



Borough of South
Plainfield
2480 Plainfield Avenue
South Plainfield, NJ 07080

BOROUGH OF SOUTH PLAINFIELD
ZONING ORDINANCE
(Ordinance 1278)

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**ARTICLE I
TITLE AND PURPOSE**

101. Short Title. This Ordinance shall be known and cited by the title, "Zoning Ordinance of the Borough of South Plainfield, 1992".

102. Purpose and Intent. It is the purpose and intent of this Ordinance:

A. To encourage the appropriate use or development of all lands in the Borough of South Plainfield in a manner this will promote the public health, safety, morals and general welfare;

B. To secure safety from fire, flood, panic and other natural and man-made disasters;

C. To provide adequate light, air and open space;

D. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of the community and the preservation of the environment;

E. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;

F. To provide sufficient space in appropriate locations for a variety of uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all Borough citizens;

G. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;

H. To promote a desirable visual environment through creative development techniques and good civic design and arrangements;

I. To promote the conservation of historic sites, open space, energy resources and valuable natural resources and to prevent degradation of the environment through improper use of land;

J. To encourage development which incorporates the best features of design and relates the type, design and layout of residential, commercial and industrial and recreational development of the particular site;

103. Interpretation. In interpreting and applying the provision of this Ordinance, they shall be held to be the minimum requirements to serve the aforesaid "purposes" and the "community development objectives" hereinafter set forth. Where the provisions of any statute, other ordinance or regulation impose greater restrictions or higher standards than this Ordinance, the provision of such statute, ordinance or regulation shall govern. Where the provisions of this ordinance impose greater restrictions or higher standards than those of any statute, other ordinance or

regulation, the provision of this ordinance shall govern.

*In determining whether or not existing structures meet the requirements of the Schedule of General Requirements of this ordinance, the Zoning Officer is authorized to approve setbacks with a deviation of up to 0.25 feet (3 inches)***amended Ordinance 1305 B**

104. Violations and Penalties.** The owner or agent of a building or premises where or upon which a violation of any provision of these regulations shall have been committed or shall exist, or the lessee or tenant of any part of the building or premises in which such violation shall have been committed or shall exist, or the agent, architect, building contractor or any other person who shall commit, take part or assist in any such violation or who shall maintain any building or premises in which any violation of this Ordinance shall exist shall for each and every violation, after plea, trial and conviction by the Municipal Court Judge, be imprisoned in the Middlesex County Jail for a period not exceeding ninety (90) days, or be fined not exceeding \$1,000.00 or both. For each and every day that a violation is permitted or suffered to exist, a separate offense shall be construed to have been perpetrated.****amended Ordinance 1456**

105. Interpretation and Definition of Terms:

105.1 Unless otherwise expressly stated, the words and phrases listed in Article II shall be construed throughout this Ordinance to have the meaning therein indicated. The singular shall include the words "arranged", "designed", or "intended to be used", the word "building" shall include "structure". The present tense shall include the future tense. The word "shall" is always mandatory.

105.2 The word "Borough" means the Borough of South Plainfield, Middlesex County, New Jersey; the term "Governing Body" means the Mayor and Council of the Borough of South Plainfield; the term "Planning Board" means the Borough of South Plainfield Planning Board; and the term "Board of Adjustment", means the Zoning Board of Adjustment of the Borough of South Plainfield, and the term "Administrative Officer" means the Zoning Officer for matters pertaining to the Planning Board or Board of Adjustment or the Clerk of the Borough for matters pertaining to the Governing Body.

ARTICLE II
DEFINITIONS

1. Accessory Use: The use of a building, lot or portions thereof which use is customarily incidental and subordinate to the principal use of the main building or lot.

2. Airports, including Heliports: Any area of land, water or both, which is used to made available for the landing and takeoff of aircraft, including helicopters, and which may provide facilities for the shelter, security, supply and repair of aircraft and which, as to size, design, surface marking equipment, maintenance, repair and management meets the minimum requirements for the various classes of airports established by the N.J. Division of Aeronautics.

3. Alteration: Any change in the supporting members of a building, such as bearing walls, column, beams or girders, except such change as may be required for safety, or any substantial change in the roof or in the exterior walls, not including, however, changes in doors or windows or alterations which affect primarily the appearance and not the life of the structure. Any addition to a building, any change in use from that of one zoning classification to another or moving a building from one site, location or position to another.

4. Apartments: A building, not more than 3 stories and forty (40) feet in height, on one lot, containing three (3) or more separate dwelling units, and sharing joint utility services and facilities.

5. Basement: That portion of a building which is partly or completely below grade (sees "Story above grade").

6. Buffer Strip or Screen: A combination of lawn and a landscape screen of densely-planted (or having equivalent natural growth) evergreen shrubs or trees at least four (4) feet high at the time of planting of a type that will form a year-round dense screen at least six (6) feet high, which shall be maintained in good condition at all times. Where required in the district regulations, a screen shall be installed along or within the lines of a lot as a protection to adjoining or nearby properties.

7. Building: A structure having a roof supported by columns, posts or walls, for the housing or enclosure of persons, animals or property of any kind, including tents, lunch wagons, trailers, dining cars, camp cars or other structures on wheels or other supports and any unroofed platform, terrace or porch having a vertical face higher than three (3) feet above the level of the ground from which the height of the building is measured.

8. Building, Height Of: The total number of stories in a building, and the vertical distance measured from the average

elevation of the finished lot grade at the front of the building to the highest point of the roof adjacent to the street wall for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridges for gable, hip, gambrel or pent roofs.

8A. Garage Building Height Of: Detached garages in all residential zones shall have a maximum height of 15' (fifteen feet) measured from finished grade to the top of the ridge.

9. Building Line: A line that outlines or inscribes the building area.

10. Cellar: See "Basement".

11. Certificate of Continued Occupancy: A certificate issued by the Construction Official or alteration of a building, or upon a change in the occupancy of a building or upon the commencement of occupancy of land or change in the occupancy of land, which certifies that all requirements of this Ordinance, or such adjustments thereof as have been granted by the Board of Adjustment or by the Planning Board, and all other applicable requirements, have been complied with.

12. Church, Cathedral, Or Other Place of Worship: One or more of the following: church, manse, house, temple, synagogue, rectory, convent, parish or similar building incidental to the particular use; school for religious education, convents, teachers communicants and domestic or maintenance employees; but not including business offices (except administrative offices incidental to the operation of the particular use), rescue missions or the occasional use for religious purposes or properties not regularly so used.

13. Clubhouse: A building or portion thereof or premises owned or operated by a corporation, association, person or persons for a civic, social, cultural, religious, literary, political, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business, but not including shooting clubs, operated for the benefit of its members and not open to the general public.

14. Curb Level: The established elevation of the curb top at (or adjacent to) the midpoint of the front lot line.

15. Dump: a lot or land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning, or any other means and for whatever purposes of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles, or parts thereof, or waste material of any kind. (Also see "Junk Yard").

16. Dwelling: A building or portion thereof designed for and used exclusively for residential occupancy, including one (1) family, two (2) family, and not including apartments, hotels, hospitals, nursing homes, boarding houses, residential clubs, rooming houses, tourist courts, trailers and the like.

17. Dwelling Unit: One (1) or more living or sleeping rooms with cooking and sanitary facilities for one person or one (1) family.

18. Dwelling, Single or One-Family: A detached building containing only one (1) dwelling unit for exclusive use by one (1) family.

19. Family: One (1) or more persons, living as a single, nonprofit housekeeping unit.

20. Farm: Any parcel of land which is used for gain in the raising of agricultural products, livestock, poultry or dairy products.

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

22. Fence (Or Wall): A constructed barrier of wood, masonry, stone, wire, metal or any other non-vegetative material, or combination of such materials, erected for the enclosure or screening of yard area or other areas on a lot.

23. Floor Area, First: First floor area shall be measured by using the outside dimensions of a residential portion of a building excluding the area of an attached garage. For a split level or a tri-level dwelling, the area shall be considered to be the sum of the areas of two (2) largest adjoining levels.

24. Floor Area, Gross: The sum of the gross horizontal areas of the several floors of the building or buildings measured from the exterior facing of exterior walls, or from the centerline of walls separating two (2) buildings.

25. Floor Area: The sum of the gross horizontal areas of the several floors of the building or buildings, measured from the exterior faces and exterior walls, or from the center line of walls separating two buildings. Floor area shall not include garages, porches, or any floor area having headroom of less than seven (7) feet, three (3) inches or with a level three (3) or more feet below the average level of the surrounding ground.

26. Garage, Private: A building attached or accessory to a dwelling unit and used for the storage of motor vehicles or the like and in which no occupation, business or service for profit is carried on.

27. Garage, Public: A building or part thereof, other than a private garage, used for the storage, care or repair of motor vehicles, or where any such vehicles are kept for hire.

28. Gross Density: Gross density shall be the total number of dwelling units divided by the acreage of the entire planned residential development including dedicated areas, common areas, and open space.

29. Junk Yard: Any land or premises with or without

buildings used for the deposit, collection or storage of salvageable materials, used or discarded things, whether or not in connection with the dismantling, processing, salvage, sale or other use or disposition thereof; and for the purpose of this section, the deposit or storage of any lot of two (2) or more wrecked or inoperative vehicles or parts thereof for one (1) month or more shall be deemed to be a junk yard. (Also see "Dump").

30. Loading Space: An off-street space or berth abutting upon a street or other appropriate means of access intended for the temporary parking of a vehicle while loading or unloading merchandise or materials.

31. 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.

32. Lot Area: The total area within the lot lines of a lot, expressed in terms of square feet or acres. Any portion of a lot in a public right-of-way, existing or proposed, shall not be included in calculating lot area.

33. Lot, Corner: A parcel of land at the junction of and fronting on two (2) or more intersecting streets as defined on Borough tax maps.

34. Lot, Coverage: The amount of a lot stated in terms of percentage that is covered by all buildings and/or structures located thereon. This shall be deemed to include all buildings, porches, arbors, breezeways, patio roofs, decks, pools, and the like, whether open, box type and/or lath roofs or fully roofed, but shall not be deemed to include fences, walls or hedges used as fences, or any on-grade improvement.

35. Lot Depth: The average distance between the front and rear lot lines measured in the general direction of the side lot lines.

36. Lot, Interior: A lot other than a corner lot.

37. Lot Line, Front: In the case of an interior lot, a line separating the lot from the street, and in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street.

38. Lot Line, Rear: A lot line which is opposite and most distant from the front lot line, and in the case of an irregular shaped lot, the line which is most nearly parallel to and at the greatest average distance from the street line.

39. Lot Line, Side: Any lot boundary lines not a front lot line or a rear line.

40. Lot Reversed Corner: A corner lot, the rear of which abuts upon the side of another lot.

41. Lot Through: An interior lot having frontage on two (2) streets.

43. Lot, Width: The mean horizontal distance between the side lot lines measured at right angles to its depth. Required lot width (see schedule) shall be measured at the most forward allowable building line or setback line; however, the mean lot width shall not be less than the required lot width.

44. Manufactured Housing: A mass produced building manufactured off site and assembled on site for long term residential use. It is modular housing and is constructed in more than one section for combination on the site. Manufactured Housing must meet New Jersey State Uniform Construction Code Standards and does not include trailer home or mobile homes.

45. Motel, Auto Court, Motor Lodges, and Tourist Courts: One or more structures designed for the renting of sleeping rooms to transient guests, chiefly motorists, and so laid out that there is direct and immediate access from a parked automobile to the rooms, and access to the rooms is not restricted to passage by a single control desk or lobby.

46. Multi-Family Residential: A building used or designed as a residence for three (3) or more separate dwelling units; sharing joint utility services and facilities. This does not include motels, hotels, or rooming houses.

47. 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 fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

48. 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 reasons of such adoption, revision or amendment.

49. 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 reasons of such adoption, revision or amendment.

50. Nuisance: An 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 or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as but not limited to:

- a. Noise

- b. Dust
- c. Smoke
- d. Fumes
- e. Odor
- f. Glare
- g. Flashes
- h. Vibrations
- i. Shock Waves
- j. Heat
- k. Electronic or atomic radiation
- l. Objectionable effluent
- m. Noise of congregation of people, especially at night
- n. Passenger Traffic
- o. Transportation of things by truck, rail or other means
- p. Invasion of non-abutting street frontage by parking
- q. The obscuring or marking of adjacent or nearby property by projecting signs, marquees or canopies.
- r. Any adverse effect on value or desirability of nearby property caused by such matters as incongruous appearance, exposed storage of inoperable automobiles, junk, materials and neglect or dilapidation of.

51. Occupancy: The use of a lot or structure.

52. 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 occupants 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.

53. Parking Area: An area other than a street, used for the parking of motor vehicles.

54. Parking Stall: A space in a garage or parking area not less than ten (10) feet wide and eighteen (18) feet long, reserved for the parking of only one (1) automobile. This space is exclusive of driveways, ramps, columns, and office and work area.

55. Principal Building: A building in which is conducted the main or principal use of the lot on which said building is situated.

56. Professional Office: The office of a recognized profession, including architects, artists, accountants, authors, dentists, doctors, or physicians, landscape architects, lawyers, ministers, musicians, optometrists, professional engineers, surveyors, and such other professional occupations which may be so designated by the Board of Adjustment upon finding by such Board that such occupation is truly professional in character by virtue of the need of similar training, and especially as a condition for the practice thereof. The issuance of a state or local license for regulation of any gainful occupation need not be deemed indicative of professional standing.

57. Sign: Any structure or part thereof, or any devise attached to a building or painted or represented thereon, which shall display or include any work, model, flag, insigne, devise, or representation which is in the nature of, or which is used as an announcement, direction, or advertisement, for commercial purposes or otherwise. A sign includes a billboard, also a neon tube string of lights or similar devise outlining or hung upon any part of a building or lot, but does not include the flag or insigne of any nation or group of nations.

58. Sign Area: The area defined by the frame or edge of a sign. Where there is no geometric frame or edge to the sign, the area shall be defined by a projected, enclosed, four-sided (straight sides) geometric shape which most closely outlines the said sign.

59. Site Plan: A development plan of one or more lots on which is shown (1) the existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, flood plains, marshes and waterways, (2) 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, screening devices, and (3) any other information that may be reasonably required in order to make an informed determination pursuant to an ordinance requiring review and approval of site plans by the Planning Board or Board of Adjustment pursuant to the Municipal Land Use Law.

60. Story Above Grade: Any story having its finished floor surface entirely above grade except that a basement shall be considered as a story above grade when the distance from grade to the finished surface of the floor above the basement is more than 6 feet (1829 mm) for more than 50 percent of the total perimeter or more than 12 feet (3658 mm) at any point.

61. Street: Any street, avenue, boulevard, road, parkway, viaduct, drive or other way (1) which is an existing State, County or Municipal Roadway, or (2) which is shown upon a plat heretofore approved pursuant to law, or (3) which is approved by official action as provided by this Ordinance, or (4) 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 includes 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.

62. Street Line: The line which separates the publicly-owned or controlled street right-of-way from the private property which abuts upon said street as distinct from a sidewalk line, curb line or edge of pavement line.

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

64. Townhouses: More than two (2) single family dwelling units which are attached by a common wall to each other, together with individual rear and front entrances. A townhouse unit may have a front and/or rear yard design as an integral part of each unit or all townhouse units in a development may share common outside facilities in conformance with an approved site plan. A townhouse has its own separate storage area and heating system and is considered to be an independent operating unit.

65. Use: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

66. Variance: Permission to depart from the literal requirements of a zoning ordinance pursuant to section 47 and subsections 29.2b, 57c and 57d (C. 40:55D-40b., C. 40:55D-70c., C. 40:55D-70d.) of the Municipal Land Use Law.

67. Yard: An open space on a lot unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance.

a. Yard, Front: A yard extending across the full width of the lot and into which space there shall be no extension of building parts other than steps, eaves and cornices.

b. Yard, Rear: A yard extending across the full width of the lot between principal building and rear lot line.

c. Yard, Side: A yard between the principal building and the side lot line extending from the front yard to the rear yard.

d. Yard Principal Front on Corner Lots: The open space extending from the front of the structure to the front property line.

e. Yard Secondary Front on Corner Lots: The yard extending from the side of the structure to the property line adjacent to the public right of way.

68. Vehicle. Vehicle means every devise in, upon, or by which a person or property is or may be transported upon a highway, excepting devises moved by human power or used exclusively upon stationary rails or tracks or motorized bicycles.

a. Motor Vehicle. Motor vehicle includes all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks or motorized bicycles.

b. Trailer. Trailer means every vehicle with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle.

ARTICLE III
SCHEDULE

The Schedule of General Requirements applicable to the Zones hereinafter enumerated, is incorporated herein by reference and is to be considered part of this Ordinance as if fully set forth herein.

**ARTICLE IV
ESTABLISHMENT OF ZONES AND ZONING MAP**

401. List of Zones. The Borough of South Plainfield is hereby divided into the following zones:

R-15	Residential
R-10	Residential
R-7.5	Residential
R-1-2	Residential
OBC-1	Local Business
OBC-2	Central Business
OBC-3	Regional Business
OBC-4	Special Business Zone
OPA-1	Professional Office
OPA-2	Professional Office and Research
M-1	Industrial
M-2	Industrial
M-3	Industrial
SC-1	Senior Citizen Residential
MUD-1	Mixed Use and Development
PRD-1	Planned Residential Development
AH-1	Affordable Housing 1
AH-2	Affordable Housing 2
HDD	Historic Downtown District
RH	Regional Hospitality

402. Zoning Map. The aforesaid zones are hereby established by the designations, locations and boundaries thereof set forth and indicated on the Zoning Map dated 02-14-00 as amended. Said map shall be known as the "Zoning Map of the Borough of South Plainfield" and is hereby decreed to be a part of this Ordinance.

403. Zone Boundaries. Where uncertainty exists as to any of said boundaries as shown on said map, the following rules shall apply:

A. Zone boundary lines are intended to follow the center line of the streets, railroad rights-of-way, streams and lot or property lines as they exist on plats of record at the time of the passage of this Ordinance, unless such zone boundary lines are fixed by dimensions shown on the Zoning Map.

B. Where such boundaries are not fixed by dimensions and where they approximately follow lot lines, and where they do not scale more than twenty-five (25) feet distant therefrom, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.

C. In subdivided land and where a zone boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shown on the map, shall be determined by the use of the scale appearing thereon.

**ARTICLE V
GENERAL REGULATIONS**

501. Applicability of Regulations. No building shall hereafter be erected nor shall any existing building be moved, structurally altered, rebuilt, added to or enlarged, nor shall any land be designed or used for any purpose other than those included among the uses listed as permitted uses in each zone by this Ordinance and meeting the requirements set forth in the Schedule made a part of this Ordinance. Nor shall any open space contiguous to any building be encroached upon or reduced in any manner, except in conformity to the yard, lot area, building, location, and percentage of lot coverage, off-street parking requirements, and such other regulations designated in said Schedule and in this Ordinance for the zone district in which such building or space is located. In the event of any such unlawful encroachment or reduction, such building shall be deemed to be in violation of this Ordinance, and the Certificate of Occupancy shall become void. No building permit shall be issued unless and until all requirements of Sections 503 and 511 have been complied with.

502. Accessory Structure. An accessory structure attached to a principal building shall comply in all respects with the yard requirements of this Ordinance for the principal building. Detached accessory structures shall be located to the rear of the front building line of the principal building and shall conform to all yard requirements pertaining to accessory buildings as stated in the Schedule of General Requirements and shall not exceed 15 feet in height.

503. Frontage on a Public Street. Every principal building shall be built upon a lot with frontage upon a public street improved to meet the Borough's standards and accepted by the Borough. "Improved to meet the Borough's standards" shall mean improved in accordance with the standards set forth and described in Ordinance 762 "Development Review Ordinance of the Borough of South Plainfield" specifically Sections 806.1 to 806.7 which said standards are hereby incorporated by reference into this Ordinance.

In determining the nature and extent of road improvements for single conforming lot building applications, the following standards shall apply:

A. Developed Areas - Any area where 10% or less of the lots or portion of any lot within 300 ft. of the conforming lot remain to be developed on that street.

B. Undeveloped Areas - An area where more than 10% of the lots or portion of any lot within 300 feet of the conforming lot remain to be developed on that street. **Continued next page**

In developed areas, the adjacent street or streets shall be improved to such a degree as to bring about uniformity and

continuity of the street; in undeveloped areas, the adjacent street or streets shall be improved to the Borough's standards as set forth above.

504. Corner Lots. For the purpose of regulating the locations of buildings on corner lots, and on lots extending through between two parallel streets, all portions of a corner lot or a through lot which fronts on a public street shall be subject to the front yard requirements of the zone district in which said corner lot or through lot is located.

