, such as wading pools, sandboxes, trellises, dog houses, kennel enclosures, patios, grape arbors, and barbecue facilities, shall be set back from the property line at least five feet and shall not be located in the front or side yards; provided, however, that patios may be located in any side yard.

§270-23 Conditional uses

Any use listed as a conditional use may be permitted by the Board, but only after it has determined that the development proposal complies with the conditions and standards set forth in this chapter for the location and operation of such use.

All proposed structures, equipment or material shall be readily accessible for fire and police protection.

The proposed use shall be so located and of such size and character that, in general, it shall be in harmony with the existing development in the general area in which it is proposed to be situated and shall not materially affect property values of the adjacent land and buildings.

**Ordinance #855-2021 - SUPPLEMENTING AND AMENDING CHAPTER 270 OF THE CODE OF THE BOROUGH OF
LAUREL SPRINGS ENTITLED ZONING**

The following conditional uses shall be permitted in this zone, subject to application and approval by the Zoning Enforcement Officer or Board (as applicable) and compliance with the standards set forth herein:

A. Schools

Public day schools of elementary and/or high school grade licensed by the State of New Jersey.

B. Home Occupations

Definition: "Home Occupation" or "Home Based Business" means any activity performed for pecuniary gain in or directed from a residence by one or more residents of that dwelling unit which is located in a residential zone and is compatible with the residential zone and residential uses.

1. Permitted Home Occupations

Home occupations shall be a permitted use in the Residential Zone on application and approval of a Zoning Permit certifying compliance with the criteria stated below. This approval shall not alleviate individuals or business establishments from obtaining any license or other permits required by municipal, county, state, or federal regulations:

- a. The residential character of the lot and building shall not be changed, and the business use shall be subordinate to the use of the building for residential purposes. No external modifications are permitted that detract from the residential appearance of the dwelling unit.
- b. The use shall be conducted entirely within the primary dwelling or accessory building associated with it.
- c. No more than twenty-five (25%) percent of the gross floor area of the principal building, excluding any garage space or basement, or 400 square feet, whichever is smaller, may be used for the home occupation.
- d. No sounds emanating from the home occupation use shall be audible outside the residence.
- e. No equipment shall be used which will cause interference with radio and television or electronic reception in neighboring dwellings nor create other nuisances by its operation.
- f. No display of products shall be visible from the street, nor shall any article be sold or offered for sale on the premises, with the exception of home demonstrations, garage and yard sales which may be conducted not more frequently than two (2) times annually.
- g. No more than two clients, patrons or customers may be on the premises for business or professional purposes at any one time.
- h. The home occupation may only employ one person not resident on the premises in the performance of the occupation.
- i. No sign of any type identifying or advertising the home occupation shall be permitted.
- j. Deliveries shall be limited to commercial package services or utilization of the owner's passenger vehicle.
- k. Adequate parking shall be provided so that no more than one vehicle related to the home occupation shall occur on the street. Safe and efficient vehicular and pedestrian circulation, parking and loading in the vicinity of the home occupation shall not be impaired.
- l. The home occupation shall not be open for customers, clients, or patrons before 8:00 a.m. on weekdays and 9:00 a.m. on weekends, nor after 8:30 p.m. every day.
- m. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, electrical interference, medical waste, or other nuisance factors detectable to the normal senses.
- n. The use shall not present any appreciable safety or traffic concerns.

2. Home Occupations Requiring a Variance

Any proposed home occupation which does not meet all of the foregoing criteria shall require application for a variance to the Board.

3. Prohibited Home Occupations

The following uses are specifically prohibited as home occupations:

- Automobile repair, refurbishing or servicing.
- Barber shops and beauty salons
- Bed and breakfast, motel, hotel, AIRBNB & similar uses
- Body piercing and tattooing
- Medical and dental offices (including counseling, psychology, and psychiatry)
- Real estate office
- Spray painting and refinishing operations
- Taxi and limousine service
- Home occupations involving public assembly.

4. Administration and Enforcement

Responsibility for the administration and enforcement of the provisions of this section is assigned to the Zoning Enforcement Officer, which shall include the following:

- a. An application for a Zoning permit, amendment or extension thereof shall be upon a form prescribed and accompanied by a fee as provided by the Annual Fee Ordinance. If the Zoning Enforcement Officer shall find the application in order and the home occupation and premises to be in conformity with the provisions of this section, the Officer shall forthwith issue a permit therefor.
- b. The Zoning Enforcement Officer, in the exercise of reasonable discretion, may inspect the premises, if such Officer deems it necessary in light of the documentation submitted or other information received, but is not required to inspect the premises for every application. If the Officer should determine that such application is questionable or that it should be denied because the requirements of this section have not been met, such Officer shall deny the application and provide the applicant with a statement of reasons for such denial.
- c. The issuance of a permit under the provisions of this section shall not constitute a commitment or assurance that the permit will be renewed or extended or that any renewal or extension will be on the same terms and conditions as the original permit.
- d. The issuance of a permit for home occupations, as provided herein, shall not be construed as permitting or authorizing any construction or site plan revision.
- e. When the Zoning Enforcement Officer has reasonable cause to believe that any holder of a permit for home occupations may be in violation of the terms of the provisions of this section or the terms of the permit for home occupations, such Officer shall conduct an investigation of the premises, and, upon a finding of a violation, may direct that the violations be corrected within a period of 30 days. If such violations remain uncorrected upon the expiration of that 30 days, the Zoning Officer may revoke any such permit.
- f. Within 30 days of the denial of a permit or the revocation of a permit, the applicant may appeal the Zoning Enforcement Officer's decision to the Board, which may conduct such hearing as it may deem appropriate and affirm or reverse the decision of the Zoning Enforcement Officer.
- g. Upon reasonable cause to believe that any person is in violation of the terms of this section by conducting a home occupation without a valid permit, the Zoning Enforcement Officer shall issue a warning citation to the person and, if such violation(s) shall be uncorrected for a period of 30 days thereafter, shall file a complaint to be prosecuted by the Municipal Prosecutor in the Laurel Springs Municipal Court.
- h. The Zoning Enforcement Officer and the Board shall report annually to the Borough Council on all activities within the scope of this section and shall, from time to time as necessary, recommend any changes that may be appropriate to the section in order to accomplish its purposes.
- i. Any person aggrieved by the issuance of a home occupation permit may appeal the Zoning Enforcement Officer's determination to the Board.

5. Penalties.

Any person, firm or corporation who shall violate any of the provisions of this section shall, upon conviction thereof in a court of competent jurisdiction, be subject to the penalties, and each violation of any provisions of this section, and each day the same is in violation, shall be deemed a separate and distinct offense.

C. Public utility installations are deemed to be a conditional use, subject to the following requirements:

1. There shall be no storage of materials and trucks and no repair facilities or staging of repair crews except within completely enclosed building.
2. The exterior of any structure shall be in keeping with the other structures in the immediate neighborhood.

D. Laurel Road Overlay.

The lots as identified on the Zoning Map of the Borough of Laurel Springs having frontage along the east side of Laurel Road, extending from Stone Road to Lakeview Avenue, being more particularly described as Lots 1, 2, 3, 4 and 5, of Block 38, Lots 1, 2, 3, 3.01, 3.02, 5, 6, 7, 8, 9 and 10 of Block 54, and Lot 1.01 of Block 55, are hereby designated as the "Laurel Road Overlay". Conversion of a building situate in the Laurel Road Overlay to a commercial use shall be a permitted conditional use, provided the following conditions are met:

1. The lot shall have a minimum lot area of 15,000 square feet, a minimum lot depth of 150 feet, a minimum lot frontage of 100 feet and a minimum lot width of 100 feet.
2. The residential character of the building is maintained and there is no expansion of same, except that alterations may be made which are necessary for the operation of the commercial use.

§270-24

Area and bulk regulations

- A. Lot area and width. A lot area of not less than 9,000 square feet shall be provided for every single detached one-family dwelling hereafter erected. Each lot on which a single detached one-family dwelling is or shall be erected shall have a width of not less than 60 feet at the building line.
- B. Lot coverage. The maximum lot coverage, including all structures, shall not be greater than 50% of the gross lot area.
- C. Front yard. A front yard shall be provided. The front setback shall be not less than those setbacks established by the buildings on either side of the lot in question, whichever of those is greater, and, in any event, not less

than 25 feet. In the case of a corner lot or any other lot abutting two streets, for purposes of determining setback, each yard abutting a street shall be considered a front yard.

- D. Side yards. Each dwelling shall have a yard on each side, which shall be not less than 20 feet wide in the aggregate and neither of which shall be less than 10 feet wide.
- E. Rear yards. There shall be a rear yard of not less than 25 feet, measured from the rearmost portion of the main building to the rear property line, including all decks, patios and additions attached to the main building.
- F. Outbuildings. Outbuildings shall not be considered in connection with the rear yard. They shall be constructed so as not to protrude into the front yard and shall not be constructed closer than five feet to any property line.
- G. Height. A principal dwelling shall not have a greater height than 2-1/2 stories or 35 feet, measured from the average grade line perimetering the building to the top of the main roof cornice line, excluding necessary utility-type roof structures.

ARTICLE V - P/O Professional Office/Residential Zone

§270-25 Purpose; permitted uses

The purpose of this zone is to permit the use or erection of buildings for either residential use or mixed use of professional office and residence in one building. Within this zone, no lot or building shall be used, and no building shall be erected or altered to be used, in whole or in part, unless it complies with the regulations set forth herein. The following principal uses shall be permitted in the professional office/residential zone:

- A. A single detached one-family dwelling house, in connection with which there may be a private garage if consistent with §270-26. There shall be no more than one single detached one-family dwelling on a single lot.
- B. Accessory uses incidental or subordinate to a single detached one-family dwelling.
- C. Residential uses mixed with professional offices, provided that the professional office shall be located only on the first floor of the building and shall meet the following criteria:
 - 1. There shall be no physical evidence of said office use from the exterior of the building.
 - 2. The remodeling of any residential building in order to create an impression of business activity is prohibited.
 - 3. Separate entrances and exits shall be provided for residential and non-residential portions of the building.
 - 4. The owner of the building shall be an occupant.

§270-26 Accessory uses

The following accessory uses shall be permitted in this zone:

- A. Fences and walls (See §270-55)
- B. Signs (See §270-59 et seq.)
- C. A detached garage of not more than a two-car capacity, used solely by the persons living in the dwelling house, and a building for housing garden tools, provided that such garage or building is on the same lot as the dwelling house or on a lot contiguous thereto. No such accessory building shall be constructed upon a lot until the construction of the dwelling house has been commenced, nor shall an accessory building be used unless the dwelling house has been completed and put into use. No such accessory building shall exceed 450 square feet, and it will be a maximum height of not more than 24 feet to the peak of the roof measured from the average grade line perimetering the building to the top of the main roof cornice line. The height of the accessory building shall not be greater than 75% of the height of the principal structure.
- D. Public utility installations, subject to the following special requirements:
 - 1. There shall be no storage of materials and trucks and no repair facilities or staging of repair crews except within completely enclosed buildings.
 - 2. The exterior of any structure shall be in keeping with the other structures in the immediate neighborhood.

§270-27 Design considerations for permitted uses

Design considerations for permitted uses shall be as follows:

- A. Parking and service areas:
 - 1. Parking shall be screened from adjacent residential properties with grass, shrubs, trees, fences and/or earthen berms to protect residential properties from parking lot illumination and headlight glare, automobile fumes and noise.
 - 2. Curbing or curb stops shall be provided in all off-street parking areas and along all accessways.
 - 3. Off-street parking areas and accessways thereto shall be properly drained, and all such areas shall have a paved hard surface.
 - 4. All off-street parking areas and accessways shall be so arranged that vehicles may be turned on the lot so that it is not necessary to back into any roadway. Parking shall only be located in the rear of the property.
 - 5. Common or joint driveway access and parking to the rear of sites is encouraged.
 - 6. Access driveways onto major thoroughfares shall be permitted only if alternatives, including side or rear access and common or shared single access driveways, have been considered by the Board.
 - 7. Where appropriate, impervious parking coverage shall be limited to the extent possible by the use of parking in or under buildings, the elimination of excess paving, grassed landbank parking and the use of permeable surfaces for paving.

8. Parking areas shall be designed to minimize pedestrian and moving vehicle conflicts. Pedestrian walkways, parking lot islands, signage and pavement texture differentiation shall be required by the Board to ensure the safe movement of pedestrians.
9. Every structure erected, designed, or altered for occupancy by any use permitted in this section shall provide an entrance and access at the rear of the building for the loading and unloading of delivery trucks.

B. Building design and use

1. The treatment of side and rear walls of any building materials shall be similar to the treatment of the front façade.
2. The display of merchandise or nonpermanent uses and/or articles, e.g., vending machines placed on the exterior premises of any building is prohibited.
3. All buildings shall have a unified architectural treatment, whether constructed as new or an additional structure physically and aesthetically integrated with the existing structure. The Board shall consider in its architectural review items such as materials, colors, building setbacks, façade treatments and building height and shall encourage the revitalization of existing structures to ensure compatibility with proposed building additions.

