

**ORDINANCE CHANGES REFLECTING THE PLANNING BOARD'S VALLEY ROAD  
BUSINESS DISTRICT (B-D) STANDARDS DISCUSSED AT PB HEARING ON 23  
NOVEMBER 2010 AND FOLLOWUP REVISIONS**

Valley Rd Ordinance language V5 120910

**CHANGES UNDERLINED IN RED**

**Section 103 SCOPE**

103.1 Applicability.

No land may be used and no building or structure may be erected, raised, moved, extended, enlarged, altered or used for any purpose other than a purpose permitted herein for the zone in which it is located, and all construction shall be in conformity with the regulations provided by this Ordinance. When a new lot or lots are formed from a parcel of land, the subdivision shall be in conformity with the regulation provided by this Ordinance.

103.2 Interpretation of Standards.

The provisions of this Ordinance shall be held to be the minimum requirements necessary to promote and protect the public health, safety and general welfare. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules, regulations or resolutions, the provisions of this Ordinance shall control. Where other laws, rules, regulations or resolutions require greater restrictions than are imposed by this Ordinance, the provisions of such other laws, rules, regulations or restrictions shall control.

103.3 Variances.

Any deviation from any provision of Sections 120, 130, 142, 151 and 155 of this Ordinance shall require a variance pursuant to N.J.S.A. 40:545D-70 c. or d. or N.J.S.A. 40:55D-60 a. If an applicant can clearly demonstrate that, because of

peculiar conditions pertaining to the applicant's property, the literal enforcement of one (1) or more of the regulations of any other section of this Ordinance is impracticable or will exact undue hardship, the approving authority may permit an exception or waiver from the aforementioned requirements only as may be reasonable and within the general purpose and intent of the rules, regulations and standards established by this Ordinance.

103.4 Prohibited Uses.

Any use not expressly permitted in this Ordinance is prohibited.

103.5 Principal Buildings per Lot.

No more than one (1) principal building shall be permitted on any one (1) lot in the Township, except in the R-MF, R-MF-2, R-MF-3, TH, B-D and LI-2 zone districts.

103.6 Principal Uses per Lot

No more than one (1) principal use shall be permitted on any one (1) lot in the Township, except in the B-D and LI-2 zone districts.

## SECTION 110 DEFINITIONS

### 111 GENERAL TERMS

*Artist's studio* - a place of work for an artist, artisan or craftsperson, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to, drawing, composition of and performing of vocal or instrumental music, painting, sculpture, choreography, and writing.

*Big Box Store* – a one story retail sales establishment in freestanding industrial style with floor areas over 80,000 SF.

*Craftsperson* - an individual having creative skills in manufacturing or arrangement of materials resulting in a finished product or commodity such as wearing apparel, home decorations, jewelry, toys, furniture, leather goods, dried flowers, or similar products.

*Minor site plan* — a development plan of one (1) or more lots which:

1. Proposes new development within the scope of development specifically permitted by Section 162.2 of this Ordinance as a minor site plan;
2. Has one thousand (1000) square feet or less of additional building coverage and/or requires up to five (5) parking places in accordance with this Ordinance.
3. Does not involve planned development, any new street or extension or any off tract improvement;
4. Contains the information reasonably required in order to make an informed determination as to whether the requirements for approval of a minor site plan have been met.

*Major Site plan* – a development of one or more lots that exceeds any of the criteria for Minor Site Plan.

*Night Club* - a licensed establishment serving liquor and meals in which music, dancing or entertainment is conducted subject to applicable noise regulations.

*Parking area* – Any public or private surface area designed and used for parking motor vehicles, including parking lots, garages, private driveways, and legally designated areas of public streets.

*Parking structure* – a building or structure above ground level consisting of more than one level and used to store motor vehicles.

*Tavern* - a licensed establishment serving alcoholic beverages, primarily by the drink, and where food or packaged liquors may also be served or sold.

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Underground parking – any public or private area with over half of its height below ground level and under a building designed and used for parking motor vehicles.

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**SECTION 120 ZONE DISTRICTS AND USE REGULATIONS**

**121 ZONE DISTRICTS**

121.1 Enumeration of Zone Districts.

For the purposes of this Ordinance, the Township is hereby divided into the following zone districts:

C	Conservation
R-2	Residence
R-3	Residence
R-4	Residence
R-MF	Multifamily Residence
R-MF-	Multifamily Residence
R-MF-	Multifamily Residence
TH	Townhouse
SC	Senior Citizen Housing
B-1-5	Village Business
B-1-20	Village Business
M	Millington Village Business
O	Office Zone

▼	▼	Deleted: B-2
▼	▼	Deleted: General Commercial
▼	▼	Deleted: B-3
▼	▼	Deleted: Planned Shopping
B-D	Business District	
LI-2	Limited Industrial	
LIO	Light Industrial Overlay	
P	Public Use	

(Ord. No. 105-2002 § 1)

121.2 Zone Boundaries.

Zone district boundary lines are intended to follow property lines; the center lines of streets, railroads or watercourses; or lines drawn parallel to the nearest side of a street, unless otherwise indicated on the Zoning Map. Where a vacated right-of-

way is bounded on either side by more than one (1) zone district, the former centerline of such right-of-way shall become the new district boundary.

121.3 Zoning Map.

The Zoning Map delineating the above districts entitled "Zoning Map, Township of Long Hill" prepared by the Township Planner, Carl G. Lindbloom Associates, and dated May, 1997, is incorporated herein by reference. Where the district boundary lines do not coincide with lot lines or the center lines of the street or rights-of-way as they existed at the time of this Ordinance, they shall be as designated on the Zoning Map by figures or dimensions.<sup>1</sup>

The following properties are designated as being in the P-Public zone district.