505. Off-Street Parking. Off-street parking space shall be provided as specified in Article VI and shall be provided with necessary passageways and driveways. All such space shall be deemed to be required space on the lot on which the same is situated unless otherwise stated and shall not thereafter be encroached upon or reduced in any manner. No sale of or display of good shall be permitted in any parking space.

506. Yards and Open Space. No yard or open space required by the Schedule of General Requirements shall be considered as providing a yard or open space for any other building. No sale or display of goods shall be permitted in any front yard, or open area as shown on an approved Site Plan.

507. Height Limitations, Exceptions. The height limitations of this Ordinance shall not apply to the following provided it does not create any undue hazard:

1. Chimneys
2. Church Spires
3. Flag poles
4. Antennas, which shall not exceed fifteen (15) feet above the roof line
5. Any screened mechanical apertures required for the structures H.V.A.C. system provided that such equipment shall not cover more than 15% of the roof area

508. Fences or Walls. No wall, fence or hedge in a residential district shall be erected or altered so that said wall, fence or hedge shall be over four (4) feet in height and in the required principal front yard, nor more than six (6) feet in height in the required side, rear or secondary front yard starting at the rear of the structure. Front yard fences shall be restricted to open mesh material with no slats and are required to meet the provision of Section 509, Obstructions to Vision at Intersections. Fences in business and industrial zones shall not exceed ten (10) feet in height. No spite fences or walls shall be permitted. No material shall be used in any fence that would pose a safety hazard.

509. Obstruction of Vision at Intersection. At an intersection there shall be no obstruction of vision between a

height of two (2) feet and ten (10) feet above the center line grade of the street within the clear sight triangle. The clear sight triangle shall be defined by the first one-hundred (100) feet of the intersection center lines for local streets. In cases where one or more of the intersecting streets is not a local street, the following regulations shall apply:

A. Where a local street intersects a minor collector, 100 feet on the local and 200 feet on the minor collector.

B. Where a local or minor collector intersects a major collector or arterial, 100 feet on the local or minor collector and 350 feet on the major collector or arterial.

C. Where a major collector or arterial intersects a major collector or arterial, 350 feet on each centerline.

510. Sewage Disposal and Water Supply. All buildings or uses shall be served by a public sanitary sewerage facility and a public water supply shall be required. Any variance review from this requirement shall include a statement from the appropriate agency controlling sanitary sewer and/or public water connections that such requirement is not practicable due to specific site conditions. In cases where water is supplied by driven well and/or sanitary sewerage is treated by a septic tank, such installations shall conform to the standard requirements of the Borough and State Boards of Health or other authority having jurisdiction thereof.

511. Forming New Lots On Which There Are Existing Buildings. When a new lot is formed so as to include within its boundaries any part of a former lot on which there is an existing building or use, the subdivision must be carried out in such a manner which shall not violate any provision of this Ordinance either with respect to any existing structures or uses, and any proposed structures or use.

512. Irregularly Shaped Lots. In the case of irregularly shaped lots, the minimum lot frontage shall be deemed satisfied if the mean horizontal distance between the side lot lines measured at right angle to its depth complies with the regulations as stated in the Schedule of General Requirements.

513. Displays and Vending Machines in Front Yards. No structure or use shall display goods for sale purposes or coin operated vending machines of any type in any location which would infringe upon the required front yard areas specified in this Ordinance, or in any open area as shown on approved Site Plan.

514. Prohibited Vehicles:

A. Residential Zones: No currently unregistered and/or un-inspected motor vehicle or trailer shall be parked on any property in a residential district, and said vehicle shall not at any time be in a state of major disassembly, disrepair or shall it be in the process of being stripped or dismantled. A vehicle of any type shall not at any time undergo major overhaul, including body work, in a residential district unless such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

B. Nonresidential Zones: No currently unregistered and/or un-inspected motor vehicles or trailers shall be permitted on any property in a nonresidential district, and any vehicle shall not at any time be in a state of major disassembly or disrepair, nor shall it be in the process of being stripped or dismantled. Exception: approved conditional uses.

515. General Regulations: For all Planned Residential Development, Multi-Family, Senior Citizens Residential and Mixed Use Development Zones (PRD-1, PRD-2, MF-1, SC-1, MUD-1, and MUD-2).

515.1 The purpose of these special regulations is: To satisfy a May 22, 1984 Judgment of the Superior Court of New Jersey in Urban League of Greater New Brunswick, et.al.v. Mayor and Council of the Borough of Carteret, et.al. including the Borough of South Plainfield.

A. Each application for development shall comply with all provisions of the "Affordable Housing Ordinance of the Borough of South Plainfield,

B. Each application for development subject to these provisions shall clearly state the number of low and moderate income units, as defined in the Affordable Housing Ordinance and each resolution of approval shall clearly state the number of low and moderate income units that are approved as part of the development.

C. Each approved development subject to these provisions, excluding development on Block 259, Lots 5, 6.01, 6.02, 7 and 12, shall contain moderate income units, in a minimum proportion of ten percent (10%) of the total number of units that may be developed, assuming full development at the maximum gross density allowed by right in the zone, and low income units in a minimum proportion of ten percent (10%) of the total number of units that may be developed, assuming full development at the maximum gross density allowed by right in the zone. **Continued next page**

D. Each approved development on Block 259, Lots 5, 6.01, 6.02, 7 and 12 shall contain moderate income units, in a minimum

proportion of five percent (5%) of the total number of units that may be developed, assuming full development at the maximum gross density allowed by right in the zone, and low income units in a minimum proportion of five percent (5%) of the total number of units that may be developed, assuming full development at the maximum gross density allowed by right in the zone.

516. General Regulations for all Planned Residential Development, Senior Citizens Residential, Mixed Use Development, Affordable Housing Zones, and Special Business Zone (PRD-1, SC-1, AH-1, AH-2 and OBC-4).

516.1 The purpose of these special regulations is to satisfy the Borough of South Plainfield's low and moderate income housing obligation.

A. Each application for development shall comply with all provisions of the "Affordable Housing Ordinance of the Borough of South Plainfield, 1997".

B. Each application for development subject to these provisions shall clearly state the number of low and moderate income units, as defined in the Affordable Housing Ordinance and each resolution of approval shall clearly state the number of low and moderate income units that are approved as part of the development.

C. In reviewing a development application for low and moderate income housing (an inclusionary development), the Planning Board/Board of Adjustment shall conduct its review in accordance with N.J.A.C. 5:93-10.1 et seq. In conducting its review, the Planning Board shall expedite its review by cooperating with developers of inclusionary developments in scheduling pre-application conferences and scheduling regular and special monthly meetings (as needed) that provide ample time to consider the merits of the application. The goal of such a schedule is to act on a development application within the time limits outlined in the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.). The Planning Board/Board of Adjustment shall cooperate with developers of inclusionary developments in granting reasonable variances necessary to construct the inclusionary development.

517. Manufactured or Modular Housing:

517.1 Manufactured housing, including modular, is permitted in all residential zones.

518. Designation of Residential Units for Sale or Rent

518.1 Each development application for development for multi-family residential development in all Planned Residential Development, Multi-Family, Senior Citizens Residential, Mixed Use Development Zones and Affordable Housing Zones (PRD-1, PRD-2, MF-1, SC-1, MUD-1, MUD-2, AH-1 and AH-2) shall indicate whether the proposed individual dwelling units will be offered for sale or for rent. Any approval granted for multi-family residential development for which the applicant has indicated that the individual dwelling units shall be offered for sale shall not be amended to permit the individual dwelling units being offered for rent, unless the applicant files an amended application for development, and receives an approval for the rental of the individual dwelling units.

**ARTICLE VI
OFF-STREET PARKING AND LOADING FACILITIES**

600. General Provisions.

601. Scope of Provisions. Off-street parking, unloading, and service requirements of this section shall apply and govern in all present and future zoning districts within the Borough of South Plainfield. No land shall be used or occupied, no structure shall be designed, created, altered, used or occupied, and no use shall be operated unless off street parking and loading facilities are provided in at least the amount, and maintained in the manner, required by this Article; provided, however, that any use in operation on the effective date of these regulations is not affected by the provisions of this Article until such time as the existing gross floor area is increased or a Site Plan is required.

602. Construction and Design Standards.

602.1.* Required Area For Each Parking Space. Each automobile parking space shall not be less than (9) feet wide nor less than eighteen (18) feet deep (162 square feet), exclusive of passageways and shall have the following minimum aisle widths:***amended Ord. 1339**

<u>Parking Angle</u>	<u>Minimum Aisle Width</u>
45 degrees	15 feet
60 degrees	18 feet one way/25 feet two ways
75 degrees	22 feet
90 degrees	25 feet-two way traffic

602.2 Provision for Proper Drainage and Maintenance. All off-street parking, off street loading, and service facilities shall be so drained as to prevent damage to abutting properties and/or public streets and shall be constructed of materials which will assure a surface resistant to erosion. Such drainage and materials shall be installed as required by the Borough Engineer. All such areas shall be at all times maintained at the expense of the owners thereof, in a clean, orderly and dust-free condition.

602.3 Separation from Walkways and Streets. All off-street parking, off-street loading, and service areas shall be separated from walkways, sidewalks, streets or alleys by curbing or other protective device approved by the Borough Engineer or as shown on an approved Site Plan.

602.4 Private Walks Adjacent to Business Buildings. A private walk, if provided, adjacent to a business building, shall not be less than four (4) feet in width and shall be in addition to the other requirements of this section.

602.5 Buffer Required When Adjoining Property is Residential. Where off-street parking, loading or service areas are proposed to be located closer than fifty (50) feet from a lot in any residential zoning district or to any lot upon which there exists a dwelling as a permitted use under these regulations, and where such parking, loading or service areas are not entirely screened visually from such lot by an intervening building or structure, there shall be provided along the lot line a continuous buffer strip of suitable plantings. No such buffer shall extend nearer to a street right-of-way than the established building line of the adjoining residential lot.

602.6. Interior Driveways. Interior driveways shall be at least twenty-four (24) feet wide where used with ninety (90) degree angle parking, at least twenty (20) feet wide where used with sixty (60) degree angle parking, and at least fifteen (15) feet wide where used with forty-five (45) degree angle parking. Where used with parallel parking, or where there is no parking, interior driveways shall be at least twelve (12) feet wide for one-way traffic movement and at least twenty-four (24) feet wide for two-way traffic movement.

602.7 Connection to a Public Right-Of-Way. Each off-street parking, loading or service area shall be connected to a public street right-of-way by means of a driveway constructed in accordance with at least the minimum standards required by the Borough Engineer or as shown on an approved Site Plan.

602.8 Size of Driveways. A driveway exclusive of curb return radii shall be not less than twelve (12) feet in width. A curb return radius for a driveway at its entrance to a public street shall not exceed ten (10) feet unless required. The maximum width of a driveway exclusive of curb return radii shall not exceed thirty-six (36) feet except for unusual circumstances.

602.9 Off-Street Parking Space Within Buildings. Garage space or space within buildings, in basements, or on the roofs of buildings may be used to meet the off-street parking requirements of this Ordinance, provided such space is designated to serve as off-street parking space.

602.10 Pavement Markings and Signs. Each off-street parking space shall be clearly marked, and pavement directional arrows or signs shall be provided wherever necessary. Markers, directional arrows and signs shall be properly maintained so as to ensure their maximum efficiency.

602.11 Lighting for Night Use. Adequate lighting shall be provided if the off-street parking facilities are used at night. If said parking facilities abut residential land, the lighting shall be arranged and installed so as not to reflect or cause glare on the abutting residential land.

602.12 Required Off-Street Parking Area Shall Not Be Reduced. No off-street parking area shall be reduced in size or encroached upon by buildings, vehicle storage, loading or unloading, or any other use where such reduction or encroachment will reduce the off-street parking and loading spaces below that required by these regulations.

602.13 Joint Parking Facilities. The off-street parking requirements for two or more neighboring uses, of the same or different types, may be satisfied by the allocation of the required number of spaces for each use in a common parking facility; provided that the number of off-street parking spaces is not less than the sum of individual requirements, provided further, that there be compliance with all other provisions of these regulations.

602.14 Parking Provided On Same Lot As Main Building. Off-street parking spaces for one-family and two-family dwellings shall be located on the same lot as the main building to be served. Off-street parking spaces for multi-family dwellings shall be located on the same lot as the main building to be served or not more than three hundred (300) feet distant, as measured along the nearest pedestrian walkway. Off-street parking spaces for all other uses shall be provided on the same lot as the main building to be served or not more than five hundred (500) feet distant, as measured along the nearest pedestrian walkway.

602.15 Requirements for Combined Uses. The number of off-street parking spaces required by land or buildings used for two or more purposes shall be the sum of the requirements for the various individual uses.

602.16 Sharing of Parking Facilities. Off-street parking facilities for one use shall not be considered as providing the required facilities for any other use.

602.17 Computing Number of Employees. For the purposes of this section, the number of employees shall be computed on the basis of the average number of persons to be employed, taking into consideration day, night and seasonable variations.

602.18 Fractional Spaces Required. When units of measurements determining the number of required off-street parking and off-street loading spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one off-street parking or off-street loading space.

602.19 Other Use of Off-Street Parking Spaces Prohibited. No off-street parking or loading area shall be used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials or supplies.

602.20 Size of Loading Berth. A loading berth shall be at least

twelve (12) feet wide with at least fifteen (15) feet overhead clearance. The Planning Board or Board of Adjustment shall determine the sufficiency of the off-street loading and maneuvering space based upon the kind and amount of loading and unloading operation required by the given use, but in no case shall the use of such space hinder the free movement of vehicles and pedestrians over a street, sidewalk or alley.

602.21 Area. Wherever the words floor area, floor space or area is used it shall mean gross floor area.

603. Minimum Space Requirements For Off-Street Parking Areas.

603.1 Automobile Sales Establishment; Flower or Plant Nursery; Landscape Gardeners Business: At least one (1) space for every one thousand (1,000) square feet of the areas used for such purposes.

603.2 Bowling Establishment. At least four (4) spaces for each bowling lane. If additional facilities, such as bar or restaurant are provided, additional parking spaces shall be provided in accordance with the requirements for similar uses set forth in this section.

603.3 Church, Synagogue or Other Place of Worship. At least one (1) space for each four (4) seats or equivalent accommodation provided.

603.4 Commercial or Personal Service Establishment. At least one (1) space for each 200 square feet of floor area.

603.5 Educational Institution, Public or Private. At least one (1) space for each two (2) employees, including teachers and administrators. Sufficient off-street parking space for the safe and convenient loading and unloading of students. Additional facilities for student parking, taking into consideration the total number of students driving automobiles. The requirements for stadium, gymnasium and auditorium use shall be in addition to these requirements.

603.6 Eleemosynary or Philanthropic Institution. At least one (1) space for each two (2) employees, plus such additional facilities for residents and visitors as shall be deemed necessary in accordance with the provisions of Section 805.

603.7 Hospital. At least One (1) space for each two (2) patient beds, excluding bassinets, plus one (1) additional space for each medical staff member or visiting doctor, based on the average number of such persons serving the hospital, plus one (1) additional space for each four (4) employees, including nurses.

603.8 Hotel. At least one (1) space for each three (3) guests or one (1) space for each sleeping room, whichever is greater. Such a facility shall also provide one (1) space for each employee.

603.9 Industrial or Manufacturing Establishment. At least one (1)

space for each 400 square feet of floor area exclusive of storage space or one (1) space for each 1.5 employees on the maximum shift, whichever is greater. Such a facility shall also provide one space for each 1500 square feet of storage space.

603.10 Medical or Dental Practitioners' Offices. Each office shall provide at least five (5) spaces for each professional person occupying or using each office, plus an additional space for each employee.

603.11 Mortuary or Funeral Home. At least one (1) parking space for each eight (8) seats in the chapel, one (1) additional space for each resident family and one (1) additional space for each funeral vehicle.

603.12 Motel, Auto Court, Motor Lodges, Tourist Courts. At least one (1) space for each guest or sleeping room plus one (1) space for each employee.

603.13 Office Building, Professional Building or Similar Use. At least one (1) space for each two hundred (200) square feet of gross floor area.

603.14 One or Two-Family Dwelling. At least two (2) spaces per dwelling unit.

603.15 Private Club or Union Hall. At least One (1) space for each one hundred (100) square feet of gross floor space.

603.16 Railroad or Bus Station. At least one (1) space for each one hundred (100) square feet of waiting room space, including concession and dining areas.

603.17 Recreation Establishment, Commercial, Other Than A Theater, Bowling Establishment, Auditorium or Stadium. At least one (1) space for each one hundred (100) square feet of non-storage floor area.

603.18 Restaurant or Similar Place Dispensing Food, Drink or Refreshments. At least one (1) space for each fifty (50) square feet of floor area devoted to patron use.

603.19 Shopping Center. At least five (5) parking spaces for each one thousand (1,000) square feet of gross leasable area.

603.20 Townhouse. At least one and a half (1.5) spaces per one (1) bedroom unit and two (2) spaces per two (2) bedroom unit and above.

603.21 Multi-Family. At least one (1) space per efficiency and one and a half (1.5) per one (1) bedroom unit and two spaces (2) per two (2) bedroom unit and above.

603.22 Apartments. At least one (1) space per efficiency and one and one-half (1.5) spaces per one (1) bedroom unit and two (2)

spaces (2) per two (2) bedroom units and above.

603.23 Senior Citizens Community. At least one half (.5) space per unit.

603.24 Visitor Parking. In all multi-family zones, including MF-1, SC-1, PRD-1, PRD-2, MUD-1, and MUD-2 zone districts, on-site visitor parking shall be required in addition to the minimum parking requirements provided in this section. The minimum amount of additional parking for visitors shall be ten (10) percent of the total required parking for the development. For purposes of convenience and safety, visitor parking shall be distributed throughout the development.

603.25 * Movie Theater. At least one (1) parking space for each four and one-half (4.5) seats. *** amended Ordinance 1339**

604. Minimum Requirements For Off-Street Loading Spaces.

604.1 Industrial and Wholesale Operations With a Gross Floor Area of 10,000 Square Feet or Over:

10,000 -	40,000 sq. ft.	1
40,000 -	100,000 sq. ft.	2
100,000 -	160,000 sq. ft.	3
160,000 -	240,000 sq. ft.	4
240,000 -	320,000 sq. ft.	5
320,000 -	400,000 sq. ft.	6
Each 90,000 sq. ft.	above 400,000 sq. ft.	1

604.2 Office Building or Hotel With a Gross Usable Floor Area of 100,000 Square Feet or More Devoted to Such Purposes. One loading berth for every 100,000 square feet of floor area.

604.3 Retail Operation, and All First Floor Non-Residential Uses, With a Gross Floor Area of More Than 3,000 Square Feet and Less Than 20,000 Square Feet and All Wholesale and Light Industrial Operations With a Gross Floor Area of Less Than 10,000 Square Feet.
One loading space in accordance with provisions of Section 602.20.

604.4 Retail Operation, Including Restaurant and Dining Facilities Within Hotels and Office Building, With a Gross Usable Floor Area of 20,000 Sq. Ft. or More Devoted to Such Purpose. One loading berth for every 20,000 sq. ft. of floor area.

605. Minimum Space Requirements For Uses Not Specifically Covered In Sections 603 and 604. Each public or private building or land use not covered by the requirements listed above shall provide such

parking space for residents, visitors, or patrons as the Planning Board or Board of Adjustment shall deem necessary. In making such a determination, the Planning Board or Board of Adjustment shall be guided by the number of persons to be employed in said building or by said use; the number of persons expected to reside in, visit, or patronize said building or use; the anticipated percentage of residents, visitors, or patrons driving automobiles; and the need for safe and convenient loading space for visitors or patrons and goods arriving by motor transport.

606. Continuing Character of Obligation. The requirements in these regulations for off-street parking space shall be a continuing obligation. It shall be unlawful for any owner of any land or building affected by these regulations to discontinue, change or dispense with said off-street parking and/or loading facilities without establishing alternate off-street parking and/or loading facilities which comply with the requirements of these regulations.

607.*Parking Commercial Vehicles in Residential Zones Overnight. In any residential zone within the Borough of South Plainfield, no commercial vehicle weighing more than 8,000 pounds shall be permitted to be parked overnight. ***amended by Ordinance 1331**

**ARTICLE VII
ZONE DISTRICT REGULATIONS**

701. R-10 and R-15 Zones.

701.1 Permitted Uses:

- A. Single family homes
- B. Parks and playgrounds not operated for profit.
- C. Public or private schools not operated for profit.