C. Site design and building layout

1. The site design layout of buildings and parking areas shall be reviewed so as to provide an aesthetically pleasing design and efficient arrangement. Particular attention shall be given to safety and fire protection, impact on surrounding development and contiguous and adjacent buildings and lands.
2. To promote a desirable visual environment and to ensure a good civic design, the Board in its review shall consider, but not be limited in its consideration of, visual impacts of the proposed development, including views and view interference, shadow effects, noise impacts and design compatibility with surrounding uses.

D. General design requirement

Any new façade or change in the façade of an existing building shall be reviewed by the Board for evaluation of architectural design.

§270-28 Area and bulk regulations

- A. Lot area and width. A lot area of not less than 9,000 square feet shall be provided for every single detached one-family dwelling hereafter erected. Each lot on which a single detached one-family dwelling is or shall be erected shall have a width of not less than 60 feet at the building line.
- B. Lot coverage. The maximum lot coverage, including all structures, shall not be greater than 50% of the gross lot area.
- C. Front yard. A front yard shall be provided. The front setback shall be not less than those setbacks established for buildings on either side of the lot in question, whichever of those is the greater, and in any event not less than 25 feet. In the case of a corner lot or any other lot abutting two streets, for purposes of determining setback, each yard abutting a street shall be considered a front yard.
- D. Side yards. Each dwelling shall have a yard on each side, which shall be not less than 20 feet wide in the aggregate and neither of which shall be less than 10 feet wide.
- E. Rear yard. There shall be a rear yard of not less than 25 feet, measured from the rearmost portion of the main building to the rear property line, including all decks, patios and additions attached to the main building.
- F. Outbuildings. Outbuildings shall not be considered in connection with the rear yard. They shall be constructed so as to not protrude into the front yard and shall not be constructed closer than five feet to any property line.
- G. Height. A principal dwelling shall not have a greater height than 2-1/2 stories or 35 feet, measured from the average grade line perimetering the building to the top of the main roof cornice line, excluding necessary utility-type roof structures.

ARTICLE VI - BC Business Commercial Zone

§270-29 Purpose; permitted uses

The purpose of this zone is to provide for business, commercial and office uses. Within this zone, no lot or building shall be used, and no building shall be erected or altered to be used, in whole or in part, unless it complies with the regulations set forth herein.

The following retail and service uses and those uses which are similar to the enumerated permitted uses shall be permitted in this district:

- Antique shops, provided that there is no display of merchandise outside the building
- Auto sales and rental establishments (new or used)
- Automobile storage facilities
- Bakery or confectionary shops for retail sales on the same premises
- Banks, savings & loan associations, credit unions and other fiduciary institutions; drive up facilities may be permitted provided such facilities do not adversely impede or conflict with the safe traffic flow required by the principal use on or off the site
- Bookstores and stationery stores

- Buildings and structures owned and operated by the Borough of Laurel Springs for municipal purposes
- Car washes
- Clothing stores, gift shops and sporting goods stores
- Dance, art and music lesson studios
- Fitness, exercise and martial arts training studios
- Gasoline service stations
- Interior decorating establishments
- Jewelry and jewelry repair stores
- Job printing
- Medical service uses, including, but not limited to doctors, chiropractors, dentists, pharmacies
- Musical instrument stores or studios, including retail sale of recordings
- Office buildings, office complexes and professional offices
- Offices and shops of an artisan, such as a carpenter, electrician and plumber, provided that all facilities and supplies are in a completely enclosed building and all shop work is performed therein
- Offices for professional services, such as physicians, lawyers, architects or engineers
- Personal service shops, such as beauty salons, barber shops, tailor and dressmaking shops, retail dry cleaning, laundry and shoe repair shops
- Photographer and artist studios
- Picture framing shops
- Public parks, playgrounds and gardens, and greenhouses not larger than 240 square feet and outdoor storage buildings not exceeding 120 square feet
- Repair, sale and servicing of radio, television, and other home appliances
- Repair, sale and servicing shops for typewriters, computers and other office equipment
- Restaurants, excluding fast food, drive-ins and curb service establishments
- Small commercial offices such as realtors, insurance or travel agencies
- Small governmental offices, including post office branch or social security offices, and offices incidental to uses permitted in this section
- Sales offices, including the office of a manufacturer's representative or catalog-ordering establishment
- Supermarkets, grocery stores, meat markets, delicatessens, fish markets, hardware stores
- Tattoo parlors
- Travel bureaus
- Veteran, fraternal and lodge organizations
- Video rental and retail sales

§270-30 Accessory uses

The following accessory uses shall be permitted in the Business Commercial Zone:

- A. Fences and walls (See §270-55)
- B. Signs (See §270-59 et seq.)
- C. Parking lots incident to the primary use and provided that the use will not increase traffic congestion in the streets abutting the property.
- D. Public utility institutions, subject to the following special requirements:
 1. There shall be no storage of materials and trucks and no repair facilities or staging of repair crews except within completely enclosed buildings.
 2. The exterior of any structure shall be in keeping with the other structures in the immediate neighborhood.

§270-31 Conditional uses

Any use listed as a conditional use may be permitted by the Board, but only after the Board has determined that the development proposal complies with the conditions and standards set forth in this chapter for the location and operation of such use.

All proposed structures, equipment or material shall be readily accessible for fire and police protection.

The proposed use shall be so located and of such size and character that, in general, it shall be in harmony with the existing development in the general area and in which it is proposed to be situated, and shall not materially affect property values of the adjacent lands and buildings.

The following conditional uses shall be permitted in this zone, subject to application and approval by the Board, and compliance with the standards set forth herein:

- A. Public day schools of elementary and/or high school grade licensed by the State of New Jersey.
- B. Microbreweries, craft and limited breweries, craft distilleries and limited distilleries (subject to Federal and State licensing, rules and regulations).
- C. Cannabis
 1. Cannabis retail establishments, referred to as Class 5 business facilities ("Authorized Recreational Marijuana Facility") involving the sale of marijuana and related paraphernalia for recreational purposes to the general public, and cannabis delivery services, providing for courier services for consumer purchases that are fulfilled by

a licensed cannabis retailer, referred to as Class 6 businesses, in the New Jersey Cannabis Regulatory Enforcement Assistance and Marketplace Modernization Act (the "Act"), P.L. 2021, c. 16, N.J.S.A. 24:62-31, subject to the following requirements and limitations:

- a. An Authorized Recreational Marijuana Facility shall be permitted only in the White Horse Pike Corridor Redevelopment District.
- b. No Authorized Recreational Marijuana Facility shall be located within 200 feet of any property used for Borough school purposes or which is owned by or leased to any Borough elementary school, secondary school, or school board.
- c. No Authorized Recreational Marijuana Facility shall be located within 50 feet of the Residential District or an adjacent community's residential-only zoning district.
- d. No Authorized Recreational Marijuana Facility shall be located within 200 feet of another similar facility.
- e. Notice of the application has been given, and publication made, pursuant to N.J.S.A. 40:55D-12.
- f. A site plan application has been made for the lot, and the Board has approved such conditional use, and the requirements and conditions of the site plan/conditional use have been met.
- g. The proposed facility shall be so located and of such size and character that, in general, it shall be in harmony with the existing development in the general area in which it is proposed to be situated, and the use shall be free of nuisance characteristics detectable to normal senses beyond the boundaries of the property (including noise, vibration, dust, odor, light, and sanitation).
- h. In addition to the above:
 - 1) The location, size, activity, site layout, street access, pedestrian and vehicular movement and possible assembly of people shall be harmonious with surrounding land uses.
 - 2) The location and height of buildings, fences and landscaping shall not discourage the appropriate development and use or materially affect property values in the adjacent properties.
- i. Hours of operation shall be restricted to 9:00 a.m. to 10:00 p.m.
- j. Use or consumption of marijuana is permitted on the premises of an authorized recreational marijuana retail facility only if it is used or consumed indoors and only if the product is purchased at that retail facility. No outside purchases may be consumed on the premises.
- k. Persons under the age of 21 years of age are not permitted to be on the premises of any authorized recreational marijuana retail facility at any time.
- l. Advertisements, displays of merchandise, signs, or any other exhibit depicting the activities of the facility placed within the interior of the building or premises shall be arranged or screened to prevent public viewing from outside the building or premises.
- m. Outdoor loudspeakers or other outdoor sound equipment advertising or directing attention to a retail facility, including but not limited to prerecorded or live music or sounds, are prohibited.

2. Local Cannabis Taxation

- a. **Transfer Tax**
A tax in the amount of two percent (2%) is hereby imposed on all receipts from the sale of cannabis or cannabis items from one cannabis establishment to another cannabis establishment and on all receipts from the retail sales by a cannabis retailer to retail customers who are 21 years of age or older.
- b. **Users Tax**
A tax in the amount of two percent (2%) is hereby imposed on any concurrent license holder operating more than one cannabis establishment. The user tax shall be imposed on the value of each transfer or use of cannabis items not otherwise subject to transfer tax imposed pursuant to Subsection C2a above from the license holder's establishment that is located in the municipality to any other license holder's establishments, whether located in the municipality or another municipality.

D. General manufacturing and industrial use.

E. Charging Stations for the charging of plug-in electric and/or hybrid motor vehicles.

F. Apartments and Townhouses, subject to the conditions, priorities, design standards and requirements set forth herein.

1. Lot area, width and yard requirements applicable to apartments and townhouses are as follows:

- a. Lot area per family - Where lot size falls between even categories, the square footage of lot area per family shall be interpolated on the basis of the following standard:

Minimum Lot Size (square feet)	Lot Area/Family (square feet)
10,000	1,300
15,000	1,200
20,000	1,100
Above 20,000	1,000

- b. Lot width - No apartment house shall be built on a lot less than 100 feet in width.
- c. Lot coverage - The maximum percent of the lot area which may be covered by a building to be used as an apartment house shall be as follows:

- | Lot Area
(square feet) | Coverage |
|-----------------------------------|-----------------|
| 10,000 | 30% |
| 15,000 | 35% |
| 20,000 and above | 40% |
2. All apartment houses shall provide for off-street parking to the extent of 1-1/2 spaces per dwelling unit; a parking space shall consist of an area not less than 10 feet in width and 20 feet in depth.
 3. Habitable rooms in townhouse or multifamily structures shall be provided with window space at least equal to 10% of room floor area, at least half of which shall be movable sash. "Habitable rooms" are other than kitchens, bathrooms, closets and utility rooms. Each dwelling shall be provided with kitchen and bathroom facilities, including kitchen sink appliances for the disposal of garbage.
 4. Townhouses or multifamily structures shall be separated from each other by at least the following:
 - a. If two facing walls provide window spaces to habitable rooms, such walls shall be at least 75 feet apart. If only one provides window space, they shall be at least 50 feet apart. If neither facing wall provides such window space, they shall be separated by at least 25 feet.
 - b. The minimum distance between corners of separate buildings shall be at least 25 feet.
 5. Townhouse or multifamily structures shall have a minimum setback of 50 feet from major roads, 25 feet setback from minor roads, and 40 feet setback from side and rear lines.
 6. Only side walls may be party walls between townhouse dwellings, and no wall to the rear of a townhouse unit shall be a party wall. All party walls shall be masonry fire walls.
 7. Townhouse units shall have a minimum width of 20 feet unless habitable rooms are located within a dwelling across the width of the unit, in which case the minimum width shall be 24 feet.
 8. Each unit shall have private access to the outside.
 9. No more than six dwelling units shall be contained in a single structure, and the maximum horizontal dimension of townhouse structures shall be 144 feet.
 10. Arrangement of townhouse structures in three or more rows, whether with long or short walls; facing is not permitted.
 11. Unbroken perimeter lines greater than 80 feet in length will not be approved, and exterior walls collinear with or parallel to fire walls at least five feet long and of full height shall be required to secure offset or variety of exterior surfaces. At least 25% of the perimeter of courts shall be open spaces.
 12. Use of mansards, gables and variations of color, texture, or ridgeline height or orientation may be required to provide architectural diversity and individuality.
 13. Exterior walls shall be faced with maintenance-free material other than cinder block or, subject to Board approval, concrete poured in place.
 14. Drives and accessways shall be designed, laid out and constructed generally in accordance with the requirements of Chapter 233, Subdivision of Land. They shall not serve as aisle or maneuvering space for required parking or loading areas, and they shall not provide access for through traffic to commercial or industrial uses. They shall provide access, if required by the Board, to neighboring undeveloped property.
 15. Cartway widths shall be at least 12 feet wide for a single lane and 10 feet wide per moving lane where more than one lane of traffic is provided for. Cartways shall be located between planting strips at least 10 feet wide and shall have a minimum centerline radius of 30 feet.
 16. Paved walkways are required for pedestrian access between buildings and parking areas and recreation areas.
 17. Vehicular access shall not be located closer than 20 feet to any residential building on the lot and not closer than 5 feet to any exterior lot line, except at access points.
 18. Provision of parking space shall be in accordance with the requirements of this chapter and Chapter 157, Land Use Procedures. Parking spaces shall be conveniently located within 50 yards' walking distance from the building entrances they serve.
 19. All parking areas shall be located entirely within the lot lines of a tract in townhouses or multifamily use, but not within 20 feet of any residential building or within 5 feet of any exterior lot line. Where feasible, parking lots shall be centrally located or below grade of neighboring residential property. Headlight glare shall be controlled by berms or buffer planting strips.
 20. Individual parking areas shall generally not exceed 30 cars in capacity, and separate parking areas shall be separated from one another by planting strips at least 8 feet wide.
 21. All dwelling units shall be served by common piped water supply and sewer facilities. All transmission lines, whether pipe or wire, shall be located underground. Utility structures shall be attractively housed or effectively screened. Installation shall be according to the standards of the Borough Engineer or municipal or public utility concern.
 22. Transmission lines shall be located on restricted areas at least 15 feet wide and reserved against future building and laid out to minimize passage under pavement and buffer planting strips.
 23. Buffer planting strips at least 5 feet wide shall be used to screen utility areas from public view and shall be required along side and rear tract lines to assure privacy.