D. Professional Office. The use of a portion of a dwelling as a professional office shall be restricted to the first floor of the building and shall not exceed twenty-five (25) percent of the total floor area of the building. Said office shall be used by a resident of the building.

E. Customary home occupations such as dressmaking, millinery, and home cooking provided that such occupations shall be conducted solely by resident occupants of the building, and that not more than the equivalent of one-third (1/3) of the area of one (1) floor shall be used for such purposes, and that no display of products or advertising of any kind shall be visible from the street. No equipment shall be used in such an occupation which is not usually found in the home.

F. Paragraphs D and E of this Section shall not permit any structural or architectural changes to accommodate said occupation unless such changes shall be deemed by the Zoning Board of Adjustment to be customary and normal in a residential area, and in character with the surrounding houses.

G. Accessory buildings and uses customarily incidental to the above uses.

H.* Second floor additions with a maximum 2 foot cantilever can be built over existing homes with less than the required 30' front or 30' secondary front setback for corner lots if the front setback or secondary front setback is not less than 24' with the cantilever and no other side yard or rear yard variances are required. ***amended ordinance 1655**

I.* Existing front porches located less than the required 30' front setback and with an existing area of 30 square feet or less may construct a roof over the existing porch which does not exceed 30 square feet. ***amended ordinance 1655**

J.* Homeowners who have existing flat garage roofs may construct an A-frame roof over the flat roof as long as the roof does not exceed 7' in height at its' highest point and is not less than 5'+ to the property line. ***amended ordinance 1655**

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K.* Detached garages shall not exceed 576 square feet in

area and shall not exceed 15' in height measured from grade to the top of the garage. Storage sheds shall be limited in number to (2) sheds and the total area of all sheds shall not exceed 200 square feet. ***amended ordinance 1655**

701.2 Lot and Yard Requirements. See Schedule.

701.3 Off-Street Parking Requirements:

- A. Residential Uses: 2 spaces per dwelling unit.
- B. Other permitted uses: See Article VI.

701.4 Signs: See Article VIII

702. R-7.5 Residential.

702.1 Permitted Uses:

- A. Those uses permitted in the R-10 and R-15 Zones.
- B. Professional Office. The use of a portion of a dwelling as a professional office shall be restricted to the first floor of the building and shall not exceed twenty-five (25) percent of the total floor area of the building. Said office shall be used by a resident of the building.

C. Accessory buildings and uses customarily incidental to the above uses.

D.* Second floor additions with a maximum 2 foot cantilever can be built over existing homes with less than the required 30' front or 30' secondary front setback for corner lots if the front setback or secondary front setback is not less than 24' with the cantilever and no other side yard or rear yard variances are required. ***amended ordinance 1655**

E.* Existing front porches located less than the required 30' front setback and with an existing area of 30 square feet or less may construct a roof over the existing porch which does not exceed 30 square feet. ***amended ordinance 1655**

F. Homeowners who have existing flat garage roofs may construct an A-frame roof over the flat roof as long as the roof does not exceed 7' in height at its' highest point and is not less than 5'+ to the property line. ***amended ordinance 1655**

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G.* Detached garages shall not exceed 576 square feet in area and shall not exceed 15' in height measured from the grade to

the top of the garage. Storage sheds shall be limited in number to (2) sheds and the total area of all sheds shall not exceed 200 square feet. ***amended ordinance 1655**

702.2 Lot and Yard Requirements. See Schedule.

702.3 Off-Street Parking Requirements:

- A. Residential: Two spaces per dwelling unit.
- B. Other permitted uses: See Article VI.

702.4 Signs: See Article VIII.

703. R 1-2 Residential.

703.1 Permitted Uses.

- A. Single-family homes.
- B. Two-family homes.
- C. Accessory buildings customarily incidental to the above uses.

D.* Second floor additions with a maximum 2 foot cantilever can be built over existing homes with less than the required 30' front or 30' secondary front setback for corner lots if the front setback or secondary front setback is not less than 24' with the cantilever and no other side yard or rear yard variances are required. ***amended ordinance 1655**

E.* Existing front porches located less than the required 30' front setback and with an existing area of 30 square feet or less may construct a roof over the existing porch which does not exceed 30 square feet. ***amended ordinance 1655**

F.* Homeowners who have existing flat garage roofs may construct an A-frame roof over the flat roof as long as the roof does not exceed 7' in height at its' highest point and is not less than 5'+ to the property line. ***amended ordinance 1655**

G.* Detached garages shall not exceed 576 square feet in area and shall not exceed 15' in height measured from grade to the top of the garage. Storage sheds shall be limited in number to (2) sheds and the total area of all sheds shall not exceed 200 square feet. ***amended ordinance 1655**

703.2 Lot and Yard Requirements. See Schedule.

703.3 Off-Street Parking Requirements.

- A. Residential: Two spaces per dwelling unit.
- B. Other permitted uses: See Article VI.

703.4 Signs: See Article VIII.

704. OBC1 Local Business and OBC2 Central Business

Zones.

704.1 Permitted Uses:

A. Single family houses.

1.* Second floor additions with a maximum 2 foot cantilever can be built over existing homes with less than the required 30' front or 30' secondary front setback for corner lots if the front setback or secondary front setback is not less than 24' with the cantilever and no other side yard or rear yard variances are required.***amended ordinance 1655**

2.* Existing front porches located less than the required 30' front setback and with an existing area of 30 square feet or less may construct a roof over the existing porch which does not exceed 30 square feet.***amended ordinance 1655**

3.* Homeowners who have existing flat garage roofs may construct an A-frame roof over the flat roof as long as the roof does not exceed 7' in height at its' highest point and is not less than 5'+ to the property line.***amended ordinance 1655**

4.* Detached roofs shall not exceed 576 square feet in area and shall not exceed 15' in height measured from grade to the top of the garage. Storage sheds shall be limited in number to (2) sheds and the total area of all sheds shall not exceed 200 square feet.***amended ordinance 1655**

B. Two-family dwellings.

1.* Second floor additions with a maximum 2 foot cantilever can be built over existing homes with less than the required 30' front or 30' secondary front setback for corner lots if the front setback or secondary front setback is not less than 24' with the cantilever and no other side yard or rear yard variances are required.***amended ordinance 1655**

2.* Existing front porches located less than the required 30' front setback and with an existing area of 30 square feet or less may construct a roof over the existing porch which does not exceed 30 square feet.***amended ordinance 1655**

3.* Homeowners who have existing flat garage roofs may construct an A-frame roof over the flat roof as long as the roof does not exceed 7' in height at its' highest point and is not less than 5'+ to the property line.***amended ordinance 1655**

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4.* Detached garages shall not exceed 576 square feet in area and shall not exceed 15' in height measured from grade to the top of the garage. Storage sheds shall be limited in number to (2) sheds and the total area of all sheds shall not exceed 200 square

feet.*amended ordinance 1655

- C. The retail sale of goods, such as:
 - (1) Grocery stores
 - (2) Drug stores
 - (3) Dry goods stores
 - (4) Meat and Poultry stores, not to include slaughtering
 - (5) Baked goods stores
 - (6) Packaged liquor stores
 - (7) Flower shops
 - (8) Confectionery stores
 - (9) Household supplies stores
 - (10) Stationery supplies stores
 - (11) Haberdashery, dress goods and notions
 - (12) Hardware, plumbing supplies and electrical appliances

The use and occupancy of a building for the sale of goods which would be permitted herein if at retail shall not be prohibited by virtue of the fact that all or part of its sales may be at wholesale to retailers, provided that the exterior of the building is in harmony with the general business character of the area and provided, further, that adequate off-street loading spaces are provided.

- D. The provision of retail and business services, such as:
 - (1) Barber and beauty shops
 - (2) Dry cleaning and tailor shops
 - (3) Shoe repair shops
 - (4) Business and professional offices including banks
 - (5) Restaurants and taverns
 - (6) Radio and electrical repairing
- E. Funeral homes
- F. Parks and playgrounds
- G. Schools, both profit and non-profit
- H. Commercial public or private swimming pools
- I. Assembly halls
- J. Movies or legitimate theaters
- K. Government and public buildings
- L. Clinics
- M. Recreational facilities
- N. Self-service Laundromats and launderette only as regulated and licensed under "An ordinance to regulate the maintenance and operation of self-service Laundromats and

laundrette and prescribing penalties for the violation thereof, in the Borough of South Plainfield."

O.** Mixed Uses in the OBC-1 and OBC-2 Zones. Single family dwelling units or two-family dwelling units may be permitted in any structure containing a non-residential use which is permitted in the OBC-1 and OBC-2 zones pursuant to paragraphs C. and D. of this Section provided that the residential use is located on the second floor, and further provided that the entrance for the residential use is separate from that of the non-residential use.
****amended ordinance 1218**

P.*** Outside "Sidewalk" sales of a "clearance" nature, provided however, that such activities occur not more frequently than once every quarter for a period in each case, of not more than seven (7) consecutive days duration.
*****amended ordinance 1367**

704.2 Lot and Yard Requirements:

- A. Two-family dwellings:
 - (1) Minimum floor area per dwelling unit- 650 square feet.
 - (2) Other requirements: See Schedule for the R-10 zone.
- B. Single-family houses: See Schedule for the R-7.5 zone.
- C. Business and other permitted uses: See Schedule.
- D. Mixed Uses:

- 1. A single family dwelling unit or a two-family dwelling unit in the OBC-1 zone:

Minimum Lot Area	10,000 sq. ft.
Minimum Lot Width	100 ft.
Minimum Lot Depth	100 ft.
Minimum Front Yard	30 ft.
Minimum Rear Yard	
Principal Building	20 ft.
Accessory Building	15 ft.
Minimum Side Yard	
Principal Building	15 ft.
Accessory Building	10 ft.
Percent Maximum Lot Coverage	30 percent
Maximum Height	35 ft.

- 2. A single family dwelling unit in the OBC-2 zone:

Minimum Lot Area	7,500 sq. ft.
Minimum Lot Width	75 ft.
Minimum Lot Depth	100 ft.
Minimum Front Yard	30 ft.

Minimum Rear Yard	
Principal Building	20 ft.
Accessory Building	5 ft.
Minimum Side Yard	
Principal Building	8 ft.
Accessory Building	5 ft.
Percent Maximum Lot Coverage	25 percent
Maximum Height	35 ft.

3. A two-family dwelling unit in the OBC-2 zone:

Minimum Lot Area	10,000 sq. ft.
Minimum Lot Width	100 ft.
Minimum Lot Depth	100 ft.
Minimum Front Yard	30 ft.
Minimum Rear yard	
Principal Building	20 ft.
Accessory Building	15 ft.
Minimum Side Yard	
Principal Building	15 ft.
Accessory Building	10 ft.
Percent Maximum Lot Coverage	30 percent
Maximum Height	35 ft.

704.3 Off -Street Parking Requirements:

- A. Single-family residential: 2 spaces per dwelling unit.
- B. Two-family residential: 2 spaces per dwelling unit.
- C. Other Permitted Uses: See Article VI.
- D. For mixed uses, the number of off-street parking spaces required shall be the sum of the requirements for the various individual uses. For example, a mixed use with a single family dwelling unit and 2,000 square feet of office area would require 12 spaces; 10 spaces for the office use and 2 spaces for the residential use. A mixed use with a two-family dwelling unit and 2,000 square feet of office area would require 14 spaces; 10 spaces for office use and 4 spaces for residential use.

704.4 Signs. See Article VIII

704.5 Buffer Strip or Screen. A Buffer strip or screen shall be required between any non-residential use permitted in this Zone and on adjacent Residential Zone Line. Said buffer shall include a five (5) foot wide parcel of land adjacent to Residential Zone Line and in which a solid and continuous landscape screen shall be planted and maintained. The landscaping shall consist of massed evergreen and deciduous trees and shrubs of each species and size

as will produce within (2) two growing seasons, a screen of at least four (4) feet in height, and of such density as will obscure, throughout the full course of the year, seventy-five percent (75%) of the glare emitted by automobile headlights to adjoining residential property.

705. OBC3 Regional Business

705.1 Permitted Uses: This zone is designed for a regionally oriented retail shopping center of a combination of the uses herein permitted, in enclosed buildings, utilizing such common facilities as customer parking areas, pedestrian walks, truck loading and unloading space and, where applicable, utilities and sanitary facilities. In the OBC3 zone, the following uses are permitted:

- A. Retail stores and shops: See Article VII, Section 704.1
- B. Personal service establishments, such as:
 - (1) Barber and beauty shops.
 - (2) Dry cleaning and tailor shops providing that not more than five (5) persons are employed therein, and provided, further, that no unattended self-service or coin-operated dry cleaning shop, machine or device shall be permitted.
 - (3) Shoe repair shops.
 - (4) Business and professional offices, including banks.
 - (5) Radio, TV and electrical repairing.
- C. Restaurants, excluding drive-in restaurants or refreshment stands where any customers or patrons thereof are served in cars or outside of fully-enclosed structures.
- D. Assembly halls, movies or legitimate theaters, and bowling alleys, provided the same are housed in an enclosed building or buildings.

***Bowling Alleys were removed as a permitted use*
Refer to Ordinance # 1605**

- E. Office buildings for executive, administrative, business, educational or professional purposes.
- F. Customary accessory uses which are incidental to the operation of such a shopping center, including:
 - (1) Private garage space for the storage of commercial vehicles used in connection with a business operated in such shopping center.
 - (2) Off-street parking space for the use of patrons and employees.
 - (3) Signs, as hereinafter set forth.

G.* Outside "Sidewalk" sales of a "clearance" nature, provided however, that such activities occur not more frequently than once every quarter for a period in each case, of not more than seven (7) consecutive days duration.***amended Ordinance 1368**

705.2 Lot and Yard Requirements:

A. The maximum percent of lot coverage and maximum height applicable to the OBC1 Zones (see Schedule) shall apply to all buildings in the OBC3 Zone.

B. It is contemplated that each shopping center will occupy, when fully constructed, virtually the entire specific parcel placed in the OBC3 Zone; therefore, no lot width or lot depth requirements, as such, are herein specified. See Schedule for the minimum lot area requirement. The Zoning Officer and the Planning Board or Board of Adjustment, in reviewing all applications made pursuant to this Ordinance in an OBC3 Zone, shall consider the following factors and be governed by the following standards in approving any proposed shopping center development:

(1) No building shall be located closer than fifty (50) feet to any property line, whether the same be considered a side or rear yard.

(2) Separate buildings shall be separated by sufficient space to:

(a) Provide un-congested motor vehicle passage, where the space between buildings may be used by motor vehicles; the Planning Board or Board of Adjustment may require, in this regard, the designation of any such passages as "one-way" for motor vehicles.

(b) Where such space will not be open to motor vehicles, to provide sufficient area for pedestrian movement therein.

(c) Provide sufficient open space between separate buildings to provide for fire protection and to protect against a general conflagration resulting from the spread of fire from one building to another.

(d) Provide additional space around any building housing a use which may have a potential fire or other hazard greater than other uses in said shopping center.

(3) In approving the location of buildings within the proposed shopping center, the Zoning Officer and Planning Board or Board of Adjustment shall also consider and be guided by the following factors and standards:

(a) Traffic pattern, involving ingress to and egress from the center, and the internal system of vehicular and pedestrian movement, so as to avoid congestion, provide for the safety of pedestrians going to and from buildings and parking areas, and the separation of commercial traffic serving the uses in the center from customer traffic.

(b) Where all proposed buildings are not to be constructed at once, the program of development shall be regulated

so as to provide an orderly and progressive development rather than construction in isolated areas of the site separated by unimproved areas.

(4) In approving parking space area, the Zoning Officer and the Planning Board or Board of Adjustment shall not consider any parking space located more than 500 feet, measured in a straight line, from an entrance to any building as providing a required parking space for any such building; insofar as possible, the major portion of parking area provided for any building shall be located within 300 feet of an entrance to such building.

(5) In making the foregoing determination, the Planning Board or Board of Adjustment may seek the advice of the Police Department, Fire Department, Board of Health, or any other board or agency; provided, however, that any report received from any such department, board or agency shall be made part of the record of the consideration of the Planning Board or Board of Adjustment, and shall be made available to any interested parties.

705.3 Off-Street Parking Requirements. See Article VI

705.4 Driveways: Ingress and Egress. Not more than two driveways, of not less than 20 feet nor more than 30 feet in width, as means of ingress and egress for parking areas, shall be permitted for each 300 feet of frontage upon a public street, nor shall any driveway be located closer than 150 feet to the intersection of two public streets. Acceleration and deceleration lanes shall be provided when determined necessary by the Planning Board or Board of Adjustment.

705.5 Buffer Where Adjacent to Residential Zone. Wherever the property line of a lot in the OBC3 Zone abuts a residential zone, a buffer area shall be established which shall include an area of land fifty (50) feet wide, as measured from said property line, such buffer regulations shall require that:

A. Within the buffer area, no use, activity, or sign shall be established other than the following:

(1) Such driveways as are necessary to provide proper means of ingress and egress for the parking areas subject to the restrictions set forth in Paragraph 705.4 of this Section.

(2) Directional signs in conjunction with said driveways which are necessary for the proper guidance and control of vehicular traffic, provided that not more than one such sign is erected in conjunction with each driveway, and further provided that the signs conform to the appropriate restrictions set forth in Paragraph 6 of this Section.

B. Within the buffer area, a solid and continuous landscape screen shall be planted and maintained. The landscaping shall consist of massed evergreen and deciduous trees and shrubs of such species and size as will produce, within two growing seasons, a screen of at least four feet in height and of such density as will obscure throughout the full course of the year seventy-five (75) percent of the glare of automobile headlights emitted from the

premises.

C. The landscape screen described above shall be located not closer than twenty-five (25) feet to a street line or ten (10) feet to any adjacent property line.

D. The required height of the landscape screen as required above shall be measured in relation to the edge of the adjacent parking area. In such cases as the ground elevation of the location at which the screen is to be planted is less than the elevation of the edge of the adjacent parking area, the required height of the screen shall be increased in an amount equal to this difference in elevation. In the event that the ground elevation of the location at which the screen is to be planted is greater than that at the edge of the adjacent parking area, the required height of the screen may be reduced in an equal amount to said difference in elevation ' provided that in no case shall the required height be reduced to less than two feet.

E. The entire buffer area, and all required yard areas not occupied by parking areas shall be graded and planted with grass seed or sod and such shrubbery or trees as required by municipal development ordinances. This entire area shall be attractively maintained and kept free of all debris and rubbish. This paragraph shall apply to all such shopping centers, whether or not adjacent to a residential zone.

F. In the event that any of the plantings in accordance with this Section do not live, they shall be replaced within one year.

G. The certificate of occupancy for the use of the premises shall not be issued until such time as the landscaping requirements set forth in this paragraph are installed in accordance with the plan approved by the Planning Board or Board of Adjustment pursuant to Paragraph 7 of this Section, or, in the event that the season is not appropriate, until a performance bond is posted with the Mayor and Council in an amount equal to the estimated cost of said landscaping installation. In any event, a performance bond shall be posted with the Mayor and Council in an amount equal to fifty (50) percent of the total estimated cost to insure that the installed landscaping complies with the requirements set forth at the completion of the second growing season.

705.6 Signs. See Article VIII.

705.7 Other Provisions. The application shall meet all provisions set forth in the Borough of South Plainfield Development Review Ordinance.

706. OPAl Professional Office.

706.1 Permitted Uses:

A. Business, professional and service offices including banks, credit services, security and commodity brokers and dealers, insurance carriers and agents, real estate services, photographic services, advertising services, employment agencies, consumer and mercantile credit and collection services, duplicating, mailing and stenographic services, consulting services, data processing, medical, dental and health services and laboratories, engineering and architectural services, accounting and bookkeeping services, and research activities.

B. Funeral homes.

C. Parks and playgrounds.

D. Schools.

E. Commercial public or private swimming pools.

F. Government and public buildings.

G. Clinics.

706.2 Lot and Yard Requirements: See Schedule.

706.3 Off-Street Parking Requirements: See Article VI.

706.4 Signs: See Article VIII.

706.5 Buffer Strip or Screen. Requirements shall be the same as contained in Article VII, Paragraph 704.5.

707. OPA 2 Professional Offices and Research.

707.1 Permitted Uses:

A. Office buildings for executive, administrative, business, educational or professional purposes.

B. Home, regional, or state offices for insurance companies, financing organizations, training schools, or other similar non-manufacturing uses.

C. Public buildings of a governmental or cultural nature, including schools, run either for profit or non-profit.

D. Activities of an industrial, medical or scientific research laboratory or engineering nature, providing that no nuisance or hazard may be permitted which is in violation of Article IX.

707.2 Permitted Accessory Uses. Accessory uses to the main office, clerical, scientific research or engineering use such as maintenance and service facilities, recreational facilities, protection and security facilities and such other uses as may be required.

- 707.3 **Lot and Yard Requirements:** See Schedule.
- 707.4 **Off-Street Parking Requirements:** See Article VI.
- 707.5 **Signs:** Requirements shall be the same as contained in Article VIII.
- 707.6 **Buffer Zone Requirements:** Requirements shall be the same as contained in Article VII, Section 708.5.
- 707.7 **Outdoor Storage:** Required minimum yard areas shall not be used for storage of any material. Any open storage facilities in permitted areas shall comply with Article IX.

708. M-1 Industrial Zone.

708.1 Permitted Uses:

A. Office buildings for executive, administrative, business, educational or professional purposes.

B. Scientific or research laboratories devoted to research, design and/or experimentation; process and fabricating incidental thereto may be permitted.

C. Uses of a light manufacturing nature as follows:

(1) Manufacturing of light machinery comprising any of the following: carburetors, and small machine parts; cash registers; sewing machines; and typewriters, calculators and other office machines.

(2) Fabrication of metal products comprising any of the following: baby carriages, bicycles and other non-motorized vehicles; metal furniture; musical instruments; sheet metal products; and toys.

(3) Fabrication of paper products comprising any of the following: bags, bookbinding; boxes and packaging materials; office supplies; and toys.

(4) Fabrication of wood products comprising any of the following: boats; boxes, cabinets and wood workings; furniture and toys.

(5) Food and associated industries comprising any of the following: bakeries; bottling of food and beverages; food and cereal mixing and milling; food processing; food sundry manufacturing; and ice cream manufacturing.

(6) Other permissible industry comprising any of the following: concrete and plastic products; electronic products; glass and glass products manufacturing; jewelry manufacturing, including polishing; leather goods manufacturing, except curing, tanning and finishing of hides; motion picture exchange; pharmaceutical products manufacturing.

D. Residential uses are expressly prohibited.

708.2 Lot and Yard Requirements: See Schedule.

708.3 Off-Street Parking Requirements: See Article VI

708.4 Signs: See Article VIII, Section 801.

708.5 Buffer Zone Requirements. Whenever a property line of a lot in the M-1 Zone abuts a street contiguous with a residential zone, a buffer area shall be established which shall comprise an area of land thirty-five (35) feet wide as measured from said property line.

A. Within the buffer area, no use, activity, or sign shall be established other than the following:

(1) Such driveways as are necessary to provide proper

means of ingress or egress for the parking area.

(2) Directional signs in conjunction with said driveways which are necessary for the proper guidance and control of vehicular traffic, provided that not more than one such sign is erected in conjunction with each such driveway.

B. Said buffer area shall include a thirty-five (35) foot wide parcel of land paralleling the adjacent residential zone line and in which a solid and continuous landscape screen shall be planted and maintained. The landscaping shall consist of massed evergreen and deciduous trees and shrubs of each species and size as will produce, within two (2) growing seasons, a screen at least four (4) feet in height, and of such density as will obscure throughout the full course of the year seventy-five (75) percent of the glare of automobile headlights emitted from the premises.

C. The landscape screen described above shall be located not closer than twenty-five (25) feet to a street line or ten (10) feet to any adjacent property line.

D. The required height of the landscape screen shall be measured in relation to the edge of the adjacent parking area or driveway area. In such cases as the ground elevation of the location at which the screen is to be planted is less than the elevation of the edge of the said adjacent area, the required height of the screen shall be increased in an amount equal to this difference in elevation. In the event that the ground elevation of the location at which the screen is to be planted is greater than that at the edge of the said adjacent area, the required height of the screen may be reduced in an amount equal to said difference in elevation, provided that in no case shall the required height be reduced to less than two (2) feet.

E. The entire buffer area, and all required yard areas not occupied by parking areas shall be graded and planted with grass seed or sod and such shrubbery or trees as required by municipal development ordinances. This entire area shall be attractively maintained and kept free of all debris and rubbish.

F. In the event that any of the plantings in accordance with this Section do not live, they shall be replaced within one year.

G. The certificate of occupancy for the use on the premises shall not be issued until such time as the landscaping requirements set forth in this paragraph are installed in accordance with the plan approved by the Planning Board or Board of Adjustment, or, in the event that the season is not appropriate, until a performance bond is posted with the Mayor and Council in an amount equal to the estimated cost of said landscaping installation.

709. M-2 Industrial Zone.

709.1 Permitted Uses:

- A. All uses permitted in the M-1 Zone.
 - B. Fabrication of Concrete and Plastic Products.
 - C. Television and Radio Studios and Antennas.
 - D. Office and Processing Operations for distribution subject to the following:
 - 1. The office must occupy a minimum of 10% of the floor area of the building.
 - 2. The processing operation for the distribution must be in conjunction with the business being conducted in the office portion of the building.
 - 3. Truck Depots and Warehouses shall be prohibited.
 - 4. The building shall not contain more than one loading door for each 6,000 square feet of the building for buildings up to 48,000 square feet and not more than one additional loading door for each 25,000 square feet of the building in excess of 48,000 square feet.
 - E. Residential uses are expressly prohibited.
- 709.2 Lot and Yard Requirements:** See Schedule.
- 709.3 Off-Street Parking Requirements:** See Article VI.
- 709.4 Signs:** See Article VIII.
- 709.5 Buffer Zone Requirements** shall be the same as set forth for the M-1 Zone.

710. M-3 Industrial Zone.

710.1 Permitted Uses:

A. All uses permitted in the M-1 Zone.

B. The manufacture, fusing and production of quartz and of silica and quartz products; the manufacture of electrical instruments and electrical components; the manufacture and production of all types of precious and base metals and alloys in ingot form, refining, melting, casting and working of precious and base metals and alloys; manufacture and production of precious base and alloy metal products, including processing, milling, machine fabrication and assembling; manufacture and production of non-hydrocarbon chemical and catalyst products, plating compounds and solutions, diamonds and other precious stone products, brazing fluxes, light metal parts, liquid gold and other precious and base metal organic based paints, casting compounds and cements, gas measuring equipment and gas generating and storage equipment.

C. Warehouse and distribution center, including sales at retail of a "clearance" nature, provided however that such sales activities occur not more frequently than one every quarter for a period, in each case, of not more than seven (7) consecutive days duration.

D. Lumber Yards.

E. Residential uses are expressly prohibited.

710.2 Lot and Yard Requirements: See Schedule.

710.3 Off-Street Parking Requirements: See Article VI.

710.4 Signs: See Article VIII, Section 801.

710.5 Buffer Zone Requirements shall be the same as set forth for the M-1 Zone.

711. PRD-1 Planned Residential Development

711.1 Permitted Uses. A building may be erected, altered, or used, and a lot or premises may be occupied and used for any of the following purposes:

A. Principal Uses

- (1) Apartment dwellings subject to all requirements of this Section.
- (2) Townhouses subject to all requirements of this Section.

B. Accessory Buildings and Uses including:

- (1) Swimming pools and tennis courts, but not public swim or tennis clubs.
- (2) Signs subject to the special conditions of Article VIII.
- (3) Fences and hedges subject to the provisions of this Article.
- (4) Other customary accessory uses and structures which are clearly incidental to the principal structure and use.

711.2 Development Standards. Development in the PRD-1 Zone shall comply with the following standards and requirements:

A. The gross density shall be nine (9) units per acre for the entire parcel on condition that twenty (20) percent of the total dwelling units constructed shall be affordable to lower income households subject to the Affordable Housing Ordinance of the Borough of South Plainfield. The project may consist of any percentage combination of apartments and townhouses.

B. Special requirements for apartments are as follows:

(1) Principal Buildings

- (a) Minimum front setback (measured from the proposed street R.O.W. line) one or two stories - 25 ft. - three stories - 35 ft.
- (b) Minimum setback from interior private road - 20 ft., or parking lots 12 ft.
- (c) Minimum side and rear yard setbacks-One or Two stories- 25 ft., - Three stories - 35 ft.
- (d) Maximum lot coverage - 20%
- (e) Maximum building height - 3 stories or 40 ft., whichever is less.

(f) Each principal building shall:

(1) Not be designed for or occupied by more than 24 units per building, nor more than three hundred (300') feet in length in its longest dimension, without terminating or providing a ninety (90) degree angle, nor exceed eighty (80') feet without a change in facade architecture, including at least twenty-five (25%) percent change in, setback, facade color, texture, design, etc., to bring about a varied composition.

(2) Not allow or contain outside television antenna. All television antenna equipment shall be built into the building to eliminate individual antennas from being erected on the roof. Not more than one common antenna may be used for each building.

(3) Provide not less than seven hundred (700) cubic feet of storage for each apartment unit, exclusive of closets except those units reserved for low and moderate income units shall have not less than three hundred and fifty (350) cubic feet of storage.

(4) Not fail to provide, in an enclosed area, laundry facilities of not less than one washer and dryer for each ten (10) dwelling units for the exclusive use of the occupants of the development, unless provided within each unit. No outside clothes lines or clothes hanging facilities or devices shall be provided or allowed.

(5) Provide a recreation area to serve the needs of the anticipated apartment portion of the development and shall consist of at least the following:

(a) A fenced-off play lot including play equipment such as swings, seesaws, etc., shall be provided. The fenced-off area shall be not less than one hundred fifty (150) sq. ft. per dwelling unit for active recreation area with a minimum size of twenty thousand (20,000) sq. ft. for active and passive area combined.

(6) Minimum space between buildings; there shall be a minimum open space of at least fifty (50') feet between the rears of any two buildings, or thirty (30') feet between any other combination of facades. If buildings are overlapped, the overlapped sides may not contain any windows. Architectural connections are permitted between overlap portions separated from adjacent structures by at least fifteen (15) feet.

(7) There shall be a trash area completely surrounded by a six (6') foot high solid architectural fence with front solid gates. All outside trash shall be stored in this area and shall not be in public view over the fence height. All similar accessory appurtenances such as propane tanks shall be similarly enclosed.

(2) Accessory Buildings and Uses

(a) Accessory buildings shall conform to at least

the height and front setback requirements of the principal building. The side and rear yard setbacks shall be ten (10') feet.

(b) Swimming pools less than four (4') feet in height shall be enclosed by a permanent fence not less than four (4') feet in height with a locked gate. Building permits shall be required for all swimming pools, above or below ground, with a water surface area of two hundred and fifty (250) square feet or over.

(c) No truck or commercial vehicle, licensed for over 8,000 lbs. gross weight shall be stored or parked on any lot or portion of a lot.

(d) Accessory buildings attached to a principal building shall comply with the setback of the principal building.

C. Special requirements for townhouses area as follows:

(1) Principal Buildings

(a) Minimum front setback (measured from the proposed public street R.O.W. line) - 25 ft.

(b) Minimum setback from pavement of interior private road or parking area - 20 ft.

(c) Minimum each side and rear yard setbacks - 25 ft.

(d) Maximum lot coverage - 20%

(e) Maximum building height -2 stories or 35 ft., whichever is less.

(f) Each principal building shall not:

(1) Be designed for more than ten (10) nor less than three (3) attached units.

(2) Exceed two hundred and twenty (220') feet in length.

(3) Exceed two townhouse units on one facade without providing a variation in setback equal to five (5') feet or greater.

(4) Exceed two townhouse units without a change in facade architecture, including at least twenty-five (25%) percent of facade color, texture, design, etc., to bring about a varied composition.

(5) Provide less than two (2) exterior exposures for each unit which shall be properly windowed so as to provide through-ventilation or cross-ventilation for each unit.

(6) Allow or contain outside television

antennas. All television antenna equipment shall be built into the building to eliminate individual antenna towers from being erected on the roof. One common antenna tower may be used for each building.

(7) Provide less than seven hundred (700) cubic feet of storage for each unit in the building exclusive of closets, except those units reserved for low and moderate income units shall have not less than three hundred and fifty (350) cubic feet.

(8) Provide less than a minimum open space of at least fifty (50') feet between the rear elevations of two buildings, or thirty (30') feet between any other combination of facades. If buildings are overlapped, the overlapped sides may not contain any windows. Architectural connections are permitted.

(9) Provide a townhouse unit of less than twenty (20') feet in width, except for low and moderate income units which shall be not less than sixteen feet (16').

(10) Provide individual lots for sale of less than two thousand (2,000) sq. ft. if lots are sold except that for low and moderate income units the lots shall be not less than 1,600 sq. ft. Land may be kept in common ownership.

(2) Accessory Buildings and Uses. Accessory building and uses shall conform to the same requirements as specified in 711.2 for apartments.

(3) Ownership and Maintenance of Common Areas. Common areas of any track utilized for a townhouse development which are not accepted by the Township shall be deeded to a corporation, association, individuals, or other legal entity consisting of majority of the property owners within the development for their use, control, management and maintenance.

D. All site design standards and specifications contained in the Development Review Ordinance of the Borough of South Plainfield (ord. 762) shall be complied with except as modified by section 907.12 of that ordinance.

711.3 Parking. Off-street parking is required subject to the special conditions of Article VI.

711.4 Landscaping. Landscape plans shall be provided in accordance with the following requirements.

A. General Regulations

(1) Landscape Area. All areas in a development not

used for construction of buildings, roads, access ways, parking or sidewalks shall be fully landscaped in accordance with these regulations.

(2) Site Considerations. Natural site features such as: existing trees, streams, rock outcropping, etc. shall be preserved wherever possible. whenever such natural features are absent or insufficient or have been destroyed during the development of the site, additional new plantings of a sufficient size as determined by the Municipal Agency shall be established to provide environmental protection to beautify the buildings and grounds, and to provide privacy, shade and the screening out of objectionable features created on the site.

(3) Labeling. All landscape plans shall have a schedule of the Latin and common name, the quantity, the size, spacing, and method of planting of each plant material.

B. Additional Regulations

(1) A minimum landscaped area five (5') feet wide shall be provided along all property lines including public streets.

(2) All buffers and landscaped areas shall be protected from adjacent parking areas by curbs, or concrete, metal or wood bumpers at least six (6") inches in height and securely anchored into the ground. Buffer areas are included within setbacks.

(3) Service areas, parking area, transformer compounds, and other strictly utilitarian improvements, shall be screened as fully as practicable. In general, it is intended that possible objectionable or unsightly features within a given development shall be screened from passing traffic or abutting residential properties.

(4) In the case of a repetition of building designs, as in apartment house development, care shall be exercised to avoid monotony in the planting design by introducing sufficient variety in the planting layout to lend interest and aesthetic appeal. By the same token, excessive variety shall be avoided, and all shall be represented as a balanced design with proper accent in the right places.

(5) All street trees and on-site deciduous shade trees shall not be less than two (2") inch diameter measured one (1') foot above the root crown.

(6) A satisfactory amount of evergreen plant material shall be included in the planting, this to be judged on an individual basis by the Municipality.

(7) Areas required for buffers shall not be cleared or graded prior to development approval.

(8) Retaining walls shall not be permitted within

buffer areas unless approved as part of site plan approval.

(9) Where the non-single-family zone line abuts a single-family residential zone, a buffer of twenty-five (25') feet shall be established except where a public street intervenes.

(10) Within the twenty-five (25') feet buffer to a residential zone line no improvements can be made, and the property shall be either left in its natural state, supplemented with evergreen screening plant materials, or both as determined by the Municipal Agency for each site.

(11) In all zones where a commercial zone line abuts a multi-family residential use, a twenty-five (25') foot buffer must be established and maintained unless such a buffer is already established and maintained along the common boundary of that zone.

C. Landscaped Area Required. In calculating landscaped areas, the areas of plazas, open pedestrian shopping malls, sitting areas, pools and fountains shall be included. Landscaped areas within and between parking areas shall also be included.

(1) A minimum of twenty (20%) percent of the site shall be devoted to landscaped areas in addition to all required buffers, however landscaped areas may include required recreation areas referred to in Section 711.2B. The Municipal Agency shall have the authority to determine the distribution of landscaped areas throughout the project site, however all front yards shall have a minimum of fifteen (15%) percent landscaped areas.

711.5 Fences and Hedges.

A. Intersections. At the intersection of two (2) or more streets, no wall, fence, hedge or other structure shall be erected to a height in excess of three (3') feet above curb level, nor any other obstruction to vision shall be permitted within the triangular area formed by the nearest intersecting right-of-way street lines at points which are twenty-five (25') feet distant from the point of intersection, measured along said right-of-way

street line. Trees whose branches are trimmed away to a height of at least ten (10') feet above curb level shall be permitted.

B. Height. On any lot in any residence district, no wall, fence, or hedge shall be erected or altered so that said wall or fence shall be over four (4') feet in height in the front yard nor be over six (6') feet in height in the side or rear yards, except that tennis court fences may have a maximum height of twelve (12') feet. Tennis courts and front yard fences shall be restricted to open mesh or other open material as approved by the Construction Official.

C. Dangerous. No fence shall be erected of barbed wire,

or electrified, or topped with metal spikes or constructed of any material or in any manner which may be dangerous to persons or animals.

D. Type. Solid architectural fences shall be required along all lot lines except the street line where said property lines abut single family residential zoning district lines. Such architectural fences may be made of any material which is aesthetically pleasing and prevents the dissemination of odors, noise, debris, and sight across the residential zoning boundary. Fences used for this purpose shall be six (6') feet in height. Nothing in this Section prevents the use of plant materials along any lot line in addition to the fence requirement, but plant materials cannot be substituted for the fence. Open chain link and chain with link plastic or aluminum slats shall not be considered to be an architecturally solid fence. A wall or fence which restricts the natural flow of drainage or causes stagnant water conditions shall not be permitted. Said wall or fence shall be ordered removed or corrected by the Owner upon direction of the Construction Official. The Municipal Agency shall have the authority to waive this requirement if a buffer area is landscaped to their requirements.

E. Maintenance. Walls or fences erected shall be maintained in an aesthetically pleasing manner and any failure to do so shall be subject to the Construction Official's order to repair or replace the wall or fence in order to meet the requirements of this Ordinance.

F. Swimming Pools. There shall be a fence, not less than four (4') feet high completely enclosing any below-ground swimming pool and any other swimming pool of one hundred (100) sq. ft. of surface water area or more and which is less than four (4') feet above the ground. Each gate in a pool fence shall be capable of being locked when not in use.

G. Finished Side. The finished side of all fences shall be on the outside facing away from the lot on which it is erected. The intent of this provision is for safety purposes to prevent easy access from neighboring property.

712. AH-1 Affordable Housing

712.1 Permitted Uses

- A. Principal Uses:
 - 1. Multifamily residential apartments
- B. Accessory Buildings and Uses:
 - 1. As permitted in Section 711.B

712.2 Development Standards

Development standards in the AH-1 Zone shall comply with the following standards and requirements:

A. The maximum gross density shall be fifteen (15) units per acre. Fifteen percent (15%) of the total units shall be rental affordable housing in partial satisfaction of the Borough's Mount Laurel obligation. Fifty percent (50%) of the affordable units shall be affordable to eligible low income households, and fifty percent of the affordable units shall be affordable to eligible moderate income households. The bedroom mix and other applicable standards relating to the affordable housing shall be as set forth in the regulations adopted by the Council on Affordable Housing. Notwithstanding the above, two hundred fifty two (252) and no more than 252 total units shall be developed in the AH-1 Zone subject to site plan review by the Planning Board.

- B. The minimum setbacks shall be:
 - 1. From building to public right of way 40 ft.¹
 - 2. From building to other property lines 30 ft.
 - 3. From building to building 25 ft.
 - 4. From building to internal drive 12 ft.
 - 5. From building to parking lot 10 ft.
 - 6. From parking lot to public right-of-way 40 ft.²
 - 7. From parking lot to other property lines 10 ft.

C. Maximum building height 40 ft. and three (3) stories

¹ Notwithstanding the above, buildings shall be set back a minimum of one hundred feet (100') from the public right-of-way of

Durham Avenue.

² Notwithstanding the above, parking areas shall be set back a minimum of sixty feet (60') from the public right-of-way of Durham Avenue and perimeter curbs and sidewalks shall be required along the Durham Avenue frontage and only along said frontage.

- D. Maximum units per building 32 ft.
- E. Minimum Tract Size 15 acres
- F. Minimum Tract Width 400 ft.
- G. Minimum Tract Depth 400 ft.

H. A suitable landscaped buffer area shall be provided along the property boundaries to a depth of one-half the required setback.³ Within the buffer area, no use, activity or sign shall be established other than the following:

1. Such driveways and related infrastructure as are desirable to provide proper means of ingress and egress to the development and parking areas.
2. Identification or directional signs which are necessary for the proper guidance and control of vehicular traffic and for the identification of the development.
3. Utility and related infrastructure servicing the development.
4. Storm water management facilities at grade level servicing the development.