24. All buildings shall be provided with convenient screened trash receptacles as part of the architectural treatment of the building.
25. Recreational facilities shall be provided as required by Chapter 233, Subdivision of Land, and land set aside for active and passive recreation space or community sewage treatment shall be reserved for such use by dedication to the Borough or by contractual agreement satisfactory to the Borough Solicitor.

§270-32 Design standards

Design considerations for every permitted and conditional use in this zone shall be in accordance with the following requirements.

A. Off-street parking; size and access

1. Each storage bay of an off-street parking space may be perpendicular to the aisle, parallel to the aisle or at any angle between 60° and 90°. The following are minimum stall and aisle dimensions:
 - a. Perpendicular (75° to 90°): Stall width, 9 feet; stall depth, 18 feet; aisle width, 24 feet.
 - b. Angle (60° to 74°): Stall width, 9 feet; stall depth, 18 feet; aisle width, 20 feet.
 - c. Parallel: Stall width, 20 feet; stall depth, 8 feet, aisle width, 12 feet for a single lane, 20 feet for a double lane.
2. No area shall be used for parking if it is not large enough to provide for contiguous stalls, unless approval otherwise is obtained from the Board.
3. When the parking area is designed for angle parking, the stalls on both sides shall be inclined so as to permit a driver approaching from either end of the aisle to have access to the stall on one side.
4. Where parking is provided for more than 36 cars, a main access drive shall be provided from points of ingress and egress. No parking shall be permitted on the main access drive, nor shall it serve as an access aisle to adjacent parking spaces.
5. All parking areas shall be paved and clearly marked and shall include barrier lines, lane lines, directional arrows and stop signs.
6. Entrances and exit drives shall have a minimum width of 12 feet for those designated for one-way traffic and 20 feet for those carrying two-way traffic.
7. All access drives shall provide a minimum turning radius of 30 feet.

B. Location of parking

1. Off-street parking spaces in residential zones shall not be located between the front building lines and street line, or within 5 feet of a residential property line, which open space shall be maintained as a buffer or planting strip. On corner lots, the restriction shall apply to the space between the side street and the side building line.
2. Where parking is permitted between the front building line and the street line (whether granted by ordinance, special use permit or variance), a safety island or raised median separating the public street from the parking area shall be provided in accordance with the following minimum requirements:
 - a. The width of the safety island shall be that width between the proposed street curbline to a point 5 feet inside the property line.
 - b. Safety islands shall be raised a minimum of 6 inches above the adjacent parking area.
 - c. Safety islands within the property line shall be topsoiled and seeded or otherwise landscaped, except that they may, in the alternative, be constructed of maintenance-free materials which provide a clear and unmistakable distinction between the parking area and the safety island.
 - d. Notwithstanding the use of maintenance-free materials, there shall be provided at least one deciduous tree two inches in diameter at breast height every 40 feet, or part thereof, on all safety islands. A greater spacing will be allowed between plantings if necessary, for traffic safety. The area between trees shall be planted with a minimum of three evergreen-type shrubs.
 - e. Where parking spaces front a safety island, a continuous wheel stop shall be provided 3 feet from the normal edges of the island. The wheel stop shall be placed as above stated, and the stall depth shall be measured from a point 2 feet outside the face of the curb of the wheel stop.

C. Design: Small parking areas. Parking lots having 36 or fewer spaces shall be designed to provide the following minimum design requirements:

1. A safety island or raised median as herein described.
2. A five-foot unbroken landscaped dividing strip along all side property lines with residential property from the street line to the rear lot line.
3. Not more than one 2-way access drive or two 1-way access drives on any one street unless approval otherwise is obtained from the body, agency or official having jurisdiction over the plan.
4. All safety islands and landscaped dividing strips shall be planted with at least one deciduous tree with a trunk of two-inch diameter at breast height every 40 feet, or part thereof, and the area between shall be planted with a minimum of three evergreen-type shrubs.
5. All entrance and exit drives shall be curbed on both sides.

D. Design: Large parking areas. Parking lots which have a capacity for parking more than 36 vehicles shall incorporate the following minimum design standards:

- A. All entrance and exit drives shall be curbed on both sides a minimum distance of 100 feet back from the street curb or to a major collector aisle.
- B. No parking stalls which shall require the use of the entrance and exit drives as access shall be permitted.
- C. All access drives located along one-way streets of divided highways shall be separate one-way drives. Said drives shall be located so that vehicles enter the parking area at the beginning of the property and exit at the far end of the property unless other considerations, such as a median opening, dictate otherwise.
- D. All directional (one-way) drives shall be marked by appropriate signs facing all peripheral service roads serving the property as well as the parking area.
- E. On lots having a frontage of 100 feet or less, entrance and exit driveways shall be located as far as practical from an intersection. On lots having a frontage in excess of 100 feet, entrance and exit driveways shall be located as near the middle line as practical. However, on such lots the entrance or exit driveways need not be located more than 500 feet from the intersection. Measurements shall be taken for the purpose of locating the driveways from the curbline of the intersection.
- F. No driveways shall be located less than 10 feet from the side property line or within 30 feet of an existing drive, whichever is greater.
- G. No property having a frontage of less than 100 feet shall have more than one 2-way driveway on one street. No property having a frontage of less than 1,000 feet shall have more than 2 driveways on one street. Any frontage greater than 1,000 feet may have more than 2 driveways on one street; however, the number, location, size, and design shall be subject to approval of the body, agency or official having jurisdiction over the plan.
- H. There shall be provided landscaped safety islands as described aforesaid.
- I. Any parking area providing space for more than 200 cars shall, in addition, provide concrete sidewalks within the parking area for pedestrian movement. Sidewalks shall be at least 4 feet wide and shall be located in such a manner as will prevent them from being blocked by overhanging cars. A portion of any landscaped dividing strip may be used for sidewalk construction.
- J. Parking area landscaping. Every parking lot with 75 or more spaces shall be divided as nearly as possible into smaller lots or 36 spaces separated by landscaped dividing strips, except the area for the access aisle. The plantings required within the parking area shall be considered exclusive from any other plantings that may be required for screening or foundation planting. The following criteria shall apply for internal landscaped dividing strips:
 - a. They shall have a minimum width of 8 feet.
 - b. They shall be seeded and topsoiled. The use of maintenance-free material other than topsoil may be permitted if the same provides a safe and attractive alternative.
 - c. They shall be planted with deciduous trees of two-inch diameter at breast height, having a maximum distance between trunks at ground level of 40 feet. All trees shall be planted in the dormant state.
 - d. The area between trees shall be planted with a minimum of 3 evergreen-type shrubs.
- 11. Maintenance and performance bonds.
 - a. The owner of property covered by the on-site parking provisions of this chapter shall be required to post a performance bond covering the full amount of such improvements as are required herein. The amount of the bond shall be determined by the Borough Engineer and shall be filed with the Borough Clerk prior to site plan or other approval.
 - b. Upon satisfactory completion of the work, said owner shall supply a cash maintenance bond for a period of two years for 15% of the amount of the performance bond. Prior to the expiration of said maintenance bond, the Borough Engineer shall conduct an inspection to ascertain if the required improvements are intact and are in satisfactory condition. In the event that the requirements have not been met, the owner/developer shall be informed as to what further work may be necessary. If after six months the work has not been completed to the satisfaction of the Borough Engineer, then the maintenance bond shall be forfeited.
- 12. Minimum off-street parking spaces are as stipulated in this chapter.
- E. Retaining walls and land banks
 - 1. In the event that parking is proposed on a lot or site having an unstable sandy surface and a slope of more than 5%, regardless of size, it shall be terraced, utilizing retaining walls or properly reinforced landbanks and providing for adequate safety, stability, and drainage. At no time should a land bank that is not reinforced, or any other earthen material having a greater elevation than the adjacent parking areas, have a slope exceeding three feet vertical to five feet horizontal.
 - 2. When retaining walls or land banks or similar types of earthen material are necessitated adjacent to or within the parking area, they shall be kept in good repair or otherwise maintained so as to keep the parking area free of debris and dirt.
- F. Other considerations. All uses, including existing uses that are changed, expanded, or modified as to structure or function, shall be bound by the above requirements. In addition, no unrestricted vehicular access shall be permitted between adjacent properties. Vehicular access, if agreed upon by the owners or possessors of adjacent properties, shall be limited to one opening providing two lanes of traffic and shall be located in such a manner so as to offer continuity of a similar access drive from the street line that would facilitate the joining of properties. Access shall be denied across the remainder of the side lines by construction of a landscaped dividing strip 5 feet in width on the property being developed. If and when the adjacent

property is developed, there shall be a similar dividing strip at least 5 feet wide. All dividing strips shall be landscaped as provided herein.

- G. Refuse areas. Areas adjacent to or within the parking area designated as refuse, storage and pickup areas shall be properly screened to prevent the unsightly display and the scattering of debris. The following minimum requirements shall apply:
1. The area shall be surrounded on at least three sides by a solid uniform fence or a wall not less than five feet nor more than eight feet in height and maintained in good condition. The wall of an adjacent building may serve as one side. Said fence shall be exempt from the provisions of any ordinance of this municipality regulating the height of fences and requiring permits therefor.
 2. The opening in said screening wall or fence shall be so designed as to prevent the visual display of refuse from any adjacent parking area or street.
- H. Screening of equipment or machinery.
1. When the effective operation of a building or structure, or equipment within a building or structure, necessitates placing machinery, motors, generators or similar devices for cooling, heating, or generating purposes outside or on top of any structure, it shall be screened from public view. Said screening may consist of any of the following materials:
 - a. Densely planted evergreen shrubs which shall grow to not less than five feet after one growing season.
 - b. A solid and uniform fence at least five feet in height on four sides of said equipment.
 - c. A masonry wall at least five feet in height on four sides of said equipment.
 - d. Any similar type of solid or uniform screening which will prevent exposure to such equipment to public view.
 - e. A masonry wall at least five feet in height on four sides of said equipment.
 - f. Any similar type of solid or uniform screening which will prevent exposure of such equipment to public view.
 2. The above requirements shall not be construed to prevent an opening in any required screening for maintenance purposes. However, any such opening shall be made as inconspicuous as possible to prevent any unsightly display of said equipment to the public view.
- I. Miscellaneous.
1. Nothing in the above requirements shall be construed to prevent the joint use of off-street parking facilities by two or more uses, provided that the total of such spaces shall not be less than the sum of the requirements for various individual uses computed separately.
 2. All required parking facilities shall be located on the same lot or parcel as the structure or use it shall serve. In the case of nonresidential uses, parking facilities may be provided on other lots or parcels but shall not be greater than 300 feet from the structure or use it shall serve.
 3. No off-street parking required by a structure or use shall be included as part of an off-street parking requirement of another use unless substantial proof and assurances are established that the use of this parking will not be simultaneous.
 4. Where special traffic problems exist, the Board may require a special survey of conditions and require the location of entrances and exits to the parking lot to be altered to minimize congestion and hazard.