712.3 Off-Street Parking Requirements

See Section 603.22 and Section 603.24 of the South Plainfield Borough Zoning Ordinance.

712.4 Application of Design and Landscaping Standards

The following provisions of Section 711 shall apply to development in the AH-1 Zone: Section 711.2B (1F) (4), (5) and the first two sentences of (7); Section 711.4A (1), (2) and (3); and Section 711.4B (2), (3), (4), (5), (6) and (7).

713. AH-2 Affordable Housing 2 Zone

713.1 Permitted Uses

A building may be erected, altered, or used, and a lot or premises may be occupied and used for any of the following purposes:

- A. Principal Uses
 - 1. Apartment dwellings subject to all requirements of this Section.
 - 2. Townhouses subject to all requirements of this Section.

³ Notwithstanding the above, a suitable landscaped buffer area shall be provided along the property boundaries along Durham Avenue to a depth of twenty feet (20') which shall include an intermittent berm and planting so as to create a continuous landscape treatment of an average height of six (6) feet at the time of planting.

- B. Accessory Buildings and Uses including:
 - 1. Swimming pools and tennis courts, but not public swim or tennis clubs.
 - 2. Signs subject to the special conditions of Article VIII.
 - 3. Fences and hedges subject to the provisions of this Article.
 - 4. Other Customary accessory uses and structures which are clearly incidental to the principal structure and use.

713.2 Development Standards

Development in the AH-2 Zone shall comply with the following standards and requirements.

A. The gross density shall be thirteen (13) units per acre for the entire parcel on condition that twenty (20) percent of the total dwelling units constructed shall be affordable to lower income households subject to the Affordable Housing Ordinance of the Borough of South Plainfield. The project may consist of any percentage combination of apartments and townhouses; however, at least one row of townhouses shall lie between any apartments constructed on site and single family homes located to the east of the property. The maximum lot coverage of the entire project shall not exceed twenty-five (25) percent; and the impervious surface coverage of the entire development shall not exceed fifty (50) percent.

- B. Special requirements for apartments are as follows:
 - 1. Principal Buildings
 - a. Minimum front setback (measured from the proposed street R.O.W. line)-35 feet
 - b. Minimum setback from interior private road-30

feet, or parking lots 20 feet.

c. Minimum side and rear yard setbacks-40 feet.

d. Maximum building height-3 stories or 40 feet, whichever is less.

e. Each principal building shall:

(1) Not be designed for or occupied by more than 24 units per building, nor more than two hundred (200') feet in length in its longest dimension, without terminating or providing a ninety (90) degree angle, nor exceed eighty (80') feet without a change in facade architecture, including at least twenty-five (25%) percent change in setback, facade color, texture, design, etc., to bring about a varied composition.

(2) Not allow or contain outside television antenna. All television antenna equipment shall be built into the building to eliminate individual antennas from being erected on the roof. Not more than one common antenna may be used for each building.

(3) Provide not less than seven hundred (700) cubic feet of storage space for each apartment unit, exclusive of closets except those units reserved for low and moderate income units shall have not less than three hundred and fifty (350) cubic feet of storage.

(4) Not fail to provide in an enclosed area, laundry facilities of not less than one washer and dryer for each ten (10) dwelling units for the exclusive use of the occupants of the development, unless provided within each unit. Not outside clothes lines or clothes hanging facilities or devices shall be provided or allowed.

(5) Minimum space between buildings-there shall be a minimum open space of at least fifty (50') feet between the rears of any two buildings.

(6) There shall be a trash area completely surrounded by a six (6') foot high solid architectural fence with front solid gates. All outside trash shall be stored in this area and shall not be in public view over the fence height.

2. Accessory Buildings and Uses

a. Accessory buildings shall conform to at least the height and front setback requirements of the principal building. The side and rear yard setbacks shall be a minimum of ten (10') feet.

b. Swimming pools less than four (4') feet in height shall be enclosed by a permanent fence not less than four (4') feet in height with a locked gate. Building permits shall be required for all swimming pools, above or below ground, with a water surface area of two hundred and fifty (250) square feet or over.

c. No truck or commercial vehicle, licensed for over 8,000 lbs. gross weight shall be stored or parked on any lot or portion of a lot.

d. Accessory building attached to a principal building shall comply with the setbacks of the principal building.

C. Special requirements for townhouses are as follows:

1. Principal Buildings

- a. Minimum front setback (measured form the proposed public street R.O.W. line)-35 feet
- b. Minimum setback from pavement of interior private road or parking area-20 feet.
- c. Minimum each side and rear yard setbacks-40 feet.
- d. Maximum building height-2 1/2 stories or 35 feet, whichever is less.
- e. Each principal building shall not:
 - (1) Be designed for more than eight (8) nor less than three (3) attached units.
 - (2) Exceed two hundred (200') feet in length.
 - (3) Exceed two townhouse units on one facade without providing a variation in setback equal to five (5') feet or greater.
 - (4) Exceed two townhouse units without a change in facade architecture, including at least twenty-five (25%) percent of facade color, texture, design, etc., to bring about a varied composition.
 - (5) Provide less than two (2) exterior exposures for each unit which shall be properly windowed so as to provide through-ventilation or cross-ventilation for each unit.
 - (6) Allow or contain outside television antennas. All television antenna equipment shall be built into the building to eliminate individual antenna towers from being erected on the roof. One common antenna tower may be used for each building.
 - (7) Provide less than seven hundred (700) cubic feet of storage for each unit in the building exclusive of closets, except those units reserved for low and moderate income units shall have not less than three hundred and fifty (350) cubic feet.
 - (8) Provide less than a minimum open space of at least fifty (50') feet between the rear elevations of two buildings, or twenty-five (25') feet between any other combination of facades.
 - (9) Provide a townhouse unit of less than twenty (20') feet in width, except for low and moderate income units which shall be no less than sixteen feet.
 - (10) Provide individual lots for sale of less than two thousand (2,000) square feet if lots are sold except that for low and moderate income units the lots shall be not less than 1,600 square feet. Land may be kept in common ownership.

2. Accessory Buildings and Uses.

Accessory building and uses shall conform to the same requirements as specified in 711.2 for apartments.

3. Ownership and Maintenance of Common Areas.

Common areas of any tract utilized for a townhouse development which are not accepted by the Township shall be deeded to a corporation, association, individuals, or other legal entity consisting of a majority of the property owners within the development for their use, control, management and maintenance.

D. All site design standards and specifications contained in the Development Review Ordinance of the Borough of South Plainfield (Ordinance 762) shall be complied with except as

modified by section 907.12 of that ordinance.

713.3 Parking

Off-street parking is required subject to the requirements of the New Jersey Residential Site Improvement Standards (Title 5, Chapter 21 of the 3 New Jersey Administrative Code).

713.4 Landscaping

Landscape plans shall be provided in accordance with the following requirements:

A. General Regulations

1. Landscape Area

All areas in the development not used for construction of buildings, roads, access ways, parking or sidewalks shall be fully landscaped in accordance with these regulations.

2. Site Considerations

Natural site features such as: existing trees, streams, rock outcropping, etc. shall be preserved wherever possible. Whenever such natural features are absent or insufficient or have been destroyed during the development of the site, additional new plantings of a sufficient size, as determined by the Municipal Agency shall be established to provide environmental protection to beautify the buildings and grounds, and to provide privacy, shade and the screening out of objectionable features created on the site.

3. Labeling

All landscape plans shall have a schedule of the Latin and common name, the quantity, the size, spacing, and method of planting of each plant material.

B. Additional Regulations

1. A minimum landscaped area five (5') feet wide shall be provided along the property lines including public streets.

2. All buffers and landscaped areas shall be protected from adjacent parking areas by curbs, or concrete, metal or wood bumpers at least six (6") inches in height and securely anchored into the ground. Buffer areas are included within the setbacks.

3. Service areas, parking areas, transformer compounds, and other strictly utilitarian improvements, shall be screened as fully as practicable. In general, it is intended that possible objectionable or unsightly features within a given development shall be screened from passing traffic or abutting residential properties.

4. In the case of a repetition of building designs, as in an apartment house development, care shall be exercised to avoid monotony in the planting design by introducing sufficient variety in the planting layout to lend interest and aesthetic appeal. By the same token, excessive variety shall be avoided, and all shall be represented as a balanced design with proper accent in the right places.

5. All street trees and on-site deciduous shade trees shall not be less than two (2") inch diameter measured one (1') foot above the root crown.

6. A satisfactory amount of evergreen plant material shall be included in the planting, this is to be judged on an individual basis by the Municipality.

7. Areas required for buffers shall not be cleared or graded prior to development approval.

8. Retaining walls shall not be permitted within buffer areas unless approved as part of site plan approval.

9. Where the non-single-family zone line abuts a single-family residential zone, a buffer of twenty-five (25') feet shall be established, except where a public street intervenes.

10. Within the twenty-five (25') feet buffer to a residential zone line no improvements can be made, and the property shall be either left in its natural state, supplemented with evergreen screening plant materials, or both as determined by the Municipal Agency for each site.

11. In all zones where a commercial zone line abuts a multi-family residential use, a forty (40') foot buffer must be established and maintained unless such a buffer is already established and maintained along the common boundary of that zone.

C. Landscaped Area Required

In calculating landscaped areas, the areas of plazas, open pedestrian shopping malls, sitting areas, pools, and fountains shall be included. Landscaped areas within and between parking areas shall also be included.

1. A minimum of twenty (20%) percent of the site shall be devoted to landscaped areas in addition to all required buffers; however, landscaped areas may include required recreation areas referred to in Section 711.2B. The Municipal Agency shall have the authority to determine the distribution of landscaped areas throughout the project site, however all front yards shall have a minimum of fifteen (15%) percent of landscaped areas.

713.5 Fences and Hedges (shall conform to Section 711.5 of this ordinance).

713.6 Recreation

Development within an AH-2 Zone shall provide an active and passive recreational area of at least 1 acre. The recreational area shall include a fenced off play lot of at least 5,000 sq. ft. including play equipment, swings, seesaws, etc.

714. SC-1 Multi-Family Residential

714.1 Permitted Uses

A building may be erected, altered, or used and a lot or premises may be occupied and used for any of the following purposes:

- A. Principal Use
 1. Senior Citizen Housing
- B. Accessory Buildings and Uses
 1. Swimming pools and tennis courts, but not public swim or tennis clubs.
 2. Signs subject to the special conditions of Article VIII.
 3. Fences and hedges subject to the provisions of this Article.
 4. Other customary accessory uses and structures which are clearly incidental to the principal structure and use.

714.2 Development Standards

Development within the SC-1 Zone shall comply with the following standards and requirements.

- A. The entire parcel shall be utilized for Senior Citizen rental apartments with the number of units to be one hundred (100) units.
- B. Special requirements for Senior Citizens Rental Apartments:
 1. Principal Buildings
 - a. Minimum front setback - measured from the proposed street R.O.W. line)-50 feet.
 - b. Minimum setback from interior private road-20 feet.
 - c. Minimum side and rear yard setbacks - 35 feet.
 - d. Maximum lot coverage - 10%.
 - e. Maximum building height -5 stories or 50 feet, whichever is less.
 - f. Each principal building shall:
 - (1) Not allow or contain outside television antenna. All television antenna equipment shall be built into the building to eliminate individual antennas from being erected on the roof. Not more than one common antenna may be used for each building.
 - (2) Provide, in an enclosed basement area, not less than four hundred (400) cubic feet of storage for each apartment unit in the building.
 - (3) Not fail to provide, in an enclosed area, laundry facilities of not less than one washer and dryer for each ten (10) dwelling units for the exclusive use of the occupants of the building, unless provided within each unit. No outside clothes lines or clothes hanging facilities or devices shall be provided or allowed.
 - (4) There shall be a trash area completely surrounded by a six (6') foot high solid architectural fence with front solid gates. All outside trash shall be stored in this area

and shall not be in public view over the fence height. All accessory appurtenances such as propane tanks shall be similarly enclosed.

2. Accessory Buildings and Uses.

a. Accessory buildings shall conform to at least the height and front setback requirement of the principal building. The side and rear yard setbacks shall be ten (10') feet.

b. Swimming pools less than four (4') feet in height shall be enclosed by a permanent fence not less than four (4') feet in height with a locked gate. Building permits shall be required for all swimming pools, above or below ground, with a water surface area of two hundred and fifty (250) square feet or over.

c. No truck or commercial vehicle, licensed to transport more than 8,000 lbs. gross weight shall be stored or parked on any lot or portion of a lot.

d. Accessory buildings attached to a principal building shall comply with the setbacks of the principal building.

C. All site design standards and specifications contained in the Development Review Ordinance of the Borough of South Plainfield (Ordinance 762) shall be complied with except as modified by section 907.12 of that ordinance.

714.3 Parking

Off-street parking is required subject to the Residential Site Improvement Standards (Title 5, Chapter 21 of the New Jersey Administrative Code.)

714.4 Landscaping

Landscaping shall be required in accordance with Section 711.4 of this ordinance.

714.5 Fences and Hedges

Fences and/or hedges provided in the SC-1 Zone shall comply with Section 711.5 of this ordinance.

715. MUD-Mixed Use Development

(The Borough's MUD Zone was established pursuant to a 1987 mediated agreement approved by the Council on Affordable Housing.

Sections 715.1 and 715.5 have been revised to allow a developer in the Borough's existing MUD zone to pay a fee in lieu of constructing low and moderate income housing. The fee shall be phased in pursuant to Section 116-14.)

715.1

The purpose of the MUD Mixed Use Development Zone District is to provide for a combination of medium or high density low and moderate income housing and light industrial development on a single parcel of land. In lieu of constructing low and moderate income housing, a contribution of \$20,000.00 per low and moderate income housing unit may be made to the Borough's affordable housing trust fund. Development within the MUD Zone districts will be regulated such that residential and non-residential development will be appropriately phased so as to provide availability of low and moderate income housing within a reasonable time frame. To mitigate any adverse environmental impacts and enhance the compatibility of residential and non-residential uses, appropriate site design standards are established herein with the intent of ensuring the quality of life for existing and future residents in the Borough.

715.5 Phasing Requirements

Phasing of low and moderate income housing units in the MUD-1 Mixed Use Development Zones shall be in accordance with the requirements established in Section 116-14 of the Affordable Housing Ordinance.

716. OBC-4 Special Business Zone

716.1 Purposes

The purpose of the OBC-4 Special Business Zone District is to allow community shopping center development consisting of one (1) or more buildings with the overall site design to function as a unit. In exchange for the right to construct the uses permitted in this zone, developers in the zone shall contribute a development fee to help the Borough of South Plainfield to address its low and moderate income housing obligations. Each such developer shall enter into an Agreement with the Borough to specify the amount and timing of such development fees.

716.2 Amendment of Zoning Map

Article IV, Sections 401 and 402 are hereby amended to include the OBC-4 Special Business Zone District, Lot 1, Block 222 shall be removed from the M-1 Industrial zone and designated as OBC-4 on the official Zoning Map of South Plainfield.

716.3 Compliance Required: Prohibited Uses

No Building, structure or area or lot or land shall be used in whole or in part for other than one (1) or more of the permitted uses expressly set forth herein. All uses not expressly permitted by this chapter in the OBC-4 Special Business Zone are prohibited.

716.4 Permitted Uses

This zone is designed for a community-oriented retail shopping center or a combination of the uses herein permitted, utilizing such common facilities as customer parking areas, pedestrian walks, truck loading and unloading space and where applicable, utilities and sanitary facilities. In the OBC-4 zone, the following uses are permitted:

- A. Retail stores and shops; See Article VII, Section 704.1
- B. Personal service establishments, such as:
 1. Barber and beauty shops.
 2. Dry cleaning and tailor shops providing that not more than five (5) persons are employed therein, and provided, further that no unattended self-service or coin operated dry cleaning shop, machine or device shall be permitted.
 3. Shoe Repair.
 4. Business and profession offices, including banks.
 5. Radio, TV electronics and computer sales, service and repair.
- C. Restaurants, including drive through facilities wherein patrons thereof are served in automobiles.
- D. Assembly halls, movies or legitimate theaters, and bowling alleys, provided the same are housed in an enclosed building or buildings.
- E. Office buildings for executive, administrative, business, educational or professional purposes.

F. Customary accessory uses which are incidental to the operation of such a shopping center, including:

1. Private garage space for the storage of commercial vehicles used in connection with a business operated in such shopping center.

2. Off-street parking for the use of patrons and employees.

3. Signs, as hereinafter set forth.

4. Utilities, storage facilities, loading and unloading facilities, waste disposal areas, and such other ancillary mechanisms and facilities as are customarily associated with shopping centers.

G. Outside "Sidewalk" sales of a "clearance" nature, provide however, that such activities occur not more frequently than once every calendar quarter for a period, in each case, of not more than seven (7) consecutive days duration.

H. Roofed or open garden center or outdoor area for retail sales accessory to a conventional retail use providing:

1. Any side of the area facing and within - 300' of a residential zone or use shall be enclosed.

2. The aggregate area of all roofed or open garden centers or outdoor areas for retail sales accessory to a conventional retail use shall not exceed ten (10%) percent of the gross floor area of this project.

I. Drive through facilities shall be permitted for banks, pharmacies and other retail operations.

716.5 Lot Area and Yard Requirements

Notwithstanding any contrary provisions of this chapter, lots and structures in the OBC-4 Special Business Zone shall conform to the following requirements:

A. Gross Floor Area. The maximum gross floor area permitted on any lot in the OBC-4 Zone shall be 143,000 square feet. For the purposes of this section, the term gross floor area shall mean the sum of the gross horizontal areas of the several floors of the building or buildings measured from the exterior facing of exterior or from the center line of walls separating two buildings. Mezzanines and the garden center are excluded from the computation of gross floor area. The aggregate of all mezzanines and any garden center to be constructed will not exceed 10,000 square feet.

B. Subdivision of Buffer. Any buffer area provided of the development in the OBC-4 Zone may be subdivided and either retained in private ownership in conveyed to a public or nonprofit entity; provided, however, that no further commercial or residential development shall be permitted in the buffer area lot, and said lot shall be permanently deed restricted for open space and/or public recreational purposes with ancillary structures and other improvements. For purposes of developing a lot in the OBC-4 Zone, the entirety of the lots containing both the development and the buffer area may be used for the computation of lot area, lot width, lot depth, lot frontage, road dedications, setbacks, coverage, and all other development standards whether or not the property is subdivided and held as two separate parcels by two different land owners.

C. Lot area, frontage and dedications. The minimum area shall be twenty (20) acres and the minimum lot frontage shall be

one thousand (1,000) feet. Notwithstanding the definition of Lot Area in Article II, Section 32, where a portion of a lot in the OBC-4 Special Business Zone is proposed to be dedicated or reserved for open space/recreational purposes or for public road purposes, the calculation of lot area, lot width, lot depth and lot coverage shall include all land which is proposed to be dedicated or reserved for open space and recreation as part of the site.

D. Building and structure heights.

1. The maximum building grade shall be not more than one (1) story exclusive of mezzanines and no more than forty (40) feet above the proposed grade.

2. The maximum building height shall be in accordance with the definition of "Building, Height 0" in Article II, Section 8 of this Ordinance.

3. The maximum building height in stories or feet shall be exclusive of below-grade stories which are used for loading, circulation, parking or utilities. The maximum depth of basements and subbasements shall not exceed one (1) story.

4. Light poles shall have a maximum height limit of twenty-five (25) feet measured from the ground at the base of the pole to the top of the fixture and shall be appropriately shielded to ensure minimum spillage onto abutting properties.

E. Setbacks.

1. Setbacks in the OBC-4 Special Business Zone shall be as follows:

a. Minimum front yard shall be fifty (50) feet.

b. Minimum side yards shall be as follows:

i. One (1) yard-fifty (50) feet

ii. Total for both yards: one hundred (100)

feet

c. Minimum rear yard shall be fifty (50) feet

d. Minimum distance from any abutting residential zone shall be as follows:

-Building: three hundred (300) feet

-Parking/Loading Space/Drive Aisles: two hundred (200) feet;

Except that the minimum distance from any right-of-way contiguous to any residential zone shall be as follows:

-Building: fifty (50) feet

-Parking/Drive Aisles: ten (10) feet

-Loading Space; fifty (50) feet.

2. All required setback distances shall be measured from the existing right-of-way of abutting streets in accordance with this chapter. Where a portion of a lot in the OBC-4 Special Business Zone is proposed to be dedicated or reserved for open space/recreational purposes or for public road purposes, all required setback distances shall be measured as if the dedicated or reserved land were part of the site.