§270-33 Off-street loading area specifications/Industrial and commercial uses

In connection with buildings occupied by industrial, commercial, and certain institutional uses, there shall be provided and maintained on the same lot with such buildings, off-street loading berths in accordance with the following requirements:

- A. Size and location. Each loading space shall be not less than 12 feet in width, 35 feet in length and have a minimum vertical clearance of 14 feet. Where more than two berths are required, the additional berth shall be 50 feet in length. Loading berths shall not be located within 50 feet of a property or street line.
- B. Development and maintenance of parking and loading areas. Every parcel of land hereafter used as a public or private area for five or more cars or loading areas, including a commercial parking lot, shall be developed, and maintained in accordance with the following requirements:
 1. Screening and landscaping. Off-street parking areas for five or more vehicles and off-street loading areas shall be screened on the side or sides which adjoin residential areas.
 2. Minimum distances and setbacks. No off-street loading area or parking area or parking for five or more vehicles shall be closer than 10 feet to any dwelling, school, hospital, or other institution for human care located on an adjoining lot or two feet from any lot line.
 3. Surfacing. Any off-street parking for five or more vehicles, or off-street loading area, shall be bituminous or portland-cement paved. All areas shall be marked so as to provide for the orderly and safe loading, parking, and storage of vehicles.
 4. Lighting
 - a. Lighting used to illuminate any off-street parking or loading area shall be arranged so as to reflect the light away from adjoining premises of the adjoining street.
 - b. Off-street parking facilities for multifamily structures containing four or more families shall be adequately lighted.
 5. Drainage. Any off-street parking area and off-street loading areas shall be graded and drained so as to dispose of all surface water without detriment to surrounding uses.
 6. Paving and curbing. All paving and curbing shall be installed in accordance with specification set forth in Chapter 233, Subdivision of Land.

§270-34 General design considerations

**Ordinance #855-2021 - SUPPLEMENTING AND AMENDING CHAPTER 270 OF THE CODE OF THE BOROUGH OF
LAUREL SPRINGS ENTITLED ZONING**

In addition to those specifications set forth above, design considerations for permitted and conditional uses in the business/commercial zone shall include the following:

- A. Parking and service areas
 1. Parking shall be screened from adjacent residential properties with grass, shrubs, trees, fences and/or earthen berms to protect residential properties from parking lot illumination and headlight glare, automobile fumes and noise.
 2. Curbing or curb slope shall be provided in all off-street parking areas and along all accessways.
 3. Off-street parking areas and accessways thereto shall be properly drained, and all such areas shall have a paved hard surface.
 4. All off-street parking areas and accessways shall be so arranged that cars and trucks may be turned on the lot so that it is not necessary to back into any roadway. Parking shall only be located in the rear of the property.
 5. Common or joint driveway access and parking to the rear of sites is encouraged.
 6. Access driveways onto major thoroughfares shall be permitted only if alternatives, including side or rear access and common or shared single access driveways, have been considered by the Board.
 7. Where appropriate, impervious parking coverage shall be limited to the extent possible by the use of parking in or under buildings, the elimination of excess paving, grassed landbank parking and the use of permeable surfaces for paving.
 8. Parking areas shall be designed to minimize pedestrian and moving vehicle conflicts. Pedestrian walkways, parking lot islands, signage and pavement texture differentiation shall be required by the Board, where appropriate, to ensure the safe movement of pedestrians.
 9. No access shall be permitted to the parking area from within the residential zone.
 10. Every structure erected, designed, or altered for occupancy by any office use as permitted in this section shall provide, at the rear entrance and access to the building, access and space for the loading and unloading of delivery trucks.
- B. Building design and use
 1. The treatment of side and rear walls of any building in terms of building material shall be similar to the treatment of the front façade.
 2. The display of merchandise or nonpermanent uses and/or activities, e.g., vending machines, placed on the exterior of premises of any building is prohibited.
 3. All buildings shall have a unified architectural treatment, whether constructed as new or as an additional structure physically and aesthetically integrated with the existing structure. The Board shall consider in its architectural review items such as materials, colors, building setbacks, façade treatments and building height and shall encourage the revitalization of existing structures to ensure compatibility with proposed building additions.
- C. Site design and building layout
 1. The site design layout of buildings and parking areas shall be reviewed so as to provide an aesthetically pleasing design and efficient arrangement. Particular attention shall be given to safety and fire protection, impact on surrounding development and contiguous and adjacent buildings and lands.
 2. To promote a desirable visual environment and to ensure a good civic design, the Board in its review shall consider, but not be limited in its consideration of, visual impacts of the proposed development, including views and view interference, shadow effects, noise impacts and design compatibility with surrounding land uses.
- D. General design requirements
 1. Any development in this zone which will be used wholly or in part for office purposes shall be designed so as to provide a comprehensive development plan for the entire zone for which it is a part, the goals being to control means of access and to coordinate internal pedestrian and vehicular traffic flow relating to existing development and architectural compatibility.
 2. Any new façade or change in the façade of an existing building shall be reviewed by the Board for evaluation of architecture, color, and design.

- §270-35 Prohibited uses
The following uses are specifically prohibited in the Business Commercial Zone:
- Billiard parlors, poolrooms, bowling alleys or commercial amusement establishments
 - Welding shops
 - Pet shops, kennels or other commercial establishments for breeding or sale of animals
 - Display, outside the building, of articles for sale
 - Any machinery used incidental to any permitted or conditional use that is powered by other than electric motor power. In no one store or separate establishment shall there be permitted more than ten horsepower, exclusive of refrigeration and air conditioning. If steam is required, no more than 15 pounds of steam pressure shall be permitted.

- Any internal combustion engine or gas generator, unless operated for a particular temporary use or where essential for the emergency use of a public utility.
- Heavy-trucking transport
- The storage of furniture, building materials, or solid, liquid, or gaseous fuels or chemicals, unless incidental and subordinate to a permitted use
- Uses conducive to potentially high hazard in the form of fire, explosion, radiation, contamination, or other elements dangerous to human beings.
- Motel, hotel, bed & breakfast, AIRBNB, or similar uses
- Those uses enumerated in §270-18 of this Chapter.

§270-36 Area and bulk regulations

A. Lot area. A minimum lot area of 5,000 square feet shall be provided for every use hereafter erected.

B. Lot width. Each lot on which business commercial uses shall be erected shall have a width of not less than 50 feet.

C. Building coverage. The maximum building coverage shall not be greater than 40% of the gross lot area.

D. Lot coverage. The maximum lot coverage, including all structures, shall not be greater Than 80% of the gross lot area.

E. Front yard. A front yard setback shall be provided to be not less than 10 feet. Where there is an existing building on each of two lots adjacent to a lot on which a proposed building is to be erected, and both buildings have an alignment nearer to the street than the required front yard and where both buildings are within 100 feet of the proposed building, the average of the existing front yard depths of such adjacent lot shall be the minimum required front yard depth of the lot on which the proposed building is to be erected.

F. Side yards. There shall be side yard setbacks to be not less than 10 feet.

G. Rear yard. There shall be a rear yard to be not less than 30 feet.

H. Height. A structure shall not have a greater height than two stories of 30 feet measured from the average grade line perimetering the building to the top of the main roof cornice line, excluding necessary utility-type roof structures.

§270-37 Compliance with Redevelopment/Rehabilitation District Requirements

The Borough has created by ordinance certain redevelopment and rehabilitation districts, identified as follows:

- Downtown Area Redevelopment District
- White Horse Pike Corridor Redevelopment District
- 135 Broadway Redevelopment District
- Stone Road Rehabilitation District
- Laurel Road Overlay

In addition to compliance with the purposes and requirements specified for the Business/Commercial Zone, all lots located within such districts must comply with the purposes and requirements specified in those redevelopment or rehabilitation districts. Where standards of the Business/Commercial Zone conflict with the redevelopment or rehabilitation district, the stricter standard shall apply.

ARTICLE VII - Age-Restricted Housing Overlay

§270-38 Purpose; permitted zones

- A. Purpose. In recognition of the need for affordable housing for seniors and the character of the Borough, the purpose of this ordinance is to provide for commercial, subsidized, and affordable senior citizen housing in townhouse and multifamily dwellings pursuant to the provisions of the Fair Housing Act of 1968, as amended, the regulations of the US Department of Housing and Urban Development, and the regulations of the New Jersey Council on Affordable Housing, as they may be modified or superseded.
- B. Permitted Zones. Senior Citizen Multifamily Affordable Housing shall be permitted in the Business Commercial Zone identified in §270-29; in the lots identified in the Downtown Business District Redevelopment Plan, as amended; the White Horse Pike Corridor Redevelopment Plan; the Stone Road Rehabilitation Zone; the 135 Broadway Redevelopment Plan; and the Laurel Road Overlay District.

§270-39 Definition; permitted use

Definition: Senior Citizen Housing. Housing within which residency shall be restricted to permanent residents of the age of 62 years or over, except for the spouse of a qualifying resident.

Permitted use: Senior citizen multifamily affordable housing.

§270-40 Accessory uses

Any of the following accessory uses may be permitted in conjunction with a permitted principal use as senior citizen multifamily affordable housing:

- A. Community room for the primary use of the residents
- B. Office for manager of the building
- C. Apartment for the manager or superintendent if resident on site
- D. Maintenance building

- E. Ancillary rooms within the principal building for the provision of social and medical services to residents of the building
- F. Ancillary uses on the same lot and customarily incidental to the permitted principal use.

§270-41 Affordable Housing Requirements

Senior citizen multifamily development shall be required to include in its development plan a fair share of affordable housing based on the growth associated with development taking place in the Borough, consistent with the Provisions of N.J.A.C. §5:93-1 et seq. These rules are pursuant to the Fair Housing Act of 1985 and the Borough's obligation to provide for its share of low- and moderate-income housing and shall be applicable to rental and for-sale units. Pursuant to N.J.S.A. 40A:12A-4.1, the inclusion of an affordable housing element pursuant to the Fair Housing Act shall be a condition to the granting of a tax abatement to the developer.

Affordable housing development requirements shall include the following:

- A. All residential senior citizen development shall provide one (1) affordable low-income unit for every six (6) market rate units constructed, and a moderate-income unit for every eight (8) market rate units.
- B. Affordable housing units being constructed shall meet the requirements of the zoning district and/or redevelopment plan in which they are located and shall be in conformance with COAH rules and the Uniform Affordability Controls at N.J.A.C. §5:80-26.1 et seq., including but not limited to requirements regarding phasing schedule, controls on affordability, low- and moderate-income split, heating source, maximum rent and/or sales price, affordability average, and affirmative marketing.
- C. To the greatest extent possible, affordable housing units being provided in the development shall be disbursed throughout the development and shall be located within buildings designed to be architecturally indistinguishable from the market-rate units otherwise being constructed.
- D. Single-family attached buildings in the form of semi-detached (side by side) units or duplex (over and under) units shall be deemed to be permitted uses and shall be required to comply with the affordable housing obligations provided herein.
- E. Low-income units will be reserved for households with a gross household income less than 50% of the median income approved by COAH; moderate-income units will be reserved for households with a gross household income less than 80% of the median income approved by COAH as per N.J.A.C. 5:93-9.15 and 9.16, as same may be subsequently amended. These regulations will be applicable to for-sale and rental units, condominium, and cooperative housing.
- F. Newly constructed low- and moderate-income rental units will remain affordable to low- and moderate-income households for at least 30 years. Newly constructed low- and moderate-income units for sale shall be subject to the requirements, limits and duration specified in COAH regulations, including Deed restrictions.
- G. All senior citizen multifamily development shall be subject to and consistent with the standards, requirements and specifications of the Zoning Code of the Borough of Laurel Springs and the specified Redevelopment Plans, Rehabilitation Plan and Overlay District.

ARTICLE VIII - Affordable Housing Growth Share

§270-42 Applicability

This Article of the Zoning Code of the Borough of Laurel Springs sets forth mechanisms by which developers shall provide for a fair share of affordable housing based on growth that is associated with development taking place within the Borough.

- A. Residential development. Except as exempted herein, all residential development in all zoning districts in the Borough that results in a net increase in market-rate dwelling units in accordance with N.J.A.C. 5:94-1 et seq., shall be subject to the growth share provisions of this article.
- B. Nonresidential development. Except as exempted herein, all nonresidential development in all zoning districts in the Borough that results in a net increase in gross floor area of any existing nonresidential structure, or the construction of a new nonresidential structure in accordance with N.J.A.C. 5:94-1 et seq., shall be subject to the growth share provisions of this article.

§270-43 Exemptions

Developments that received preliminary or final approval from the Board prior to the effective date of this article are exempt from the provisions of this article.

§270-44 Residential growth share provisions

- A. All residential development which results in the construction of new market-rate dwelling units in the Borough shall provide one affordable unit for every eight market-rate units constructed.
- B. All residential development consisting of eight or more residential units shall provide one (1) affordable housing unit on site for every eight (8) market-rate units.
- C. For developments that result in a number of market-rate residential units not evenly divisible by eight, the developer may construct the additional affordable unit on site or, alternatively, the developer may make a payment in lieu of constructing the additional affordable unit. If the developer selects the latter option, the amount of said payment shall be established by subtracting any whole multiples of eight from the total number of market-rate residential

units being created, dividing the remaining number of units by eight and multiplying the resulting fraction by \$75,000.

- D. All residential development in the Borough consisting of less than eight residential units may provide one affordable unit on site or may make a payment in lieu of constructing the proportionate fraction of the affordable housing unit required. If the developer selects the latter option, the amount of said payment shall be established by dividing the number of market-rate units by eight and multiplying the resulting fraction by \$75,000.
- E. As an alternative to fulfilling the affordable housing requirements set forth in subsections B through D above, developers of residential units in the Borough may elect to construct an affordable housing unit elsewhere in the Borough, or purchase an existing residential unit elsewhere in the Borough in accordance with COAH's reconstruction (gut rehabilitation) program, buy-down program, and/or municipally sponsored rental program which shall comply with COAH rules at N.J.A.C. 5:94-1 et seq.
- F. As an alternative to the on-site construction of affordable housing, the Board may permit developers of residential housing units in Laurel Springs to make a payment in lieu of providing affordable housing units on site. If the Board permits that option, the amount of said payment shall be established by dividing the number of market-rate units by eight and multiplying the resulting number by \$75,000.

§270-45 Nonresidential growth-share provisions

- A. All nonresidential development in the Borough that results in an increase in gross floor area of any existing nonresidential building or the construction of a new nonresidential building shall provide one (1) affordable housing unit for every 25 jobs that result from the application of standards adopted by COAH (presently found in Appendix E of N.J.A.C. 5:94-1 et seq.) and based on use groups, as defined by the International Building Code (IBC), which has been incorporated by reference into the Uniform Construction Code (UCC).
- B. All non-residential development in the Borough shall provide one unit of affordable housing for every 25 jobs created by new or expanded development. Determinations of the number of jobs created shall be based on new or expanded floor area in the development and the conversion factors, by use group, published by COAH as Appendix E in N.J.A.C. 5:94-1 et seq.
- C. Except as set forth in Subsection D below, nonresidential developers in the Borough shall construct an affordable housing unit elsewhere in the Borough or purchase an existing residential unit elsewhere in the Borough in accordance with COAH's reconstruction (gut rehabilitation) program, buy-down program, and/or municipally sponsored rental program which shall comply with applicable COAH rules at N.J.A.C. 5:94-1 et seq.
- D. As an alternative to fulfilling the affordable housing requirements set forth in Subsection B above, the nonresidential developer may make a payment in lieu of constructing the affordable units. The amount of said payment shall be determined by establishing the number of jobs to be created in a development by using the conversion factors published by COAH as Appendix E in N.J.A.C. 5:94-1 et seq., dividing by 25 to determine the number of affordable housing units required and multiplying the resulting figure by \$75,000.
- E. For developments that result in a number of jobs not evenly divided by 25, the developer may construct the additional affordable unit off-site in accordance with Subsection C above, or, alternatively, the developer may make a payment in lieu of constructing an additional affordable unit in accordance with subsection D above. If the developer selects the latter option, the amount of said payment shall be established by subtracting any whole multiple of 25 from the total number of jobs being created, dividing any remaining number of jobs by 25 and multiplying the resulting fraction by \$75,000.
- F. All nonresidential developments in the Borough creating less than 25 jobs may provide one affordable unit off site in accordance with Subsection C above or may make a payment in lieu of constructing an affordable housing unit. If the developer selects the latter option, the amount of said payment shall be established by dividing the number of jobs by 25 and multiplying the resulting fraction by \$75,000.

§270-46 General provisions for construction of affordable units

- A. Affordable housing units being constructed on site or off site shall meet the requirements of the zoning district in which they are located and shall be in conformance with COAH's rules at N.J.A.C. 5:94-1 et seq., and the Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq., including but not limited to requirements regarding phasing schedule, controls on affordability, low-moderate income split, heating source, maximum rent and/or sales prices, affordability average, bedroom distribution, and affirmative marketing.
- B. To the greatest extent possible, affordable housing units being provided within inclusionary developments shall be disbursed throughout inclusionary developments and shall be located within buildings designed to be architecturally indistinguishable from the market-rate units otherwise being constructed within the development. To that end, the scale, massing, roof pitch and architectural detailing (such as the selection of exterior materials, doors, windows, etc.) of the buildings containing the affordable housing units shall be similar to and compatible with that of the market-rate units.
- C. Single-family attached buildings in the form of semidetached (side by side) units or duplex (over and under) units shall be deemed to be permitted uses in the underlying zone when created for the purpose of meeting the growth-share obligation on site and shall conform to the bulk standards applicable to a single-family house in the zoning district in which it is located.

§270-47 Payment in-lieu provisions

All payments in lieu of constructing affordable housing shall be deposited by the Borough of Laurel Springs into an affordable housing trust fund to be established by the Borough in conformance with regulations established by COAH and shall at all times be identifiable from development fees. These funds shall be used by the Borough in accordance with regulations established by COAH to create new affordable housing opportunities within the physical boundaries of the Borough of Laurel Springs.

ARTICLE IX - Exceptions and Supplemental Regulations

§270-48 Nonconforming uses

- A. Definition. As used in this section, the following terms shall have the meanings indicated:
- B. Nonconforming use – A use or activity which was lawful prior to the adoption, revision or amendment or a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision, or amendment.
- C. Nonconforming uses run with the land, which means that the property owner's rights do not terminate upon change of ownership.
- D. Nonconforming uses may not be enlarged or intensified without a variance, except where the change is negligible. Nonconforming uses may be restored or repaired only in the event of partial destruction but may not be continued if the destruction, whether voluntary or involuntary, exceeds partial destruction.
- E. Nonconforming uses may not be changed to another use unless the proposed change in use is similar to the existing use.
- F. A nonconforming use may not be continued where an abandonment of such use occurs. Abandonment requires the concurrence of two factors:
1. An overt act or failure to act which implies that the owner neither claims nor retains any interest in continuing the nonconforming use; and
 2. An intention to abandon.

§270-49 Nonconforming structure

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

- A. Nonconforming structure – A structure, the size, dimension, or location of which was lawful prior to the adoption, revision, or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision, or amendment.
- B. Nonconforming structures run with the land, which means that the property owner's rights do not terminate upon change of ownership.
- C. Nonconforming structures may not be enlarged or intensified without a variance, except where the change is negligible. Nonconforming structures may be restored or repaired only in the event of partial destruction, but may not be continued if the destruction, whether voluntary or involuntary, exceeds partial destruction.

§270-50 Accessory buildings, structures and uses

- A. Accessory buildings, structures and uses shall be permitted only on the same lot as the principal building to which they are accessory.
- B. Accessory buildings, structures and uses shall not be such as to alter the character of the premises on which they are located and shall not encroach upon any front, side or rear yard unless otherwise permitted in this chapter.
- C. All accessory buildings, structures or uses shall be governed by the bulk and area regulations of the zone in which they are located, except that storage sheds associated with one- and two-family dwelling units on the same lot as the principal structure may be located not closer than five feet to the side and rear lot lines but shall comply with the front yard requirement for a principal structure. Storage sheds on corner lots shall not be located nearer to any street line than the minimum required depth of a front yard in the zone in which the lot is located. Storage sheds shall not exceed 120 square feet and nine feet in height.

§270-51 Family day-care homes/Residential zone

Family day-care homes in the R-1 residential zone shall be subject to the following requirements:

- A. No change shall be permitted to the exterior of the home for the purpose of accommodating day-care use. However, the exterior of any new residential structure used as a home-based care center shall be architecturally designed as a residential unit compatible with the type of existing units or those yet to be located in the neighborhood.
- B. The applicant shall be required to submit proof that the use is in harmony with the character of the neighborhood with consideration to population density, design, scale, and bulk of any structure and that no adverse impacts will be created.
- C. A minimum of 30 square feet of usable activity indoor floor space for each child is required. Areas for administrative use, bathrooms, hallways, storage and kitchen areas, basements or attics shall not be included in this calculation.
- D. A minimum of 75 square feet of outdoor play area per child is required on the residential lot. The area shall be well drained, completely fenced and not include driveways, parking areas or land unsuitable for outdoor play areas. Outdoor play areas shall also be readily accessible and free from hazardous conditions.
- E. All outdoor play areas shall be screened from adjacent properties by a fence or wall at least six feet in height and screen plantings within a 15-foot setback area along property lines. Outdoor areas located near or adjacent to hazardous areas determined by the Board to be unsafe, including but not limited to streets, roads, driveways, parking

lots, railroad tracks, swimming pools, streams, steep grades, open pits, high-voltage lines, or propane gas tanks, shall be fenced or otherwise protected by a natural or man-made barrier.

- F. No outdoor play area shall be located in the front yard.
- G. Family day-care centers must restrict their hours of operation to between 6:30 a.m. and 9:00 p.m. No outdoor play areas shall be used before 9:00 a.m. or after 8:00 p.m. There shall be no overnight care.
- H. Any site lighting shall not reflect over the property line of the premises.
- I. No signage shall be permitted for home-based care centers other than one unlighted nameplate of not more than one square foot attached to the home.
- J. Adequate parking and loading/unloading areas shall be determined by the Board during site plan review of the center.
- K. There shall be no detrimental impacts to the use, peaceful enjoyment, economic value or development of the surrounding properties or neighborhoods.
- L. The home in which the use is located shall be the principal residence of the applicant.
- M. No commercial vehicle shall be kept on the premises in connection with a family day-care home occupation.
- N. No goods, chattels, materials, supplies or items of any kind shall be delivered either to or from the premises in connection with a family day-care center except in passenger automobiles owned by the resident and kept on the premises, or ordinary mail/delivery methods (e.g., UPS, FedEx).
- O. Family day-care use of the dwelling unit shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
- P. There shall be no nuisance element detectable beyond the principal structure in connection with the family day-care center.
- Q. Family day-care shall be approved by the New Jersey Department of Children and Families (DCF).

§270-52 Child-care centers/Nonresidential zones

Child-care centers shall be permitted as an accessory use in all nonresidential zones. In these zones, accessory child-care centers shall be permitted within churches or other places of worship, public schools, shopping centers, community, and public buildings, subject to site plan review and the following conditions:

- A. The applicant shall provide substantial evidence that there is a definite need for the child-care center in the requested location and that the proposed child-care center will have no adverse impact on surrounding properties.
- B. The child-care center shall have easy and direct access, and the entrance and exits shall be located away from areas of heavy vehicular and pedestrian traffic with limited contact with commercial and/or office uses.
- C. The hours of operation shall be limited to 7:00 a.m. to 7:00 p.m.
- D. The child-care center shall not create any objectionable traffic conditions.
- E. Parking areas, pedestrian walkways, or other exterior portions of the premise subject to use by child-care center occupants at night shall be illuminated to provide safe entrance to and egress from the center.
- F. An outdoor play area shall be on the same lot as the child-care center. The area shall be graded, well drained, completely fenced and not include driveways, parking areas or land and uses otherwise unsuitable. All outdoor play areas shall include sheltered play space.
- G. No part of any outdoor play area may be situated in the front yard.
- H. Storage facilities for moveable outdoor play equipment shall be provided and such equipment shall be stored in these facilities when not in use. In addition, outdoor play equipment shall be designed to accommodate disabled children.
- I. All outdoor play areas shall be screened from adjacent properties by a fence or wall at least six feet in height and screen plantings within a 15-foot setback area along all property lines. Outdoor areas located near or adjacent to hazardous areas determined by the Board to be unsafe, including but not limited to streets, roads, driveways, parking lots, railroad tracks, swimming pools, streams, steep grades, open pits, high-voltage lines, or propane gas tanks, shall be fenced or otherwise protected by a natural or man-made barrier or structure.
- J. The child-care center may be identified only by signage which is consistent with the overall sign design theme of the particular development project or area in which the center is located.
- K. Each child-care center shall be connected to public sewer and water facilities.
- L. The site shall be free from any hazards to the health, safety, or well-being of the children.
- M. The child-care center, including any outdoor play space provided, shall be so located, and designed that there shall be no objectionable impacts on adjacent or nearby properties due to noise, activity, visual or other objectionable conditions. The Board may require such special treatment in the way of design, screening or buildings, planting and parking areas, signs, or other requirements as it shall deem necessary to protect adjacent and nearby properties.
- N. All child-care centers must be licensed by and meet the requirements of the New Jersey Department of Children and Families (DCF).

§270-53 Swimming pools, tennis courts, and private recreational facilities

Except for portable swimming pools which have a depth at any point of less than 15 inches or capacity of 300 gallons or less, the following regulations shall apply to permanent and portable swimming pools, tennis courts and similar recreational facilities that are accessory to a residential use:

- A. Said use shall be located on the same lot as the principal structure.