3. Setback requirements form Residential Zones.

a. Wherever the property line of a lot in the OBC-4 Special Business Zone abuts a residential zone, there shall be a minimum distance to that property line of 300 feet for all buildings and 250 feet for all parking, loading spaces and drive aisles.

b. Wherever a lot in the OBC-4 Special Business

Zone abuts Woodland Avenue, the minimum building setback from the property line shall be 75 feet. There will be no loading space or storage within 50 foot setback, and no parking or drive aisles (except for ingress or egress drives) within a 10 foot setback.

Wherever a lot in the OBC-4 zone abuts a residential street from which no access will be provided, there shall be no disturbance within forth (40) feet of said street of the existing vegetation, other than that necessary for the installation of utilities, fences and walls, grading and supplementation of the existing vegetation as approved by the Board.

4. Obstruction of Vision at Intersection. At an intersection there shall be no obstruction of vision between a height of two (2) feet and ten (10) feet above the center line grade of the street within the clear sight triangle. The clear sight triangle shall be defined by the first one hundred (100) feet of the intersection center lines for all streets with a signalized intersection. In cases of an un-signalized intersection, where one or more of the intersecting streets is not a local street, the regulations of Article V Section 509 shall apply.

In the event that driveways and access ways enter on roadways subject to the jurisdiction of Middlesex County, the standards required by Middlesex County shall apply and these provisions of the South Plainfield Borough Ordinance shall not be applicable.

F. Coverage

The maximum coverage by all buildings (exclusive of canopies and overhangs) shall be fifteen (15%) percent of the lot area.

716.6 Off-Street Parking and Loading Requirements

A. The minimum number of parking spaces for all uses except free-standing restaurants shall be computed on the basis of 5 parking spaces per 1,000 square feet of indoor and outdoor retail space. Free-standing restaurants shall conform to the requirements of Article VI of the Ordinance. Where the space between buildings may be used by motor vehicles, the Planning Board may require the designation of such passages as "one-way" for motor vehicles.

B. Loading shall be permitted in all areas except specified in Section 715.5D of this Ordinance.

C. All parking areas and driveways shall be set back at least 10 feet from any property line except where a greater setback is called for in Section 716.5D of this Ordinance.

716.7 Design Considerations.

A. Buildings shall be separated by sufficient space to:

1. Provide uncontested motor vehicle passage, where the space between buildings may be used by motor vehicles; the Planning Board may require, in this regard, the designation of such passages as "one-way" for motor vehicles.

2. Provide sufficient area for pedestrian movement where such space will not be open to motor vehicles or for pedestrians and vehicular movement where such space may be shared by both.

3. Provide sufficient open space between separate buildings to provide for fire protection to protect against a general conflagration resulting from the spread of fire from one building to another.

4. Provide additional space around any building housing a use which may have a potential fire or other hazard greater than other uses in said shopping center.

B. In approving the locations of buildings within the proposed shopping center, the Zoning Officer and Planning Board or zoning Board of Adjustment shall also consider and be guided by the following factors and standards:

1. The internal system of vehicular and pedestrian movement shall be designed so as to avoid congestion, provide for the safety of pedestrians going to and from buildings and parking areas, and to the extent feasible, separate truck traffic from customer traffic.

2. Where all the proposed buildings are not to be constructed at once, the phasing of development shall be required so as to provide an orderly and progressive development, rather than construction of isolated areas of the site separated by unimproved areas.

C. In approving the design of the parking area, the Zoning Officer and Planning Board or Board of Adjustment may seek the advice of the Police Department, Fire Department, Board of Health, or any other board or agency; provided, however, that any report received from any such department, board or agency shall be made part of the record of consideration of the Planning Board or Board of Adjustment, and shall be made available to any interested parties and further provided that the failure of such board or agency to submit a report shall not exceed the period required for action by the Board.

716.8 Driveways

Ingress and Egress. Note more than two ingress and egress driveways, of not less than twenty (20) feet not more than thirty (30) feet in width, or such greater width as may be permitted for a driveway located at a signalized intersection, shall be permitted on Oak Tree Avenue and Park Avenue, respectively. Where driveways are proposed to intersect with County roads, acceleration and deceleration lanes shall be provided as determined to be necessary by the Middlesex County Planning Board.

716.9 Buffer Adjacent to Residential Zone

Wherever the property line of a lot in the OBC-4 Zone abuts a residential zone, without the separation provided by an existing street, a buffer area shall be established which shall include an area of land at least two hundred and fifty (250) feet wide, as measured from said property line. Such buffer shall be subject to the following regulations:

A. No use, driveway activity or sign shall be permitted

within the buffer area.

B. The buffer area shall include appropriate plantings and fencing to provide a screen of at least six (6) feet in height at the time of planting.

C. Fencing shall not be located closer than ten (10) feet to any residential property line.

D. The required height of the landscape screen as required above shall be measured in relation to the edge of the adjacent parking area. In cases where the ground elevation at which the screen is to be planted is less than the elevation of the edge of the adjacent parking area, the required height of the screen shall be increased to an amount equal to this difference in elevation.

E. The buffer area, with the exception of the berming and augmented plantings installed by the applicant and approved by the Board, may be left in a natural state.

F. In the event that any of the plantings installed in accordance with this Section do not live during the period covered by the maintenance guarantee, they shall be replaced as required by the guarantee.

G. The first Certificate of Occupancy for the use of the premises shall not be issued until such time as the required landscaping is installed in accordance with the plan approved by the Planning Board or until a performance bond is posted with the mayor and council in an amount equal to the estimated cost of said landscaping installation plus twenty (20%) percent.

In any event, a maintenance bond shall be posted with the Mayor and Council in an amount equal to fifty (50%) percent of the estimated cost of the landscaping to insure that the installed landscaping complies with the requirements set forth herein at the completion of the second growing season.

H. The Planning Board, at its discretion, may require a fence of up to eight (8') feet in height to separate loading spaces from the buffer provided by this Section of the Ordinance in order to further protect properties in the adjacent residential zone from noise and glare associated with the loading activity.

716.10 Tree Removal, Replacement and Landscaping

Recognizing that achievement of the preceding residential buffering requirements will dictate where within the OBC-4 Special Business Zone District development must occur, and that development in the area where it is permitted will entail the removal of substantially more trees than if a lesser buffer were required, it is the intent of this Section to provide reasonable and appropriate requirements in the OBC-4 Zone as an alternative to standards contained in Section 802.7F.2, Tree Removal of the Borough's Land Use Ordinance. Consequently, within the OBC-4 Special Business Zone District the following special tree removal and replacement requirements shall apply which shall be in lieu of the standards contained in Section 802.7F.2, Tree Removal of the Borough's Land Use Ordinance.

A. The clearance of trees and shrubs within the area to be developed, including those areas required for site grading, shall be permitted following final approval of a site plan without the requirement of a separate Tree Removal and Site Clearing permit.

B. Re-vegetation of the site shall be required at the

minimum rate of one hundred (100) new trees or new tree equivalents for each acre or fraction thereof of impervious surface created exclusive of public roadways, provided that at least twenty (20%) of this requirement shall be satisfied through the planting of new trees rather than new tree equivalents. A new tree shall have a minimum size at the time of planting six (6') feet in height or two and one half (2.5") inches caliper, as applicable. New tree equivalent shall be defined as the substitution of shrubs for each required tree, at the ration of one and one quarter shrubs of at least 2.5 feet in height at the time of planting or two and one quarter shrubs of less than 2.5 feet in height at time of planting. One tree equivalent may be used as a substitute for each tree required.

C. The landscaping plan for the site shall be subject to approval by the Planning Board, provided that all required street trees, buffer area plantings and site landscaping shall be hereinabove and no additional plantings beyond those needed to meet the tree replacement requirements set forth hereinabove shall be required to be provided on the site.

D. If the landscaping plan does not incorporate the full number of new trees or new tree equivalents which are required to be provided as set forth hereinabove, the developer shall plant the additional new trees or new tree equivalent either within the buffer area or elsewhere in the Borough as directed by the Planning Board or may elect to contribute to the Borough's fund for tree planting as set forth in Section 802.7F.2.j., Tree Removal of the Borough's Land Use Ordinance.

716.11 Signs

Signage for the shopping center must conform to the requirements of Article VII of this ordinance, provided, however, that the applicant for the shopping center in excess of 130,000 square feet of gross floor area shall be permitted to have three free-standing signs, either monument or pylon style, provided that no more than two pylon signs with a total square footage of two hundred twenty-five (225) square feet and no more than one monument sign with a total square footage of thirty-five (35) square feet shall be permitted.

716.12 Affordable Housing Contribution

Any development in the OBC-4 Special Business Zone District shall be required to contribute to the Borough's Affordable Housing Trust Fund at a minimum rate of one (\$1.00) dollar per square foot of gross floor area, as defined herein, in addition to such other contribution as may be required pursuant to a Court approved Settlement Agreement.

716.13 Other Provisions.

Except as specifically provided herein or in any separate Agreement between the borough, the Planning Board and the applicant for development of a shopping center shall meet all provisions set forth in the Borough of South Plainfield, Development Review Ordinance.

716.14 Effective Date

This ordinance shall take effect immediately upon final passage and publication, as provided by law.

717. The Historic Downtown District (HDD)

A. *Purposes of Zone.* The HDD Zone is established for the following purposes:

1. Encourage commercial activity to the mutual advantage of both customers and merchants and thereby promote public convenience and prosperity.
2. Promote the creation of a pedestrian oriented commercial environment which encourages maximum pedestrian activity.
3. Encourage the maximization of off-street parking facilities to service the commercial activity.
4. Promote aesthetically harmonious development throughout the HDD Zone.
5. Encourage and promote mixed use structures.

717.1 Permitted Uses:

A. The retail sale of goods, such as:

1. Grocery stores
2. Drug stores
3. Dry goods stores
4. Meat and Poultry stores, not to include slaughtering
5. Baked goods stores
6. Packaged liquor stores
7. Flower shops
8. Confectionery stores
9. Households supply stores
10. Stationary supply stores
11. Haberdashery, dress goods and notions
12. Hardware, plumbing supplies and electrical appliances
13. Computer hardware/software stores

The use and occupancy of a building for the sale of goods which would be permitted herein if at retail shall not be prohibited by virtue of the fact that part of its sales may be at wholesale to retailers, provided that the exterior of the building is in harmony with the general business character of the area and provided, further, that adequate off-street parking and loading spaces are provided.

B. The provision of retail and business services, such as:

1. Barber and beauty shops
2. Dry cleaning and tailor shops
3. Shoe repair shops
4. Business and Professional offices including banks
5. Restaurants and taverns
6. Radio and electrical repairing

- C. Parks
- D. Movies or legitimate theaters
- E. Government and public buildings
- F. Recreational and Fitness Facilities
- G. Apartments provided that the apartment is located on the second floor, and further provided that the entrance for the residential use is separate from that of the non-residential use.***detached one and two family dwelling units are not permitted.**

717.2 Permitted Accessory Uses

- A. Off-street parking spaces
- B. Off-street loading spaces

717.3 Off-street parking and loading

Notwithstanding the off-street parking and loading requirements specified in Article 6 of this Ordinance, the following parking standards shall apply within the HDD Zone. If no parking and loading standard is provided for a use within this Section, the standard in Article 6 shall apply:

1. For residential uses, two off-street parking spaces for every dwelling unit shall be created at an on-site location.
2. For permitted business and service establishments: one (1) parking space for each three hundred (300) square feet of gross floor area of the establishment shall be created at an on-site or off-site location.
3. Restaurants: one (1) off-street parking space per each three (3) seats, plus one (1) space per employee on the maximum shift.
4. Banks: one (1) space for each one hundred (250) square feet of gross floor area shall be created at an on-site or off-site location.
5. Off-street parking may be addressed off-site via a permanent recorded agreement with the Borough or another business within the HDD zone that has excess parking on-site, subject to a finding by the Planning Board or Board of Adjustment that sufficient off-street parking exists at the off-site location.
6. The off-street parking requirement may be reduced by one (1) for each on-street parking space immediately adjacent to the building housing one or more use.

714.4 Additional Requirements

- A. Where a non-residential use is contiguous to a residential use or residential zone line, there shall be a landscaped buffer strip along the perimeter of the property where it is contiguous to the residential use or zone residential zone. Such buffer strip shall be at least five (5) feet in depth measured from the residential property line. The five (5) foot width of the buffer strip shall be used as a planting strip on which shall be placed a 6 foot high, 100% solid fence and plant material (trees, shrubs, plants) a minimum of six (6) feet in height at time of planting. At least fifty (50) percent of all planted materials shall be of evergreen species.
- B. The Municipal Agency, when analyzing HDD development applications, shall require the applicant to make a reasonable effort to provide harmonious architectural interrelationship of the front façade and signage of the applicant's site, consonant with the front façade and signage of the existing structures on either side of the application site. This shall be demonstrated by architectural renderings, comparative photographs, etc.
- C.

717.5 Signs for Commercial Purposes

Notwithstanding the signage requirements specified in Article VIII of this Ordinance, the following sign standards shall apply within the HDD Zone.

- A. One (1) façade or wall sign for each side of the building having frontage on a public street which is affixed to an exterior wall of the building and which projects outward from the wall to which it is attached not more than six (6) inches and which does not extend above the parapet, eave or building façade. The maximum permitted façade sign height shall be 15 feet above the front sidewalk elevation. The area of one (1) side of a façade sign shall not exceed an area equal to 10 percent of the ground story building façade area, or 24 square feet, whichever is less. The height of the lettering, numbers or graphics shall not exceed 12 inches. Wall mounted signs shall be permitted to uses occupying buildings facing on public streets only and shall not be allocable to other uses.
- B. Barber Poles located at barber shops. Traditional barber poles which revolve are permitted.
- C. One (1) wall sign shall be permitted on any side or rear entrance not facing or adjoining a residential use or zone. Such wall sign shall not exceed six (6) square feet and may be internally lit up to 10:00 PM, but such lighting may not be a flashing or multicolored light.
- D. Projected signs, including graphic or icon signs for ground floor uses only, if mounted perpendicular to the building

wall, and provided the following standards are met:

1. The signboard shall not exceed an area of six (6) square feet.
2. The distance from the ground to the lower edge of the signboard shall be 10 feet or greater.
3. The height of the top edge of the signboard shall not exceed the height of the wall from which the sign projects, if attached to a single story building, or the height of the sill or bottom of any second story window, if attached to a multi-story building.
4. The distance from the building wall to the signboard shall not exceed six (6) inches.
5. The width of the signboard shall not exceed three (3) feet.
6. The height of the lettering, numbers or graphics shall not exceed 12 inches.
7. Limited to one (1) sign per business. Projected signs are not permitted in conjunction with wall-mounted signs.

E. Painted, silkscreened, illuminated or neon window or door signs, provided the following standards are met:

1. The sign shall not exceed 10 percent of the window or door area or six (6) square feet, whichever, is less.
2. The sign shall be silkscreened, hand painted on or, if illuminated or neon, affixed to the interior of the window or door.
3. Limited to one (1) sign per business, painted, silk screened on or affixed to either the window or the door, but not both.
4. May be in addition to only one (1) of the following: a wall-mounted sign, a projecting sign or a valance awning sign. If used in lieu of a wall mounted sign, a projecting sign or a valance awning sing, the painted, silkscreened, illuminated or neon window or door sign shall not exceed 10 percent of the window or door area, or 24 square feet, whichever is less.

F. Awning Signs for ground floor uses only, provided the following standards are met:

1. If acting as the main business sign, it shall not exceed 10 square feet in area and the height of the lettering, numbers or graphics shall not exceed eight (8) inches in height.

2. If acting as an auxiliary business sign, it shall be located on the valance only, shall not exceed four (4) feet in area, and the height of the lettering numbers, or graphics shall not exceed four (4) inches.
 3. If acting as the main business sign, it shall not be in addition to a wall mounted sign.
- G. Structures with upper story businesses shall be permitted one (1) wall mounted directory sign located next to the entrance, with each tenant limited to one (1) square foot in area, and a total area not exceeding six (6) square feet. Further, if only one (1) business is located on the upper stories of a building and there exists no entrance to that business on the front of the building, that business shall be permitted one (1) sign that, except for height and area, conforms with the provisions of paragraphs A or F above. The height of any such sign shall not extend above the building. The area of any such sign shall not exceed an area equal to five (5) percent of the upper story building façade area or 16 square feet, whichever is less.
- H. In addition to other permitted signage, restaurants shall also be permitted the following, limited to one (1) sign per business:
1. A wall mounted display featuring the actual menu as used at the dining table, to be contained within a shallow wood or metal case, and clearly visible through a glass front. The display case shall be attached to the building wall, next to the main entrance, at a height of approximately five (5) feet, shall not exceed a total area of two (2) square feet, and may be lighted; or
 2. A sandwich board sign, as follows:
 - a. The area of the signboard, single sided, shall not exceed five square feet.
 - b. The signboard shall be constructed of wood, chalkboard and/or finished metal.
 - c. The sign shall be located within four (4) feet of the main entrance to the business and its location shall not interfere with pedestrian or vehicular circulation.
 - d. The information displayed shall be limited to daily specials and hours of operation.
 - e. The sign shall be removed at the end of the restaurant's business day.

717.6 Parking Lot Landscaping, Buffering and Screening

In the HDD District, site plans shall balance the functional

requirements of parking with the provision of pedestrian amenities. Transition areas between parking and commercial or residential uses shall be designed with textured paving, landscaping and street furniture.

- A. Parking lot layout, landscaping, buffering and screening shall prevent direct views of parked vehicles from public view, avoid spill-over light, glare, noise, or exhaust fumes onto adjacent properties, in particular residential properties, and provide the parking area with a reasonable measure of shade, when trees reach maturity. In order to achieve these objectives, parking lots exposed to view shall be surrounded, at a minimum, by a four (4 ') foot high year-round visually impervious screen or, if adjacent to a residential use, at a minimum by a six (6') foot high visually impervious screen. The height of any required screen shall decrease where driveways approach sidewalks or walkways, in order to provide adequate visibility of pedestrians from motor vehicles, and shall not interfere with sight triangle requirements.
- B. The interior of all parking lots shall be landscaped to provide shade and visual relief. This is best achieved by protected planting islands or peninsulas within the perimeter of the parking lot. The Zoning or Planning Board may waive this requirement in parking lots with less than ten (10) spaces if it determines that there is adequate perimeter landscaping. If the perimeter landscaping is found to be inadequate, and in parking lots with eleven (11) or more spaces, a minimum of one (1) deciduous shade tree shall be planted for every ten (10) parking spaces. Choice of plant materials, buffer width, and type of screening, location and frequency of tree planting shall be flexible, provided these objectives are substantially satisfied.
- C. Parking lot layout shall take pedestrian circulation into consideration. Pedestrian crosswalks shall be provided, where necessary or appropriate, and the cross walks shall be integrated into the wider network of pedestrian walkways. Parking lot lines shall be painted white; fire lanes and handicap stalls shall be painted yellow. Pavement textures shall be required on pedestrian accessways, and strongly encouraged elsewhere in the parking lot, as surfacing materials, or when used as accents.

717.7 Loading and Service Areas

- A. Loading docks, solid waste facilities, recycling facilities and other service areas shall be placed to the rear or side of buildings, in less visually obtrusive locations.
- B. Screening and landscaping shall prevent direct views of the loading areas and their driveways from adjacent properties and from the public view. Screening and landscaping shall also prevent spill-over light glare, noise or exhaust fumes. Screening and buffering shall be achieved through walls,

fences and landscaping, shall be a minimum of six (6') feet high, and shall be visually impervious. Recesses in the building, or depressed access ramps can also be used.

717.8 Pedestrian Circulation, Sidewalks and Walkways

- A. Walkway design shall promote pedestrian activity within each site and throughout the district. Walkways shall be separate and distinct from motor vehicle cartways to the greatest extent possible. Walkways should be designed to provide a pleasant route for users, promote enjoyment of the site and encourage incidental social interaction among pedestrians.
- B. Walkways shall be constructed of brick, slate, colored/textured concrete pavers or slabs, or some combination thereof that is compatible with the style, materials, colors and details of the surrounding buildings as well as with the public sidewalks. The functional, visual and tactile properties of the paving materials shall be appropriate to the proposed functions of pedestrian circulation. Walkways shall be raised and curbed along buildings and within parking lots, where suitable.
- D. Barrier-free walkway systems shall be provided to allow pedestrian access to buildings or uses from parking lots and public sidewalks.