- B. Said use shall comply with the minimum yard requirements for principal structures.
 - C. Said use shall be appropriately screened and fenced to minimize adverse impact on adjoining properties.
 - D. A swimming pool shall be a permitted accessory use, and no swimming pool shall be permitted unless it complies with the requirements of this chapter and Chapter 237, as amended.
 - E. No existing or hereafter constructed swimming pool shall be located on a lot unless there is an occupied residence on such lot.
 - F. No swimming pool shall be hereafter constructed, installed, relocated, or reconstructed unless the pool itself and any apron, accessory building, structure, and equipment are all located at least 10 feet from all property lines and at least 30 feet from the property line of any street bordering the property in question. Swimming pools are prohibited in front and side yards.
 - G. Tennis courts may use a hurricane-type fence around the court area. The maximum height shall be six feet along the property line, and an additional one foot in height for every additional one-foot set back from the property line, not to exceed ten feet.
 - H. Tennis court drainage shall be reviewed and approved by the Borough Engineer.
- §270-54 Breaking curbs for driveway construction
- A. No person, firm or corporation shall break, cut, or otherwise damage or disturb any existing curb in the right-of-way of any public street except in accordance with this article.
 - B. An existing curb may be broken in order to permit the construction of a driveway for access to property contiguous to such curb, but only in accordance with this article.
 - C. The Zoning Officer shall, upon written request of the owner or contractor fixing the location and size of the opening, authorize the Borough Clerk to issue a permit where the property in question contains only a single-family dwelling and access is desired for the use of the occupants of such dwelling and the opening will not exceed 14 feet.
 - D. In all other instances, permission therefor shall be obtained from the Board upon written application and notice to other property owners as required in the case of a variance. The standards to be used by the Board in granting or denying such permission or in attaching such conditions as the Board may deem appropriate shall be:
 - 1. Increasing or aggravating the hazards of both vehicle and pedestrian traffic.
 - 2. The reasonable size of the opening in relation to the intended use.
 - 3. The existence of other means of access.
 - 4. Interference with the proper drainage of surface waters.
 - 5. Any other factor involving the public convenience or necessity.
 - E. The refinishing of all curb cuts shall be done in good and workmanlike manner.
- §270-55 Fences and Hedges
- A. Definitions. As used in this chapter, the term "fence" shall include the following:
 - 1. A hedge, structure, wall, or partition erected for the purpose of enclosing a piece of land.
 - 2. An enclosure of wood, iron, shrubs, hedges, or other materials intended to prevent intrusion from without or straying from within.
 - 3. An open-style, see-through fence is defined as having a minimum of 40% visibility through the fence when viewed from a point perpendicular to the fence.
 - B. Design Requirements.
 - 1. Fences and walls shall be required to complement the structural style, type, and design of the principal building.
 - 2. When solid fences and walls used adjacent to or attached to buildings as architectural extensions, careful consideration shall be given to coordination with the lines, materials, and color of any principal structure.
 - 3. Fences and walls shall be constructed of durable materials and shall display a high level of quality in finish and detail. Walls with a lesser quality of finish and detail may be considered for approval if they are continuously screened by landscaping. Gates in walls and fences between streets and open areas may be required by the Board.
 - a. Plantings shall be considered as part of any wall or fencing plan.
 - b. The use of plant screens instead of fences is encouraged along property lines.
 - c. Materials and construction:
 - i. If the fence is wood or wood frame, the framework must face the interior of the lot or be finished on both sides.
 - ii. If the fence is open metal mesh supported by posts or frames of either pipe or wood, the posts and frames must face the interior of the lot.
 - iii. If the fence is of masonry construction, a finished surface must be provided on the exterior side.
 - 4. Hedges shall be subject to the same provisions as regular fencing; provided, however, that they shall not be placed nearer than 4 feet to any sidewalk or any prospective sidewalk.
 - 5. The height of walls and fences shall be measured from the average elevation of the finished grade along the base of the wall or fence to its highest point.
 - 6. No fence, hedge or solid wall of any type shall be erected or maintained if it is deemed a safety hazard in obstructing the view of motorists.

7. All fences erected shall be maintained in a safe, sound, and upright condition by the property owner, and all hedges shall be neatly maintained and trimmed in appearance and kept at a height not greater than prescribed by this chapter.
 8. No person shall erect a fence or wall before obtaining a permit from the Construction Official. Living fences shall not require a permit but shall be governed by the rules of this section. The cost of the permit shall be established in the Borough's Fee Ordinance.
 9. Existing fences at the time of adoption of this chapter shall be allowed to remain and to be maintained but cannot be replaced except by compliance with the rules set forth in this chapter.
 10. Existing living fences in areas not permitted by this chapter can be maintained at a height of not more than 4 feet. No living fence in violation of this chapter shall be replaced except by compliance with the regulations herein prescribed.
 11. Walls 48 inches or more are governed by the Uniform Construction Code.
- C. Height restrictions
1. No fences hereafter erected, altered or reconstructed in the Residential Zone, Professional Office Zone, or on lots in any other zone on which residential buildings are erected shall exceed four feet in height above ground level between the front building line of the primary structure and the front property line, and said fences must be constructed of a see-through material. Fences in this area shall not be constructed of chain link or pipe rail or any other material that has a similar look.
 2. No fences hereafter erected, altered or reconstructed in any manner in a Residential Zone, Professional Office Zone, or on lots in any other zone on which residential buildings are erected shall exceed six feet in height above ground level between the rear building line of the primary structure and the rear property line. Chain link or pipe rail or any other material that has a similar look shall only be permitted between the rear building line of the primary structure and the rear property line, including inside the rear property line.
 3. On corner properties located at the intersection or interception of two or more streets, no hedge, fence, or wall shall exceed three feet above curb level, nor shall any obstruction to vision (other than a post not exceeding one square foot in cross section) be permitted within the triangular area formed by the intersecting street lines and a straight-line joining points located on said street lines 30 feet distant from their point of intersection. In the case of a tree located within the said sight triangle, a clear and unobstructed view shall be maintained in perpetuity from average grade level to a height of six feet.
- D. Prohibited Fences. The following types of fences are prohibited in all zones:
1. Barbed wire or wire on which barbs or points are strung, attached, or fastened.
 2. Canvas, cloth, or electrical fences.
 3. Snow fences as a permanent fence.
- E. Swimming pool fences excepted. The provisions of this chapter shall not control fences that are required adjacent to swimming pools. (See Chapter 237)
- F. Encroachments on easements or rights of way.
1. All fences must be erected within the property lines and no fence shall be erected which encroaches upon any easement or public right of way. The growth of any bush along a sidewalk area must not exceed a height of three feet, nor shall any boundary lines of any property growth extend within two feet of a sidewalk.
 2. Any property owner who has an existing bush, hedge or shrub or intends to plant the same must maintain the growth of the same and must not allow it to encroach on a neighbor's property.
 3. Any property owner who has any existing tree whose limbs extend over a neighbor's property due to growth forfeits the right of that portion of the tree to his neighbor.
- G. Maintenance. All fences or hedges shall be maintained in a safe, sound, and upright condition and are the responsibility of the present owner.
- H. Existing fences and hedges.
- Existing fences at the time of adoption of this chapter shall be allowed to remain and to be maintained but cannot be replaced except in compliance with the rules set forth in this chapter.
- Existing hedges or other living fences in areas not permitted by this chapter can be maintained at a height not more than four feet. No hedge or living fence in violation of this chapter shall be replaced except in compliance with the rules set forth in this chapter.
- I. Inspections by Property Maintenance Inspector or Zoning Officer.
- If the Property Maintenance Inspector (if one has been appointed by the Borough) or Zoning Officer, upon inspection, determines that any fence violates the terms of this chapter, he shall notify the owner or occupant of the premises upon which the fence is located of his findings and the reason for such findings. He may order such fence or portion of such fence to be repaired or removed within 30 days of the receipt of the notice. This notice may be delivered in person, provided that the recipient signs and dates an acknowledgment of service, or by certified mail, return receipt requested.
- J. Enforcement.
- After the expiration of the 30 days as provided herein, the Property Maintenance Inspector or Zoning Officer who issued the notice may cause said repair or removal to be effectuated if the owner or occupant has failed to

make said repair or removal. In that event, the cost thereof shall become a lien upon such lands and, as such, become part of the taxes next to be assessed and levied on such lands as provided by the laws of the State of New Jersey.

§270-56 Commercial Vehicles

No more than one commercial vehicle with a gross vehicle weight of less than 10,000 pounds may be parked, stored, or garaged at any dwelling unit or on any public street within the residential zones of the Borough.

§270-57 Exceptions and supplemental requirements to bulk and area regulations

- A. Yards. On a corner lot, there shall be deemed two front yards on abutting streets, one rear yard and one side yard.
- B. Yard dimensions.
 1. Where minimum permitted yard dimensions are less than sufficient to accommodate a required buffer area, they shall be increased accordingly.
 2. Where a lot abuts any street, which is proposed to be widened on the Official Map or Master Plan of the Borough, the required minimum yard dimension shall be measured from the proposed right-of-way line.
- C. Through lots. On a through lot, front yards are required along all street lines.
- D. Curved lot frontage. Where a lot adjoins a cul-de-sac or abuts a curved street with a radius of less than 500 feet, the required lot frontage may be reduced to not less than one-half (1/2) of the required minimum lot width, and the minimum lot width at the front yard line may be reduced to not less than 75% of the required lot width.
- E. Lot depth. The required lot depth at any point may be decreased by 25% if the average lot depth conforms to the minimum requirements.
- F. Minimum net habitable floor area. The net habitable floor area of any dwelling unit shall be not less than the least restrictive of the most current minimum floor areas as promulgated by the New Jersey Housing Finance Agency or the U.S. Department of Housing and Urban Development in its minimum property standards manual.
- G. Maximum occupancy limits. The number of occupants of any dwelling unit shall not exceed the maximum permitted under the most current occupancy guidelines as established by the U.S. Department of Housing and Urban Development.
- H. Number of structures restricted. In any residential zone, there shall be not more than one principal structure on each lot. In any other zone, the placement of more than one principal structure shall be subject to Board approval of a site plan showing existing, proposed and all future development(s) on the site.

§270-58 Adult bookstores

In the development and execution of these provisions, it is recognized that there are some uses which because of their very nature are recognized as having serious objectionable characteristics, particularly when several of them are concentrated under circumstances having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood.

- A. Adult bookstores, adult motion-picture or video theaters, and massage parlors are hereby deemed to be regulated uses.
- B. No regulated use may be located within 1,000 feet of any other regulated uses, nor within 1,000 feet of a residentially zoned area.
- C. Any person, firm or corporation or other party violating any of the provisions of this section shall, upon conviction thereof, be subject to penalties prescribed herein. Each and every violation of and nonconformance with this section or each day that any provision of this section shall have been violated shall be construed as a separate and distinct violation thereof.

ARTICLE X - Signs; Emissions; Noise; Glare

§270-59 Signs; scope and applicability

In all zoning districts within the Borough, signs may be erected, altered, maintained, used, removed, or moved only when in compliance with the provisions of this chapter and any and all other ordinances and regulations of the Borough relating to the erection, alteration, maintenance, use, removal or moving of signs and similar devices. None of the regulations which are contained in this chapter shall apply to temporary signs (not to exceed 45 days) which are in the nature of traditional holiday or seasonal greetings or decorations not advertising a specific product, service, or establishment.

§270-60 Definitions

For the purposes of this chapter, the following definitions shall apply:

“Flag” or “banner” means any piece of cloth, vinyl, plastic, canvas, or similar material, commonly bunting; any size, shape, color, design; hanging or fixed in place; used to identify, promote, advertise, announce the interests of any person, business, or establishment when the same is placed in view of the general public. Not to include any official U.S., state, county, or municipality flag.

“Functional sign” means directional, information or public service signs, such signs advertising locations of rest rooms, telephones or similar facilities of public convenience, and signs located on mechanical dispensing equipment to identify its product.

“Official sign” means any sign, symbol or device erected and maintained by federal, state, county, or local government agencies for the purpose of informing or guiding the public or for the protection of health, safety, convenience, and general welfare.

“Sign” means any conspicuous outdoor notice designed to identify, inform, guide or advertise; includes every outdoor sign, billboard, ground sign, roof sign, illuminated sign, projecting sign, temporary sign, pylon or pole sign and marquee and every awning, canopy and street clock which includes any announcement, declaration, demonstration, display, illustration or insignia used to identify or promote the interests of any person when the same is placed in view of the general public.

§270-61 Sign permits

It is unlawful for any person, firm, or corporation to erect, alter, relocate, or maintain within the Borough any sign, as set forth and defined in this chapter, except those hereinafter exempted, without first making application for a permit from the Borough, which permit shall be in addition to any other licenses or permits which may be required by other ordinances:

- A. Application. Application for permits shall be made on Borough forms and shall contain the following information:
 1. Name, address, and telephone number of the applicant and of the sign erector.
 2. Location of building, structure, or lot to which the sign is or is to be attached or erected.
 3. Position of the sign in relation to nearby buildings or structures.
 4. Name of person, firm, corporation, or association erecting the sign if new construction.
 5. Name of owner of property on which sign is located and written consent of owner if other than the applicant.
 6. Scale drawing of the sign showing all details, including message, color, lighting, structural design, and anchorage.
 7. Other such information as the Borough shall require to show full compliance with this chapter and all other ordinances.
- B. Procedure. The Borough, upon receipt of an application, shall refer the same to the Zoning Officer, which shall examine or cause to be examined the application and, when necessary, examine or cause to be examined the lands and/or premises upon which the sign is erected or proposed to be erected and determine whether the structure or proposed structure is in compliance with all of the requirements of this chapter and all other laws and ordinances of the Borough. The Zoning Officer’s determination shall be noted on the application which shall be returned to the Borough. If the determination is favorable, the Borough shall accept the prescribed fee and issue a permit. If the determination is unfavorable, the application shall be rejected and referred to the Board for review. Upon approval, signs requiring a construction permit under this chapter shall not be placed until the requirements for a construction permit have also been met.
- C. Exemptions.
 1. The following signs shall not require an application, permit, or fee: Those signs authorized by §270-62 A. 2, 3, 4, 5, 11, and 12.
 2. The following signs shall require an application and permit, but no fee: Those signs authorized by §270-62 A. 8.
 3. Functional signs shall not require a permit or fee and shall be permitted to be erected and maintained in addition to signs permitted in the various zones.
- D. Fees, expirations, and computation of size.
 1. There shall be an application fee as set forth in the Borough Annual Fee Ordinance.
 2. As a condition for the issuance of a sign permit, any delinquent property taxes, tax liens or assessments on the property wherein the business or activity for which permit is sought or wherein the business or activity is to be conducted must be paid in full, together with any interest or penalties accruing thereon.

§270-62 Permitted signs; regulations

- A. Within the residential zones, no sign other than the following shall be erected in whole or in part unless it complies with the following regulations.
 1. No more than one permanent sign per lot shall be permitted for each use or activity permitted in these zones unless otherwise specified herein.
 2. A nameplate, situated within the property lines and not exceeding one square foot in area.
 3. A nonilluminated temporary sign advertising the prospective or completed sale or rental of the premises upon which it is located, not exceeding six square feet in area and provided that it shall be maintained and removed within seven days after consummation of the sale or lease transaction.
 4. Official signs by any governmental agency.
 5. Temporary signs announcing or advertising any political, educational, charitable, civic, professional, religious or like campaign or event for a consecutive period not to exceed 30 days in any calendar year, provided that they do not exceed 40 square feet in size.
 6. Nonilluminated temporary signs on new construction sites not exceeding 12 feet in total area and provided that they shall be removed within seven days after completion of the construction work. Signs advertising major subdivisions that have received preliminary plot approval by the Board shall not exceed two in number, shall not exceed 100 square feet in area, and shall be removed within 90 days after completion of the construction work.
 7. Signs advertising the sale or development of the premises upon which they are erected, when erected in connection with the development of the premises by a builder, contractor, developer, or other person interested in such sale or development, or a sign advertising alterations to a structure, provided that:
 - a. The size of the sign is not in excess of 12 square feet per each 25,000 square feet of lot area in the subject premises or 32 square feet, whichever is smaller.

- b. No more than two signs are placed upon any property in a single and separate ownership. All such signs shall be removed upon completion of development or earlier if required by the Borough.
- 8. Identification signs for churches, hospitals, schools, playgrounds, parks, and public utility installations, which shall not exceed 20 square feet in area.
- 9. Signs advertising private clubs, lodges, and the like, which shall not be neon, shall be situated within the property lines of the premises to which they relate and shall not exceed 12 square feet in area.
- 10. Signs prohibiting or otherwise controlling trespassing upon particular premises or indicating the private nature of a road, driveway, or premises, provided that the area of any such sign shall not exceed 12 square feet.
- 11. Signs prohibiting or otherwise controlling fishing, hunting, etc., upon particular premises, provided that the area of any such sign shall not exceed four square feet.
- 12. One project identification sign on each side of an apartment development which has frontage on a public street, and which may bear only the name of the project, the address and the presence or lack of vacant units. Such signs shall not exceed 32 square feet in area on either side and six feet in height and shall be situated not closer than 20 feet to any street or property line but not attached to any building.
- B. Within the business commercial zone, no sign shall be erected or altered in whole or in part unless it complies with the following regulations:
 - 1. Those signs permitted in residential zones referred to in subsection A. above shall be permitted.
 - 2. Each commercial use may have one identification sign located on or attached to the façade of said uses. Such sign shall not project more than two feet beyond the building line and shall not exceed an area equal to either 15 percent of the front wall area, including window and door area on which they are displayed, or 200 square feet, whichever is smaller.
 - 3. Each business may have one freestanding sign, provided that such sign shall not exceed 17 feet in height and shall not be larger than one-half square foot of sign area per linear front foot of building with a maximum of 150 square feet of area, which shall be located so as not to obstruct, confuse, or interfere with vehicular traffic and shall be erected within the property line of the premises to which it relates. Where there are two or more stores joined, only one such freestanding sign shall be permitted on any single property, regardless of the number of establishments on the property, except that the Board may authorize an additional freestanding sign if the property has access from more than one public street.
 - 4. Signs required by law to be exhibited by the occupants of the premises shall be permitted.
 - 5. No sign, except such directional devices as may be required by the federal aeronautical authorities, shall be placed, inscribed, or supported upon the roof of any structure or upon the roof of any structure which extends above the roof of any building.
- C. In the White Horse Pike Corridor Redevelopment and the Downtown Redevelopment District, no signs shall be erected or altered in whole or in part unless it complies with the respective Redevelopment Plan, regulations applicable to all districts, and subject to approval by the Board.

§270-63 Sign regulations applicable to all districts

The following general regulations shall be applicable to all zones and districts, except as specifically limited:

- A. All refuse and paper shall be constantly removed from the ground spaces at least 15 feet in all directions around the sign.
- B. No sign shall be placed in such a position that it will cause danger to traffic on a street or entering a street by obscuring the view. In no case shall any sign, other than an official sign or functional sign, be erected within the official right-of-way of any street unless specifically authorized by other ordinance or regulations of the Borough. All signs over six feet in size, other than those permitted within the street right-of-way, shall be erected with the bottom of the sign at least eight feet above the level of the road centerline or shall be set back from the edge of the improved cartway for a distance of not less than 20 feet or shall be at least 50 feet from the side of any street or driveway intersection.
- C. The following signs are prohibited in all zones:
 - 1. A flashing, blinking, twinkling, animated, moving, or projected sign of any type (with the exception of the illuminated sign permitted for the White Horse Pike Redevelopment District).
 - 2. Signs with any lighting or control mechanism which may cause radio or television interference, or which may present a safety hazard (e.g., improperly grounded electrical wiring).
 - 3. Any sign which is of such form, character, or shape as to confuse or dangerously distract the attention of the operator of a motor vehicle.
 - 4. Any advertisement which uses a series of two or more signs or units placed in a line parallel to a highway, or in similar fashion, all carrying a single advertising message, part of which is contained on each sign.
 - 5. Any sign located on a lot line other than the lot occupied by the use, event or product which said sign advertises.
 - 6. Any sign exceeding 17 feet in height or located more than 17 feet above grade level.
 - 7. Any sign attached to or painted on trees, fences, utility poles, rocks, curbs, walks, lamps, hydrants, benches, or bridges. This provision shall not be applicable to signs permitted by subsections A. 10 and 11 of §270-62.
 - 8. Any sign which, applying contemporary community standards, has as dominant theme or purpose an appeal to prurient interest.

9. Any flag or banner attached to, or hanging on any structure, tree, fence, pole, rock, curb, walk, lamp, hydrant, bench, or bridge for a period exceeding 30 days in any calendar year.
- D. Every sign permitted in this chapter must be constructed of durable materials and must be kept in good condition and repair. In order that no sign may be injurious to the public safety or morals, all unlicensed signs shall be removed within ten days of notice in writing to the landowner or lessor or lessee of the sign.
- E. The following forms of outdoor advertising are prohibited in all zones: Billboards, balloons, inflatable objects, animated objects, and temporary structures. These objects are prohibited whether or not they are temporary or can be maintained by the landowner and/or occupant on a permanent basis. They are prohibited whether or not they are lighted. These forms of outdoor advertising are prohibited whether or not they promote any business, commercial, industrial, governmental, residential, church, hospital and/or medical use. A billboard or other sign mounted on a moveable object and not secured as specified elsewhere in this chapter is prohibited.
- F. The Board may grant a variance from these provisions, provided that the proposed form of advertising does not result in an expansion of a nonconforming use or where the use promoted by the advertising is not permitted by ordinance. All forms of advertising approved by variance must be constructed of durable materials and must be kept in good condition and repair.
- G. Any signs erected without an approved variance and/or permit shall be removed within ten days of notice in writing to the landowner or lessor or lessee of the advertising. The provisions may be enforced by the Construction Official, Zoning Officer, or any other appropriate officer so authorized by the Borough.
- H. Temporary signs, which may be political, educational, religious, or civic in nature, are permitted with a maximum size of 40 square feet. These signs are generally used to advertise or publicize a specific event or occasion. Temporary signs may not be erected more than 30 days prior to the event and must be removed within ten days after said event.

§270-64 Airborne emissions

- A. No use, activity, operation, or device generating airborne emissions shall be established, modified, constructed, or used without having first obtained valid permits and certificates from the Bureau of Air Pollution Control, New Jersey Department of Environmental Protection, pursuant to N.J.A.C. 7:27-8. Specifically, no use, activity, operation, or device shall be established, modified, or constructed without a valid permit to construct. No use, activity, operation, or device shall be operated, occupied, or used without a valid certificate to operate control apparatus or equipment.
- B. In addition to the requirements of the New Jersey Department of Environmental Protection, the following shall apply:
 1. Particulate matter shall not be discharged into the outdoor air in a concentration exceeding 0.03 of a grain per cubic foot of gas at actual gas conditions unless a minimum of 5% of such particles leaving the process in the stack gas are removed from the gas prior to discharge. However, regardless of degree of gas cleaning, the following provisions shall apply:
 - a. The concentrations of solid particles shall not exceed 0.05 of a grain per cubic foot at 600° E and one atmosphere pressure.
 - b. No more than 3% by weight of the particles discharged shall equal or exceed 44 microns in diameter.
 - c. No more than 20 pounds of particulate matter per hour shall be discharged into the outdoor air from any single source.
 2. Visible emission, such as smoke, the shade or appearance of which is darker than No. 1 on the Ringelmann Smoke Chart, shall not be discharged into the open air from any fuel-burning equipment; provided, however, that smoke emitted during the clearing of a firebox or the building or a new firebox, the shade or appearance of which is not darker than No. 2 on the Ringelmann Smoke Chart, shall be permitted for a period or periods aggregating no more than three minutes in any 15 consecutive minutes.

§270-65 Noise

- A. Standard. Noise shall be measured with a sound level meter complying with the standards of the American National Standards Institute, American Standards Specifications for General Purpose Sound Level Meters (ANSI S1-4-1961 or its latest revisions). The instrument shall be set to the Sound Meters (ANSI S1.4-1961 or its latest revisions). The instrument shall be set to the A-weighted response scale and the meter to the slow response. Measurements shall be conducted in accordance with American Standard Method for the Physical Measurements of Sound (ANSI S1.2-1961 or its latest revisions).
- B. Noise level restrictions. Except as specified hereinafter, noise shall not exceed the maximum sound levels specified in the following table:

Performance Capacity	Maximum Level Permitted (dBA)	Where Measured
Residential districts		
7:00 a.m. to 9:00 p.m.	65	On the lot line
9:00 p.m. to 7:00 a.m.	55	On the lot line
All other districts	65	On the lot line or district boundary

- C. Exclusions and permitted variations.

1. The levels specified in the table may be exceeded once by 10 dB in a single period of 15 minutes during any one day.
2. Peak values of short duration, also known as "impact noises", may exceed the value specified in the table by 20 dB or have a maximum noise level of 75 dBA, whichever is more restrictive.
3. Noises such as alarms, sirens and emergency warning devices are excluded from the above limitations.

§270-66 Glare and heat

- A. Allowable illumination. Any operation or activity producing intense glare, except for emergency procedures, shall be conducted so that direct and indirect illumination from the source shall not exceed 0.3 of a footcandle in any residence zone. Flickering and intense sources of light shall be controlled so as not to cause a nuisance across adjacent lot lines.
- B. Heat. Sources of heat, including but not limited to steam, gases, vapors, products of combustion or chemical reactions, shall not discharge onto or directly contact structures, plant life or animal life on neighboring use. No use, occupation, activity, operation, or device shall cause an increase in ambient temperature, as measured on the property line.

§270-67 Storage and disposal of waste

- A. All outdoor storage facilities for fuel and refuse shall be enclosed by an approved safety fence and suitable landscaping to screen such areas from public view and shall conform to all yard requirements imposed herein upon the principal buildings in its respective zone.
- B. No materials, wastes or other substances shall be stored or maintained upon a lot so as to prevent natural runoff from such areas from impairing the existing water quality of any stream, watercourse, or aquifer.
- C. All materials or wastes which might cause fumes or dust or which constitute a fire hazard, or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.
- D. Disposal of hazardous waste materials shall not be permitted in the Borough of Laurel Springs.
- E. Outside storage of raw materials and products is prohibited.

ARTICLE XI - Administration; Enforcement; Permits; Violations and Penalties

§270-68 Administration

These rules, regulations and standards shall be considered the minimum requirements for the protection of the public health, safety, and welfare of the citizens of the Borough of Laurel Springs. If an applicant or his agent can clearly demonstrate that, because of peculiar conditions pertaining to his land, the literal enforcement of one or more of the regulations within this chapter is impracticable or will exact undue hardship, the appropriate municipal agency may permit one or more exceptions as may be reasonable and within the general purpose and intent of the rules, regulations and standards established by this chapter.