717.9 Walls and Fences

- A. Walls and fences shall be designed to create visual interest, to define space, to differentiate public, semi-public and private space, to provide a sense of enclosure, and to guide pedestrian circulation, as well as for their ornamental functions.
- B. Walls and fences shall be made of durable materials, and shall be compatible in style, materials and color with the surrounding buildings. Brick walls with a stone or cast stone cap are encouraged. Wood walls and fences, decorative metal or cast iron fences, masonry or stucco walls and stone piers are permitted. Board on board type wooden fences, with reinforced corners and entrance poles, are permitted in rear and side yards only. Chain link, split rail, highway-style guard rail, stockade or contemporary security fencing such as barbed wire or razor wire are prohibited.
- C. Walls and fences shall not interfere with sight triangle requirements.

717.10 Shade Trees

- A. Shade trees shall be provided along each side of all streets, public, or private, existing or proposed, Shade trees shall

also be massed at critical points, such as at focal points along a curve in the roadway. On streets where healthy and mature shade trees currently exist, the requirements for new trees may be waived or modified.

- B. Shade trees shall have a minimum caliper of three (3") to three and one-half (3 1/2") inches at time of planting, and maximum spacing of thirty (30') feet on center, with exact spacing to be evaluated on a site-specific basis. Trees shall be planted, wrapped and staked in accordance with well accepted standards. The trees shall be protected with four foot square metal grates or other approved devices.
- C. The adopted shade tree species are Acer Rubrum "Red Maple", Acer Saccharum "Sugar Maple", Fraxinus Americana "American Ash", Tilia Cordata "Little Leaf Linden", Zelkova Serrata "Village Green" and "Green Vase". Gleditissia Triancathos Inermis "Honey Locust" and Pyrus Calleryana "Callery Pear". As mature specimens, these trees will form a canopy over streets or walkways, reinforcing the pedestrian space and sense of enclosure.

717.11 Street and Site Lighting

- A. Sites shall provide adequate lighting, while minimizing adverse impacts, such as glare and overhead sky glow, on adjacent properties and the public right-of-way. House side shields shall be provided where abutting a residential use.
- B. Pedestrian scale decorative lamp posts shall be located at regular intervals along sidewalks, parking areas, driveways and interior walkways. Posts shall be spaced at no more than eighty (80') feet on center -- exact heights, spacing, wattage, etc., will be determined, based on the photometric performance of alternative combinations, and in order to provide an efficient and safe illumination.
- C. Decorative lamp posts shall conform with the decorative lighting within the HDD Zone and shall be subject to the approval of the Planning Board or Board of Adjustment.

717.12 Street Furniture

- A. Elements of street furniture, such as benches, waste containers, planters, phone booths, bus shelters, bicycle racks and bollards should be carefully selected to ensure compatibility with the character of the area and with each other. Consistency in the location of the various elements of street furniture is critical, for maximum effect and functional usage.
- B. Utilitarian elements such as utility boxes should be discrete, blended into the background and screened, where possible.

717.13 Outdoor Cafes

- A. Outdoor cafes shall be permitted only in conjunction with a restaurant on sidewalks, plazas and courtyards, provided pedestrian circulation or access to store entrances is not impaired.
- B. Sidewalk cafes shall maintain a minimum of four (4') feet of sidewalk width to allow for pedestrian circulation.
- C. Planters, posts with ropes or other removable enclosures are encouraged and shall be used as a way of defining the area occupied by the café.
- D. Extended awnings, colorful canopies or large umbrellas are also recommended as a way of creating a festive environment for the area.
- E. Outdoor establishments shall not be entitled to additional signage.
- F. The operators of outdoor cafes shall be responsible for maintaining a tidy appearance within the area of their activities.

717.14 Sidewalk Displays

- A. Sidewalk displays are permitted directly in front of an establishment, provided at least four (4') feet of sidewalk width is maintained at the storefront entrance to promote pedestrian movement. Display cases shall be located against the building wall and the display area may not exceed fifty (50 %) of storefront length.
- B. Display cases shall be permitted only during normal business hours, and shall be removed at the end of the business day for that establishment.

717.15 Architectural Design Standards and Guidelines

- A. New buildings shall generally relate in scale and features to other area buildings, showing respect for local context. As a general rule, new construction shall reflect a continuity of treatment obtained by following cornice lines, in buildings of the same height; by maintaining base courses; by extending horizontal lines of fenestration; and by echoing architectural materials, details, colors or design themes found in surrounding buildings.
- B. A diversity of architectural styles adds interest to a streetscape or neighborhood. No particular architectural styles are preferred, and both contemporary contributions and reinterpretations of older architectural styles with a contemporary flavor are encouraged. However, a diversity of appearance in facades shall be counterbalanced with continuity in massing, wall line and horizontal elements.

- C. Architectural styles shall be consistent for each building -- stylistic combinations are discouraged and all architectural elements and exterior details shall be appropriately chosen for the particular style of the building.

718. Regional Hospitality District (RH)

- A. Purposes of Zone. The RH, Regional Hospitality District is established for the following purposes:
 - 1. Recognize and serve the needs of the traveling public and the large corporate base within the Borough and Region.

2. Recognize and establish standards for the existing hotel and convention facilities within the Borough.

718.1 Permitted Uses

- A. All uses permitted in the OBC-3 Regional Business Zone.
- B. Hotels, including extended stay hotels and convention centers.
- C. Accessory buildings and uses customarily incidental to the above uses.

718.2 Lot and Yard Requirements

- A. See Schedule.

**ARTICLE VIII
SPECIAL REGULATIONS**

801. Signs

801.1. Residential Zones. The following signs shall be permitted in all residential zones:

A. A decorative sign showing name and/or address of house or family, no larger than two (2) square feet in area.

B. Signs advertising the prospective sale or rental of the lot upon which it is maintained, or a sign identifying the firms engaged on a construction site and/or indicating the future use of the site. Sale or rental signs shall be removed within one (1) month after the new construction has been completed. Maximum sign area in square feet shall not exceed fifteen (15) percent of the frontage of the lot along the street the sign is to be located, measured in feet.

C. A sign erected by the Borough, County, State or Federal governments.

D. Identification signs for and signs announcing events of churches, schools, playgrounds, parks, and public utility installation, total area of signs shall not exceed twenty-five (25) square feet in area on each lot. Such signs shall not be displayed more than thirty (30) days preceding the advertised event nor fourteen (14) days after the event has taken place. In all cases, the organization sponsoring the event shall be responsible for the removal of said signs.

E. One (1) sign shall be permitted for the purpose of identifying a multi-family, townhouse, garden apartment or any combination thereof, but shall not exceed twenty (20) sq. ft. aggregate on both sides. Said signs shall not be allowed to project above the ground by more than five (5') feet. Signs may be illuminated as long as the glare from the lights shines directly on the sign and does not permit light to illuminate beyond the property lines of the subject site. All signs shall be setback not less than fifteen (15') feet from each street right-of-way.

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801.2 Business Zones:

A. The following signs shall be permitted in the OBC1, OBC2 and OPA1 Zones:

1. Those signs permitted in the residential zones.

2. A business may have up to a total of three (3) signs for the purpose of identification and advertising.*One of these signs may be a ground sign. The maximum area of the ground sign cannot exceed 32 square feet. The maximum height of the ground sign cannot exceed 6 feet. The maximum width of the ground sign cannot exceed 6 feet. The ground sign must be located a minimum of 15' from the property line and shall not be located in the clear site triangle as required by section 509. No ground sign may cause a traffic hazard.***amended Ordinance 1691**

The total area of all signs shall not exceed twenty-five (25) percent of the area of the first or ground story facade. Corner businesses may also include one-half (1/2) of the facade along the side street in this calculation, but this sign area shall face only on said side street. A story shall not exceed fifteen (15) feet in height for these calculations.

3. Directional signs may be permitted on the premises; however, no such sign shall exceed six (6) square feet in area.

B. Shopping centers, where permitted only, may display the following signs:

1. Each permitted use may have a sign located on or attached to the principal facade of said use. Such sign shall not project more than two (2) feet beyond the building or structure line and shall not exceed an area equal to fifteen (15) percent of the front wall area. The bottom of said sign shall not be closer than ten (10) feet off the ground. Such sign may be illuminated but may not be of the flashing type and may not extend above the top or beyond the ends of the facade.

2. In a shopping center having walkways roofed over with a permanent rigid canopy or other such structural device, one sign may be hung from the underside of the canopy for each store or occupant in the center. These signs shall not exceed four (4) square feet in area on each of two sides, and shall not be less than eight (8) feet above the walks. The signs may be illuminated, but may not be of the flashing type.

3. Each shopping center may have one (1) free-standing or pylon sign for each street frontage, providing that such sign

shall not exceed one hundred (100) square feet in area on any one side, shall not exceed thirty (30) feet in height, shall be not less than ten (10) feet from the ground, shall not be placed closer than fifty (50) feet from a side line of street or property line and shall be within the property line of the premises to which it relates.

4. Supporting frames for all such signs shall be of permanent materials, such as steel or concrete.

5. Free standing or pylon sign may be interior lighted with

non-glaring lights or may be illuminated by shielded hood or spot lights. No lights of intermittent or flashing type shall be permitted.

6. Directional Signs.

a. Ingress. One free-standing sign may be erected at each driveway which provides a means of ingress for off-street parking facilities on the premises. The sign shall relate only the name of the use or facility and appropriate traffic instructions, shall not exceed twenty (20) square feet in area for each of two faces, shall be mounted so as not to obstruct vision for a height of seven (7) feet above ground level, and shall not exceed eleven (11) feet in height. In such cases as directional signs (ingress) are located within a buffer area, such signs shall not exceed fifteen (15) square feet in area for each of two faces.

b. Egress. Free-standing signs may be erected on the premises for the purpose of providing directions to traffic leaving the premises, provided that the number and location of such signs are approved by the Planning Board. Such signs shall not exceed fifteen (15) square feet in area on each of two sides, shall be mounted so as not to obstruct vision for a height of seven (7) feet above ground level, and shall not exceed eleven (11) feet in height. Within the required buffer area established pursuant to Paragraph 5 of this Section, not more than one such sign shall be erected in conjunction with each driveway which provides egress from the premises.

7. Traffic Control Signs. Free-standing signs may be erected which are necessary to control and regulate the movement of traffic on the interior roadways on the premises, provided the number and location of such signs are approved by the Planning Board. Such signs shall not exceed four (4) square feet in area, and shall not exceed a height of six (6) feet.

8. Parking Lot Signs. Free-standing signs may be erected within the parking areas to identify particular areas or sections of the parking lot, provided that not more than one such sign shall be permitted for each 40,000 square feet of parking area, and further provided that such signs shall not exceed an area of three (3) square feet on each of four (4) faces nor exceed a height of twenty (20) feet. In addition, free-standing signs may be erected at each end of a parking aisle for identification purposes, provided that such signs shall not exceed one (1) square foot in area nor exceed a height of eleven (11) feet. All of the above described signs must be mounted not less than seven (7) feet above the ground.

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801.3 Industrial Zones. The following signs shall be permitted in the OPA2, M-1, M-2, and M-3 zones:

A. Those signs permitted in the residential zones.

B. An industry may have up to a total of three (3) signs for the purpose of identification and advertising the firm.*One of these signs may be a ground sign. The maximum area of the ground sign cannot exceed 32 square feet. The maximum height of the ground sign cannot exceed 6 feet. The maximum width of the ground sign cannot exceed 6 feet. The sign must be located a minimum of 15' from the property line and shall not be located in the clear site triangle as required by section 509. No ground sign may cause a traffic hazard.***amended Ordinance 1691.**

The total area of these signs shall not exceed fifteen (15) percent of the area of the first or ground story. A story shall not exceed fifteen (15) feet in height for these calculations.

C. Safety and directional signs may be permitted on the premises; however, no such sign shall exceed six (6) square feet in area.

D. Commercial signs (for sale or lease) may be permitted in the M-3 Zone, providing each sign shall not exceed eighty (80) square feet in area. No more than two signs may be permitted adjacent to one another on a single location. No sign or two unit arrangement shall be permitted within two hundred (200) feet of another sign.

801.4 General Regulations:

A. No sign with any lighting or control mechanism which may cause radio or television interference shall be permitted.

B. No sign shall overhang a public right-of-way or passageway used by the public by more than fifteen (15) inches, and such an overhang shall only be allowed if the Construction Official, in consultation with the Police or Traffic Commission, determines that there will be no visual or traffic hazards.

C. Signs may be illuminated; however, the actual source of illumination shall be shielded from the public view, with the exception of neon. However, no lights of intermittent or flashing type shall be permitted.

D. All signs with an area exceeding six (6) square feet shall require a permit.

E. All free standing signs shall be permanently installed in the ground. No portable signs such as sandwich boards or other similar devices shall be permitted.

**SECTION 1-Article VIII,
801.4 (AMENDED TO ADD THE FOLLOWING)
(Ordinance #1531, 3/23/00)**

1. All signs advertising a product or service not sold on the premises, advertising or directing attention to another premises, or any other signs not relating to the premises on which the sign is erected shall be prohibited. Such signs are commonly referred to as billboards and/or off-site advertisement.

2. All advertisements shall relate solely to the business or profession conducted on the premises and shall advertise:

A. The name of the owner or lessee.

B. The name of the establishment, the type of establishment, goods or services or the trade name of the establishment and goods manufactured or sold or services rendered thereon.

802. Planned Industrial District. Planned Industrial District may be permitted in any M-3 Zone subject to the following regulations. Any industrial lot as permitted in this Section where the owner intends to sell the individual lot will also become a subdivision and will be subject to the provisions of the Subdivision Regulations of the Development Review Ordinance of the Borough of South Plainfield.

1. Minimum regulations for the Planned Industrial District:

a. Size - 5 acres
b. Depth - 400 feet
c. Width - 400 feet
d. Yard Requirements - See Schedule for zone in which district is located.

2. Minimum regulations for individual lots within the Planned Industrial District:

a. Size - 20,000 square feet
b. Depth - 170 feet
c. Width - 100 feet
d. Yard Requirements - (1) Front - 30 feet
(2) Rear - 20 feet
(3) Side (each - 10 feet)

3. Maximum lot coverage - forty (40) percent.

4. Minimum off-street parking - See Article VI.

5. All roads in the district shall have a paved surface of at least forty (40) feet and a right-of-way width of at least sixty (60) feet.

6. Permitted Uses: The permitted uses shall be the same as those controlling the zone in which the district is located.

7. The provisions of this Article and Section shall not apply unless and until evidence has been furnished to the Zoning Officer that the building or buildings existing or to be constructed upon the site in question are or will be connected to an accepted public sanitary sewer collection system. (In the event that a public sanitary sewer collection system is not available, the provisions of this Section shall become applicable only upon submission to the Zoning Officer of approvals of the State Board of Health, Middlesex County Sewerage Authority, local Board of Health and such other municipal agents as shall have jurisdiction therein, of the sewage treatment and disposal plant or process to be utilized for the disposing of liquid and solid wastes and such industrial wastes as shall be generated from the site.)

803. Dwelling Design. No building or structure shall be erected, constructed, placed, altered, enlarged or in any other way established in any residential district which shall have the same appearance or substantially similar appearance, as that of any neighboring building or structure, then in existence, or for which a building permit has been issued. It is the intent of this portion of the Ordinance to encourage diversity of building types and styles. Diversity may be attained but shall not be limited to varying roof height, pitch, type, and length; relative location of windows in the front elevation or in each of both side elevations with respect to each other and with respect to any door, chimney, porch or attached garage in the same elevation; and the relative location with respect to each other of garage, of attached porch, if any, and the remainder of the building or structure.

**ARTICLE IX
PERFORMANCE STANDARDS IN INDUSTRIAL ZONES**

901. No use shall be permitted in the M-1, M-2, M-3 or OPA2 Zones which said use shall be a violation of the following standards:

A. No person shall operate or cause to be operated on private property any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in Table I when measured at or within the property boundary of the receiving land use.

**TABLE 1
SOUND LEVELS BY RECEIVING LAND USE**

<u>Receiving Land Use Category</u>	<u>Time</u>	<u>Sound Level Limit DBA</u>
1) All non-industrial, non-agricultural non-business and non-professional uses	7:00a.m.-10p.m.	65
2) All non-industrial, non-agricultural, non-commercial and non-professional uses	10:00p.m.-7:00a.m.	50
3) Business or professional uses	At all times	65
4) Industrial and agricultural uses	At all times	75

B. Any smoke emitter from any source on the premises shall not be of a density greater than that density described as No. 1 on the Ringlemann Chart, as published by the United States Bureau of Mines.

C. No fly ash, dust fumes, vapors, gases, or other forms of air pollution shall be permitted. In administering the provisions thereof, the New Jersey Air Pollution Codes shall be binding.

D. No noxious odors shall be transmitted beyond the property lines of the lot on which the use is located.

E. No activity shall be maintained on the premises which will produce heat or glare beyond any property line.

F. No activity shall be maintained on the premises that will cause or result in hazard or fire, explosion, radiation or other physical hazard to persons, plant growth, buildings or other property.

G. No machinery or operation shall be permitted which shall cause perceptible earth-shaking vibrations beyond the property lines of the lot on which the use is located.

902. Outdoor Storage.

A. No merchandise, articles or materials including trucks, trailers or containers shall be kept or stored outside the confines of buildings or structures in any industrial or commercial zone unless the same is so screened by special planting or a fence ranging between six (6) and ten (10) feet in height, as required by the Zone, the property is located in so that said merchandise, articles or materials cannot be visible from any street or adjacent property. Such outdoor storage as may be permitted hereunder is only permitted in the rear and side yard areas and under no circumstances shall the storage of any merchandise, articles or materials be permitted in the front yard or any property.

B. Furthermore, whenever the property lies adjacent to a residential zone or a street bisected by a residential zone line, there shall be no storage of any merchandise, articles or materials including trucks, trailers or containers within a minimum distance of 100 feet from any property line which lies adjacent to such residential line or street.

C. The minimum 100 feet area between the residential zone line or street and the proposed storage shall be considered to be a buffer strip or buffer screen as defined in Article II, Definitions.

ARTICLE X
CONDITIONAL USES

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

1001. Service Stations and Public Garages.

A. Detailed site plans showing the location and number of fuel pumps, the location, depth and capacity of fuel tanks, and the number or capacity of automobiles that may be garaged in the principal building, shall be submitted to the Planning Board prior to approval or disapproval.

B. The lot shall be at least 10,000 square feet in area with a minimum width of 100 feet.

C. All fuel pumps, car lifts and other service appliances shall be located at least fifteen (15) feet from the street lines and twenty (20) feet from the side property lines.

D. All fuel tanks shall be installed underground.

E. Driveways shall cross sidewalks at right angles and shall not be more than twenty-four (24) feet wide at any point thereof. Driveways must be at least ten (10) feet from any side lot line or from the intersection of street lines.

F. The entire area of the station or garage traversed by motor vehicles shall be hard surfaced.

G. No filling station, public garage or other establishment or area where motor fuel, lubricating oil or motor accessories are stored, or motor vehicles services are rendered shall be located within 200 feet of any property upon which a church, school, library, hospital, charitable institution or any place of public assembly is located, nor shall any such use be permitted within 1,200 feet of another property whereon there is located a filling station, public garage or other establishment or area where motor fuel, lubricating oil or motor accessories are stored, or motor services are rendered. For purposes of this Section, distances shall be measured on a straight or air line from the outer boundary or property line in the one instance to the nearest property or boundary line.

H. Filling stations or public garages shall not be located within the central portion of any established or planned retail area which is designed for or used by pedestrian consumer; or in any residential zone or industrial zone.

I. Signs shall be subject to the sign controls set forth for the business zones (see Article VII, Section 801).

J. Lot requirements shall be the same as the OBCI Zone

except as modified by this Section.

K. The planning board shall determine that the planning of the lot is best suited to the area through a thorough site plan review as defined in the Borough's Development Review Ordinance.

1002.Hospitals, Nursing Homes, Philanthropic, or Charitable Institutions.

A. Six (6) sets of plans, specifications and a statement setting forth full particulars for the operation of the structure and its use shall be filed with the Planning Board.

B. These said uses may be permitted anywhere in the Borough other than the industrial districts as long as they meet the following requirements:

1. Lot and yard requirements shall be the same as the scheduled requirements for the M-3 Zone.

2. Property shall abut and have its main access to an arterial road as designated on the Master Plan.

3. Minimum Parking Requirements: See Article VI.

1003.Churches or places of worship and structures incidental to the foregoing such as convents and parish houses.

A. The applicant shall submit to the Planning Board, six (6) sets of plans in accordance with the Borough Site Plan Review regulations setting forth the particulars of the proposed use of any structure or structures involved. The Board shall ascertain, prior to approval, that sufficient egress from each structure is provided in accordance with applicable Building and Fire Prevention Codes of the municipality.