§270-69 Enforcement

For any and every violation of the provisions of this chapter, the owner, contractor or other person or persons interested as lessee, tenant, or otherwise in any building or premises where such violation(s) have been committed or shall exist and who refuses to abate such violation within five (5) days after written notice has been served upon him, either by registered or certified mail, or by personal service, shall be subject to a fine.

§270-70 Zoning permits; exemptions

A. Definition

1. "Zoning Permit" means a document signed by the administrative officer which either (a) is required by ordinance as a condition precedent to the commencement of a use, or a conversion of any use to any other use, or involves the erection, construction, reconstruction, alteration or conversion of a structure or building; and (b) acknowledges that such use, structure or building complies with the provisions of the Zoning Code, or variance therefrom authorized by a municipal agency pursuant to the Municipal Land Use Law ("MLUL"), N.J.S.A. 40:55D-47 and 57 (Certificate of Conformance).
2. "Zoning Officer" is the administrative officer appointed by the Borough who shall be responsible for interpreting, administering, and enforcing this section, and for the issuance of Zoning Permits and Certificates of Conformance as defined herein.

B. Zoning Permit Requirement

1. A Zoning Permit shall be required in the Business Commercial Zone as defined in the Zoning Code, Article VI, and in the Downtown Business District Redevelopment District, the White Horse Pike Corridor Redevelopment District, the Laurel Road Overlay District, and under circumstances stated herein in the Residential Zone as defined in Article IV and the Professional Office Zone as defined in Article V, as a condition precedent to:
 - a. The commencement of a use, or the conversion of any use to any other use (even if no new construction is planned for the use or conversion), or any change in tenancy, use or ownership (even if tenancy does not change) of any nonresidential building, structure, or premises or part thereof; and
 - b. The erection, construction, reconstruction, alteration or conversion of a structure or building.
2. A Zoning Permit shall be required for:
 - a. Home Occupations (as defined in the Zoning Code, Article IV),

- b. for development in the Professional Office Zone (as defined in the Zoning Code, Article V) and
 - c. for development in the Residential Zone if the proposed work involves a change that results in the need for a variance or exception, the expansion of a nonconforming use, changes in setback requirements or lot coverage, or an increase in the number of dwelling units.
 - 3. The Zoning Permit issued by the Zoning Officer shall be for the purpose of acknowledging that such proposed use, change of use, erection, construction, alteration or conversion of a structure or building complies with the provisions of the Zoning Code, or with a variance and/or site plan approval obtained from the Board.
- C. Certificate of Conformance
When all conditions of the Zoning Permit have been met, the Zoning Officer shall issue a Certificate of Conformance verifying the completion of all requirements of the Zoning Permit, variance and/or site plan approval, including payment of all fees and posting of bonds, obtaining other agency approvals required by the reviewing board, and inspection required by the Borough for issuance of a Certificate of Occupancy.
- D. Applications; Time for approval
All applications for a Zoning Permit or Certificate of Conformance shall be submitted on forms provided by the Borough, with payment of application fees established by the Borough, and shall be granted or denied by the Zoning Officer within fifteen (15) business days after receipt of a completed application. All applications shall include written verification by the Borough Tax Collector stating that all real property taxes and sewer assessments and all tax liens held by the Borough and chargeable to the property for which such application is being made.
- E. Denial of Application
If the Zoning Officer denies the application for a Zoning Permit, the applicant may appeal the decision of the Zoning Officer to the Board and submit such documents as may be required to make application for approval by the Board, including, but not limited to, application for site plan approval or for a variance. Upon review of the Zoning Application and the basis for denial, the Board shall have the option to grant a waiver of the requirement to submit a site plan or application for a variance or instruct the applicant to proceed with a site plan review or variance application.
- F. Expiration of Permit
A Zoning Permit shall be valid or effective for one (1) year from the date of issuance, and it shall thereafter be null and void, unless a Certificate of Conformance has been issued.
- G. Exemptions
- 1. Existing residential structures. Notwithstanding any of the foregoing provisions to the contrary and except as provided herein, no zoning permit shall be required for the following work on existing residential structures:
 - a. Installation, replacement, or repair of siding (involving no additional square footage added to structure).
 - b. Replacement or repair of existing roof or existing roof shingles (involving no additional square footage added to structure).
 - c. Installation, replacement, or repair of windows.
 - d. Replacement or repair of existing steps (involving no increase in size of steps, width, or length).
 - e. Replacement or repair of existing sewer or septic lines. If this involves curb, sidewalks, or streets, a street opening permit shall be secured from the Borough Clerk's office.
 - f. Service upgrades, repair, or replacement of panels, meter sockets, and related internal electrical work, not involving multi-meter devices or conditions or provisions of Subsection 2.b(3) below.
 - g. Interior renovations provided such work does not involve a condition or change of use as indicated in Subsection 2.b(3) below.
 - 2. Handicapped exemptions. No zoning permit fee shall be required for the construction, reconstruction, alteration, improvement, or repair of a structure used for the sole purpose of promoting accessibility by the handicapped; "handicapped" being defined under N.J.S.A. 52:27D-126e.
 - a. Upon application for and at the discretion of the Zoning Officer, the construction, reconstruction, alteration, improvement, and/or repair or installation of ramps, lifts, etc., associated with the accessibility of handicapped persons may be permitted to infringe upon setback requirements of residential property when it has been established that no other feasible means of accessibility is available.
 - b. Before granting the application that contains an infringement upon a setback requirement, the following conditions must be met:
 - i. Just cause must be shown to the Zoning Officer why accessibility cannot be met under the current zoning regulations;
 - ii. The requested infringement shall not exceed any further than the minimum building requirements of the current N.J.A.C. 5:23-7, Barrier-free Code, and subsequent amendments or additions thereto;
 - iii. The applicant owner, or occupant with owner permission, shall agree in writing to remove said ramp, lift, or other structure from the infringement area upon the death of the handicapped person, the relocation of the handicapped person, sale, or rental of the property to a nonhandicapped person, or in the event that the disability no longer exists.
 - 3. Conditions for exemption. There shall be no exception from the requirement of a zoning permit for existing residential structures if the work involves any one or more of the following:

- a. Change in the front, rear, or side yard setback;
 - b. An increase in lot coverage;
 - c. A change of use that increases the number of dwelling units;
 - d. A change that results in the need for a variance or exception;
 - e. An expansion of a nonconforming use; or
 - f. Structural changes, addition of square footage to the structure or roof, or the enclosure of existing open porch or patio.
 - 4. Certification statement. No exception shall be granted unless the applicant fully completes, signs and files a certification statement of work form provided by the Construction Code Official.
 - H. Relationship to construction permits. Nothing herein shall be construed to obviate the requirement for applying for and obtaining any required construction permit.
- §270-71 Certificates of occupancy
- A. The following shall be unlawful until a certificate of occupancy shall have been applied for and issued by the Construction Official:
 - 1. Occupancy and use of a building erected, constructed, reconstructed, restored, altered, or moved, or any change of use of an existing building.
 - 2. Occupancy, use or any change of use of vacant land.
 - 3. Any change in use of a nonconforming use.
 - 4. Occupancy and use of any enlargement to an existing structure.
 - 5. Change in ownership and/or change in occupant in a nonresidential use.
 - B. A certificate of occupancy shall be deemed to authorize and is required for both initial occupancy and the continued occupancy and use of a building or land to which it applies.
 - C. It shall be the duty of the Construction Official to issue a certificate of occupancy only when:
 - 1. The structure or part(s) thereof and the proposed use of the structure(s) and land conform to this chapter and all other applicable codes and ordinances of the Borough and the Uniform Construction Code.
 - 2. Prior conditional use, site plan, subdivision, and variance approvals, as may be necessary, have been granted by the appropriate municipal agency or agencies in accordance with the provisions of this chapter and the proposed structure or part(s) thereof, and the proposed use of the structure(s) and land comply with all conditions and requirements imposed as part of such approvals.
 - 3. All local taxes and assessments on the property have been paid.
 - 4. A letter from each utility company has been received by the Borough stating that the utility has been inspected, has been installed in accordance with the approved plan, and is ready for use.
 - D. A fee shall be charged for each certificate of occupancy in accordance with the Fee Ordinance of the Borough of Laurel Springs.
 - E. A certificate of occupancy shall be granted or denied in writing within 20 days from the date that a written notification is filed with the Construction Official that the erection of the structure is completed unless additional time is agreed upon by the applicant in writing. If the application is denied, the Construction Official shall state the reason for such denial on two copies of the application and return one copy to the applicant.
 - F. With respect to any finally approved subdivision and/or site plan, a certificate of occupancy shall be issued only upon completion of such portion of the following improvements as may be deemed by the Borough Engineer to be needed to serve the premises being offered for occupancy:
 - 1. Curbs.
 - 2. All utilities.
 - 3. Water supply and sewerage treatment facilities which shall be functioning and servicing the property in question.
 - 4. Storm drainage facilities.
 - 5. Rough grading of the property.
 - 6. Base course of the street or streets serving the property.
 - 7. Base course of driveways and parking areas.
 - 8. Street names and traffic regulatory signs.
 - G. With respect to any individual residential lot within a subdivision, a certificate of occupancy shall be issued only upon the completion of the following improvements, in addition to those listed hereinabove to the extent that the same are required as part of a subdivision approval:
 - 1. Sidewalks.
 - 2. Driveway aprons.
 - H. A copy of any issued certificate of occupancy shall be kept on file at the premises affected and shall be shown to the Construction Official upon request.
 - I. A temporary certificate of occupancy may be issued by the Construction Official for any structure or use for which approval has been granted although not all conditions of said approval have been complied with. Such temporary certificate of occupancy shall be issued only in extenuating circumstances and only subject to specific terms and conditions, including but not limited to a timetable for achieving full compliance with all such conditions and for the

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completion of all required improvements, and the receipt of a performance guaranty assuring the installation of the improvements as indicated on the approved plat or plan.

§270-72 Violations; additional remedies

In case any building or structure is erected, constructed, reconstructed, altered, moved, or converted or any building, structure or land is used in violation or contrary to the provisions of this chapter, the Borough may institute an action to enjoin or any other appropriate action or proceeding to prevent such erection, construction, reconstruction, alteration, conversion, or use. However, nothing in this chapter shall be construed to restrict the right of any party to obtain a review by any court of competent jurisdiction according to law.

§270-73 Violations and penalties

- A. Any person, firm or corporation that shall violate any provisions of this chapter shall, upon conviction thereof by any court authorized by law to hear and determine the matter, be fined such sum not exceeding \$2,000, as such court in its discretion may impose; or, if the party so convicted is a natural person, such person may be imprisoned for such term not exceeding 90 days or be fined a sum not exceeding \$2,000, or any combination thereof, as such court in its discretion may impose; or natural person may be imprisoned, fined and subject to community service not exceeding the maximum limits set forth herein, as such court in its discretion may impose. Each day that such violation continues beyond a ten-day period following written notice by the Construction Official or Zoning Officer or Borough Clerk served by certified or registered mail, or personal service, shall constitute a separate offense.
- B. The owner of any building or structure, lot or land or part thereof and/or the tenant or occupant of any building or structure, lot or land or part thereof, where anything in violation of this chapter shall be placed or shall exist or be suffered, allowed or permitted to exist, and any architect, builder, developer, contractor, agent, person or corporation engaged in connection therewith and who assists in the commission of such violation shall each be guilty of a separate violation and, upon conviction thereof, shall each be liable to the fine or imprisonment, or both, specified hereinabove.

§270-74 Penalty for selling land before final subdivision approval

If, before final subdivision approval has been granted, any person, as owner or agent, transfers or sells or agrees to transfer or sell any land which forms a part of a subdivision for which municipal approval is required in accordance with the provisions of this chapter, except pursuant to an agreement expressly conditioned on final subdivision approval, such person shall be subject to the requirements of N.J.S.A. 40:55D-55.

§270-75 Severability

If any section, paragraph, subsection, clause, or provision of this chapter shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this chapter shall be deemed valid and enforceable.

SECTION 2. All ordinance or parts of ordinances which are inconsistent with the provisions hereof, are, to the extent of such inconsistencies, hereby repealed.

SECTION 3. This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

This ordinance was introduced at a meeting of Laurel Springs' Borough Council on Monday, June 14, 2021 and will be considered for adoption on final reading and public hearing to be held on Monday, July 12, 2021, 7:00 pm in the Laurel Springs Recreation Center, 820 Grand Avenue, Laurel Springs New Jersey, with copies of Ordinance available to the public at no charge at the Office of the Borough Clerk, Laurel Springs Borough Hall, 723 West Atlantic Avenue, Laurel Springs, New Jersey.

Dawn T. Amadio

Dawn T. Amadio, RMC, Municipal Clerk