B. The property shall abut and have its main access to at least one arterial road as designated on the Master Plan.

C. Minimum off-street parking: See Article VI.

D. Prior to approval, the Board shall consider the hours of use of any such church or place of worship, the traffic capacity of streets having access to said property, the proximity of other existing structures having usage during the proposed hours and utilizing the some (or some of the same) access streets. After said consideration, the requirements of this paragraph shall be deemed to have been met if the aforesaid elements lead to the conclusion that the additional automobile traffic, if any, generated by the proposed structure, or structures, will not congest existing streets so as to be detrimental to the safety and welfare of the citizens of the municipality.

E. Property size shall not be less than the minimum lot size in the zone in which the property is located.

F. The proposed property, and structure, or structures, upon such property shall conform to the minimum square foot area

requirements, minimum yard requirements, maximum lot coverage requirements, maximum height requirements, and minimum first floor area requirements of the zone in which the property is located.

1004. Mother/Daughter Residential. Deleted as per Ordinance 1354

1005. Billboards`. *Ordinance 1615

A. Billboards are permitted only within the RH, OBC-3, M-1, M-2 and OPA-1 zones along I-287; only within 150 feet of the nearest right-of-way line of I-287; and at least 250 feet from any residential zone boundary, measured to the nearest edge of the billboard sign area, including any copy extensions.

B. The maximum billboard height shall not exceed fifty (50) feet above the elevation of I-287 measured from the closest edge of pavement on I-287.

C. The minimum setback from the I-287 right-of-way shall be ten (10) feet. The minimum setback from any other lot line or street shall be fifty (50) feet measured to the nearest edge of the billboard sign area, including any copy extensions.

D. The maximum billboard sign area facing any one direction shall be 672 square feet; copy extensions beyond the basic billboard sign area are permitted provided they do not exceed ten (10%) percent of the basic billboard sign area.

E. The total number of billboard structures shall not exceed four (4) within any linear mile, considering both sides of I-287. The minimum distance between billboards along the same side of I-287 shall be 1,000 feet.

F. Any billboard proposed to be located between 250 feet and 1,000 of any residential zone shall be oriented so that its sign copy cannot be read from within any part of the residential zone; shall utilize stealth coloring of its supporting members and framework, as approved by the Board of Adjustment; and shall only be permitted if adequately screened by existing trees, buildings or topography so as not to be visually obtrusive to the affected residential area(s) within the 1,000 foot distance.

G. All billboards shall be designed and constructed to confine their lines of sight to I-287.

H. Applications for billboards shall be subject to the site plan review and approval procedures set forth in Ordinance Number 1309, " The Development Review Ordinance of the Borough of South Plainfield", as well as the following more specific site plan review items:

(i) Applications for billboards shall be reviewed for traffic safety, lighting, landscaping, visual impact, drainage and other similar elements of site plan review. The Board of Adjustment shall specifically consider the visual impact of the proposed billboard on any residential zoned properties located between 250

feet and 1,000 feet as provided in paragraph (F) above. Visual impacts on surrounding properties shall be minimized and addressed through the use of landscaping, screening, berming, grading, fencing and stealth covering.

(ii) Lighting of any billboard shall be designed to avoid glare and spillover and to confine the illuminated areas to the sign face.

(iii) Landscaping shall be required to be provided around the base of the billboard and may be required elsewhere on the lot where the billboard will be located to effect a positive aesthetic impression within the vicinity of the sign.

I. Billboards shall be subject to the bulk regulations and yard requirements of the applicable zone, as set forth in the Schedule of General Requirements in the Zoning Ordinance, except as otherwise specified in paragraph C above.

J. The sign copy and sign face may not attempt, or appear to attempt, to direct the movement of traffic or interfere with, imitate or resemble any official traffic sign, signal or device, or include or utilize flashing, intermittent or moving lights, or utilize lighting equipment or reflectorized materials which emit or reflect colors, including but not limited to red, amber or green.

K. Multiple message signs shall be strictly prohibited.

ARTICLE XI
NONCONFORMING USES

1101.Continuance. Except as otherwise provided in this Article, the lawful use of land or building existing at the date of the adoption of this Ordinance may be continued, although such use or building does not conform to the regulations specified by this Ordinance for the zone in which such land or building is located.

A nonconforming activity, use, structure or lot may not:

- A. Be enlarged or extended.
- B. Be changed to another use, activity, structure or lot size that is nonconforming.
- C. Revert to nonconformity after having once been made conforming.
- D. Be reinstated if the activity or use is discontinued for a period of twelve consecutive months, regardless of the intent to abandon.
- E. Be restored in case of destruction, provided this restriction shall not be construed to prohibit restoration or repair of a nonconforming structure in the event of partial destruction.

1102.Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any wall, floor or roof which has been declared unsafe by the Construction Official.

1103.A variance shall not be required of a nonconforming structure if the extension of the physical structure involved does not cause a violation of the requirements of this zoning ordinance, or does not further extend a variance previously granted.

ARTICLE XII
ADMINISTRATION AND ENFORCEMENT

1201. Enforcement. The provisions of this Ordinance shall be administered and enforced by the Zoning Officer of the Borough. In no case shall a permit be granted for the construction, alteration or use of any building where the proposed construction alteration, or use thereof would be in violation of any provision of this Ordinance. It shall be the duty of the Zoning Officer or his duly authorized assistant to cause any building, plans or premises to be inspected or examined and to order in writing the remedying of any conditions found to exist in violation of any provision of this ordinance.

1202. Zoning Permits. Zoning permits shall hereafter be requested from the Zoning Officer prior to construction, erection, or alteration of any structure or part of a structure or use of a structure or land. All requests for zoning permits shall be made in writing by the owner or his authorized agent and shall include a statement of the use or intended use of the building or structure or land and shall be accompanied by a plan of the plat showing thereon the exact size, shape and location of all proposed structures and all existing structures and such other information as may be necessary to provide for the enforcement of this Ordinance.

1203. Certificate of Continued Occupancy. It shall be unlawful to use or permit the use of any building or premise or part thereof hereafter created, located, erected, changed in use, or ownership, converted or enlarged wholly or partly until a certificate of occupancy has been issued for that premise certifying that the structure or use complies with the provisions of this Ordinance. Such occupancy permits shall be granted or denied within ten (10) days from the date that a written application is filed with the Zoning Officer and Construction Official.

1204. Records.

A. It shall be the duty of the Zoning Officer to keep a record of all applications for permits and a record of all permits issued with a notation of all special conditions involved. He shall file and safely keep copies of all plans submitted, and the same shall form a part of the records of his office and shall be available for the use of the Mayor and Borough Council and of other officials of the Borough, County or State.

B. The Zoning Officer shall prepare a monthly report for the Borough Council summarizing for the period since his last previous report all zoning permits and certificates issued by him and all complaints of violations and the action taken by him consequent thereon. A copy of each report shall be filed with the Borough Tax Assessor at the same time it is filed with the Borough Council.

1205. Other Permits.

A. Temporary Use Permits. It is recognized that it may be in accordance with the purposes of the Ordinance to permit temporary activities for a limited period of time which uses may be prohibited by the provisions of this Ordinance. If such cases are of such a nature and are so located that at the time of the petition, they will:

1. In no way exert a detrimental effect upon the uses of land and activities normally permitted in the zone;

2. Contribute materially to the welfare of the Borough, particularly in a state of emergency, under conditions peculiar to the time and place involved; then the Zoning Board may, by resolution after written application therefore, subject to all regulations for the issuance of special permits elsewhere specified, issue a permit for a period not to exceed six (6) months. Such period may be extended not more than once for an additional period of six (6) months.

B. Conditional Use Permits. An application for any conditional use permit specified in this Ordinance shall be made to the Planning Board. After a hearing, the Planning Board may instruct the Zoning Officer that a permit be granted, if, in its judgment, any one of such cases complies with the conditions and standards hereinabove set forth and if it will not be detrimental to the health, safety and general welfare of the Borough and is deemed necessary for its convenience.

In approving any such application, the Planning Board may impose any conditions that it deems necessary to accomplish the reasonable application of applicable standards as provided in the appropriate sections of this Ordinance and the Developmental Review Ordinance #762 and may deny any such application, but only in accordance with said standards.

1206. Development Fees

A. Purpose. The purpose of this chapter is to establish standards for the collection, maintenance and expenditure of development fees in accordance with the Supreme Court decision in Holmdel Builder's Ass'n v. Holmdel Borough, 121 NJ 550 (1990) and pursuant to regulations adopted by the New Jersey Council on Affordable Housing (COAH). Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low and moderate income housing.

B. Development Fee Assessment.

1. Unless otherwise excluded by Section E of this ordinance, all residential and non-residential development shall be assessed a development fee, as a condition for securing preliminary subdivision or site plan approval.

2. Unless otherwise excluded by Section E of this ordinance, construction activity that does not require subdivision or site plan approval shall be assessed a development fee as a condition for securing a building permit.

C. Residential Development Fees. (Minimum of three (3) homes.

1. Development fees for residential development shall be one-half of one percent (0.005) of the equalized assessed value of the development.

2. Developers of inclusionary developments may, where provided by ordinance, pay a fee in lieu of constructing low and moderate income housing. The fee in lieu of constructing each low income housing unit shall be \$35,000. The fee in lieu of constructing each moderate income housing unit shall be \$15,000.

3. Fees exceeding those permitted in this section may be collected where an agreement is entered into with the developer which offers a financial incentive for paying higher fees. All agreements are subject to approval by the Court or COAH (whichever has jurisdiction).

D. Non-Residential Development Fees

1. Development fees shall be one percent of the equalized assessed value for non-residential development.

2. Fees exceeding those permitted in this section may be collected where there is an agreement with the developer that offers a financial incentive for paying higher fees. Such agreements may include, but are not limited to a tax abatement, increased commercial/industrial square footage, increased commercial/industrial lot coverage and/or increased commercial/industrial impervious coverage in return for an increased fee. The fee negotiated must bear a reasonable relationship to the additional commercial/industrial consideration to be received. All agreements are subject to approval by the Court or COAH (whichever has jurisdiction).

E. Eligible Exactions, Ineligible Exactions and Exemptions.

1. Inclusionary developments shall be exempt from paying development fees.

2. Developers that expand an existing non-residential structure shall pay a development fee as required in other sections of this ordinance. The development fee shall be calculated based on the increase in the equalized assessed value of the improved structure.

3. Improvements and expansions to existing residential structures shall be exempt from paying a development fee.

4. Developers that have received preliminary or final approval prior to the effective date of this ordinance shall be exempt from paying a development fee unless the developer seeks a substantial change in the approval.

5. Developers of churches, synagogues, public non-profit uses or hospitals shall be exempt from paying a development fee.

F. Collection of Fees.

1. Developers shall pay fifty (50) percent of the calculated development fee at the issuance of building permits. The development fee shall be estimated by the Tax Assessor prior to the issuance of building permits.

2. Developers shall pay the remaining fee upon the issuance of Certificates of Occupancy. Upon issuance of Certificates of Occupancy, the Tax Assessor shall calculate the equalized assessed value and the appropriate development fee. The developer shall be responsible for paying the difference between the fee calculated at Certificate of Occupancy and the amount paid at building permit.

3. Imposed and collected development fees that are challenged shall be placed in an interest bearing escrow account by the municipality. If all or a portion of the contested fees are returned to the developer, the accrued interest on the returned amount shall also be returned.

G. Housing Trust Fund.

1. There is hereby created an interest bearing trust fund in Summit Trust for the purpose of receiving development fees from residential and non-residential developers. All development fees paid pursuant to this ordinance shall be deposited in this fund. No money shall be expended from the housing trust fund unless the expenditure conforms to the municipality's spending plan approved by the Court or COAH (whichever has jurisdiction).

2. Should the Court or COAH (whichever has jurisdiction) determine that South Plainfield Borough is in violation of any requirements as set forth in NJAC 5:93-8.17 and NJAC 5:93-8.18, the Court or COAH, as applicable, is authorized to direct the manner in which all development fees collected pursuant to this ordinance shall be expended pursuant to written authorization from the Governing Body to the Summit Trust which shall be filed with the bank upon the establishment of the Housing Trust Fund as provided in Section G.1 above.

H. Use of Funds.

1. Money deposited in a housing trust fund may be used for any activity approved by the Court or COAH (whichever has jurisdiction) for addressing South Plainfield Borough's low and moderate income housing obligation. Such activities may include, but are not necessarily limited to housing rehabilitation, new construction, regional contribution agreements, the purchase of land for low and moderate income housing, extensions and/or improvements of road and infrastructure to low and moderate income housing sites, assistance designed to render units to be more affordable to low and moderate income people and administrative costs necessary to implement South Plainfield Borough's housing element. The expenditure of all money shall conform to the

spending plan approved by the Court or COAH (whichever has jurisdiction).

2. At least thirty (30) percent of the revenues collected, not targeted for housing rehabilitation, a regional contribution agreement or a municipal construction project, and shall be devoted to render units more affordable. Examples of such activities include, but are not limited to down payment assistance, low interest loans and rental assistance.

3. No more than twenty (20) percent of the revenues shall be expended on administrative costs necessary to develop, revise or implement the housing element. Examples of eligible administrative activities include additional personnel, consultant services, space costs, consumable supplies and rental or purchase or equipment directly related to the development, revision of implementation of the Borough's housing element.

4. Development fees shall not be used for existing staff or to reimburse the Borough for past housing activities. Development fees may be used to reimburse the Borough for outlay of funds or bonding for current housing activities prior to the collection of development fees.

I. Dispersal of funds. Development fees used for rehabilitation shall be disbursed to the Middlesex County Office or Housing and Community Development. Development fees used to construct low moderate income senior citizen housing shall be disbursed to Lutheran Social Ministries, Inc., a non-profit 501(c)(3) corporation. Other development fee shall be dispersed consistent with the Borough's spending plan adopted pursuant to NJAC 5:93-5.1(c).

J. Expiration of Ordinance. This ordinance permitting the collection of development fees shall expire as a result by any of the following:

1. A non-appealable order of a court with jurisdiction or COAH's dismissal or denial a petition for substantive certification.

2. A non-appealable order of a court with jurisdiction or COAH's revocation of either substantive certification or its certification of this ordinance.

3. The expiration of the time defined by a judgment of repose or substantive certification unless the Borough has filed an adopted housing element with COAH; petitioned for substantive certification and received COAH's approval of its development fee ordinance.

K. Inconsistent Ordinances. All ordinances or parts thereof inconsistent with provisions of this ordinance are hereby repealed to such inconsistency.

L. Severability. If any paragraph, subdivision, clause or provision of this section shall be adjudged invalid, such adjudication shall apply only to the paragraph, subdivision, clause or provision so adjudged and the remainder of the section

shall remain in full force and effect.

M. Date of Effectiveness. This ordinance shall take effect upon its passage and publication according to law.

ARTICLE XIII
VIOLATIONS AND PENALTIES

The owner or agent of a building or premises where or upon which a violation of any provision of these regulations shall have been committed or shall exist, or the lessee or tenant of any part of the building or premises in which such violation shall have been committed or, shall exist, or the agent, architect, building contractor or any other person who shall commit, take part or assist in any such violation or who shall maintain any building or premises in which any violation of this Ordinance shall exist, shall for each and every violation, after plea, trial and conviction by the Municipal Court Judge, be imprisoned in the Middlesex County Jail for a period not exceeding ninety (90) days, or be fined not exceeding **\$1,000.00*** or both. For each and every day that a violation is permitted or suffered to exist, a separate offense shall be construed to have been perpetrated.

***amended Ordinance 1456.**

ARTICLE XIV
AMENDMENTS

The Borough of South Plainfield may from time to time amend or change, by ordinance, the number, shape or areas of districts and zones herein established and the regulations set forth in this Ordinance in accordance with the Municipal Land Use Law.

ARTICLE XV
VALIDITY OF ORDINANCE

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of the Ordinance shall be deemed valid and effective.

ARTICLE XVI
REPEALER CLAUSE

All ordinances or parts of ordinances inconsistent herewith are hereby repealed. However, the enactment of this ordinance shall not be construed as abating any actions now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or as effecting the liability of any person, firm or corporation or as waiving any right of the Borough of South Plainfield under any section or provision existing at the time of the passage of this Ordinance.

ARTICLE XVII
COPY TO BE FILED WITH COUNTY PLANNING BOARD

Immediately upon adoption of this Ordinance the Borough Clerk shall file a copy of this Ordinance with the County Planning Board as required by law.

Article XVIII
EFFECTIVE DATE; COMPLETION OF EXISTING BUILDINGS

This ordinance shall take effect immediately upon final adoption and publication as required by law. All Building permits issued prior to the effective date hereof shall be of full force and effect and the holders thereof shall be governed by the regulations in effect at the time of the issuance of said building permits.

ARTICLE XIX
DEDICATION OF PROPERTY FOR SEWER AND/OR DRAINAGE
AND WIDENING OF STREETS

No lot which conforms to the requirements of this ordinance governing minimum lot width, depth or area shall be deemed or considered to be nonconforming where such nonconformity is created solely by virtue of dedication to the Borough, the County, the State, or the Sewerage Authority, of land for a street, avenue or road, or sewer, drainage right-of-way or other municipal purpose easements; provided, that the width, depth or lot area remaining is not less than 80 percent of the requirements of this Ordinance, and provided, further, that this Article shall not apply where such dedication is made pursuant to the Land Subdivision Ordinance in connection with the subdivision of lands into four (4) or more lots or in connection with the dedication of a new street.

ARTICLE XX
EXPIRATION OF VARIANCE

Any variance from the terms of the Zoning Ordinance hereafter granted by the Board of Adjustment permitting the erection or alteration of any structure or structures, or permitting a specified use of any premises shall expire by limitation unless such construction or alteration shall have been actually commenced on each and every structure permitted by said variance, or unless such permitted use has actually been commenced, within one (1) year and the construction or alteration completed within two (2) years from the date of publication of the notice of the judgment or determination of the Board of Adjustment; except, however, that the running of period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Board of Adjustment to a court of competent jurisdiction, until the termination in any manner of such appeal or proceeding.

SCHEDULE OF GENERAL REQUIREMENTS

ZONE	AREA SQUARE FEET	MINIMUM LOT REQUIREMENTS		MINIMUM YARD REQUIREMENTS PRINCIPAL BUILDING				ACCESSORY SIDE	PERCENT MAXIMUM LOT COVERAGE	MAXIMUM HEIGHT FEET
		WIDTH	DEPTH	FRONT	REAR	EACH SIDE	REAR			
R-15	15,000	100	150	40	20	12	10	6	25	35
R-10	10,000	100	100	30	20	8	5	5	25	35
R-7.5	7,500	75	100	30	20	8	5	5	25	35
R-1-2	Single Family	Same As R-7.5								
	Two Family	Same As R-10								
OBC-1	10,000	100	100	30	20	15	15	10	30	35
OBC-2	5,000	50	100	15	20	10	10	8	80	35
OBC-3	240,000	---	---	50	50	50	--	--	30	35
OBC-4	20 Acres	---	---	50	50	50/100	50/50		15	1 Story or 40'
OPA-1	10,000	100	100	30	20	15	15	10	30	35
OPA-2	240,000	400	300	100	100	100	50	50	50	75
M1	200,000	350	300	75	50	50	20	20	40	50
M2	120,000	300	250	75	50	50	20	20	40	50
M3	40,000	200	200	50	20	30	10	10	50	50
PRD-1	300,000	---	---	25	25/35	25/35	10	10	20	3 Stories or 40'
SC-1	250,000	---	---	50	35	35	10	10	20	5 Stories or 50
MUD-1	100 Acres	---	---	25	25/35	25/35	10	10	20	2 Stories or 40'
AH-1	15 Acres	400	400	40	30	30	25/35	25/35	25	3 Stories or 40'
AH-2	25 Acres	600	---	35	40	40	40	40	25	"
HDD	5,000	50	100	15	20	10	10	8	80	35'
RH	87,120	250	250	50	50	50	20	20	30	50'

*Note #1. The side or rear yard required for industrial building in the M-1 Zones, shall be waiver or modified in such cases as the side or rear property line abuts a railroad right-of-way or siding.

The schedule of General Requirements for R-15, R-10 & R-7.5 Zones be amended to include the following:

*Note #2. An additional 10% Lot Coverage shall be allowed when the lot coverage is exceeded due to pools and sheds. In no instance shall the coverage exceed 35% total coverage.

*Note #3. Non-combustible sheds no larger than 100 square feet may be placed with a 2 foot rear and a 2 foot side yard.

Amended by Ordinance 1305-B
Amended by Ordinance 1439

- 1.
- 2.
- 3.