<b>Block</b>	<b>Lot</b>	<b>Street Address</b>	<b>(Name)</b>
12	6	Warren Avenue	DPW and Sewer Plant
30	10	Valley Road	Twp Park/Recreation Facilities
30	10.01	Valley Road	New Town Hall/Library
126.02	29	1802 Long Hill Road	Old Town Hall
148	14	Elm Street	Elm Street School
148	23		
151	6	Central Avenue	Old Library
85	26	264 Mercer Street	Police Headquarters
219	9	New Vernon Road	Meyersville Fields
124	13	1891 Long Hill Road	Millington Fire Company
121	1		
91	12, 14	321 Somerset Street	Stirling Fire Company
30	9	949 Valley Road	Long Hill Township First Aid Squad
152	1	55 Maple Avenue	Stirling Lake
153	23		
154	20		

In addition to those properties shown on the Zoning Map, the following properties are designated as being in the O-Office zone district:

Lot 14 and a portion of lot 23 in block 13006 (formerly block 148) which lies between the former Elm Street School property (block 148, lot 14) to the north and the New Jersey Transit right-of-way to the south.

The zoning map is amended accordingly.  
(Ord. No. 105-2002 § 2; Ord. No. 143-04 § 2; Ord. No. 236-08 § 1)

The following properties are designated as being in the B-D Business District:

Block	Lot
10401	1
	2
	3
	4
	5
10411	1
	2
	3
10501	1
10514	1
	3
	5
	9
10515	1
	2
	3
	4
	5
	6
	7
10601	1
	2
	5
	6
	7
	7.01
	8
11301	1
	1.01
	1.02
	2
	3
	4

11401	6
	7
	8
	11
	13
	14
	15
	16
	16.01
	17
	18
	19
	21
	22
	23
11501	1
	2
	3
	4
11513	21
11514	1
	6
	8
	31
	32
	33
11515	1
	3
11601	20
	21

The following properties are designated as being in the R-4 Residential District

10515	8
	8.01
	8.02
	9
	10
	10.01
	11
10601	3
	4
	4.01

The following properties are designated as being in the LIO – Light Industrial Overlay District:

10512	1
	5
10513	1
	2
	3
	4
	5
10515	1.01

## 122 USE REGULATIONS

Uses of land in each of the zone districts shall be limited to those expressly permitted as follows:

### 122.1 C, Conservation Zone

- a. Permitted Primary Uses.
  1. Single family detached residences with no more than one (1) roomer or boarder per residence.
  2. Farms and agricultural uses limited to the growing and harvesting of forage, sod, grain, seed, tree, fruit and vegetable crops. For the purposes of this subsection, "farm and agricultural uses" shall specifically not include the production, keeping or maintenance of dairy animals and products; livestock and livestock products; poultry and poultry products; and greenhouses, nurseries and similar uses.
  3. Public uses.
  4. Community residences and community shelters.
  5. Density modification subdivisions, in accordance with Sections 124.12 and 158.5.
- b. Permitted Accessory Uses.
  1. Signs.
  2. Parking areas. Deleted: facilities
  3. Swimming pools, in accordance with Section 124.5.
  4. Home offices, in accordance with Section 124.9.
  5. Accessory apartments, in accordance with Sections 124.2 and 124.3.
  6. Senior suites, in accordance with Section 124.8.
  7. Family day care homes, in accordance with the home office provisions specified in subsection 124.9.

8. Satellite earth station antennas, in accordance with subsection 124.6.
9. Farm stands on lots occupied by permitted farm or agricultural uses and provided that no farm stand structure shall exceed three hundred (300) square feet in area.
10. Keeping of horses, dairy animals, livestock and poultry, in accordance with subsection 124.10.
11. Community open space.
12. Other accessory uses customarily incidental to a permitted primary use.

c. *Permitted Conditional Uses.*

1. Public utilities.

122.2 R-2, R-3 and R-4 Residence Zones.

a. *Permitted Primary Uses.*

1. Single family detached residences with no more than one (1) roomer or boarder per residence.
2. Community residences and community shelters.
3. Density modification subdivisions, in accordance with subsections 124.12 and 158.5
4. Lot dimension modification subdivisions in the R-4 zone only, in accordance with Note 13 of the Schedule of Bulk Requirements.

b. *Permitted Accessory Uses.*

1. Signs.
2. Parking areas. ----- Deleted: facilities
3. Swimming pools, in accordance with subsection 124.5.
4. Home offices, in accordance with subsection 124.9.
5. Accessory apartments, in accordance with subsections 124.2 and 124.3.

6. Senior suites, in accordance with subsection 124.8.
  7. Family day care homes, in accordance with the home office provisions specified in subsection 124.9.
  8. Satellite earth station antennas, in accordance with subsection 124.6.
  9. Keeping of horses, dairy animals, livestock and poultry, in accordance with subsection 124.10.
  10. Community open space.
  11. Other accessory uses customarily incidental to a permitted primary use.
- c. *Permitted Conditional Uses.*
1. Public and institutional uses.
  2. Public utilities.
  3. Planned Senior Residential Communities in R-4 zone only.

122.6 Reserved

122.7 O, Office Zone

- a. Permitted Primary Uses.
1. Business, medical and professional offices.
  2. Restaurants and catering halls.
  3. Medical and dental clinics.
  4. Nursery schools.
  5. Financial institutions.
  6. Funeral homes.
  7. Child care centers.

**Deleted: 122.6 B-2 General Commercial Zone**

- a. Permitted Primary Uses.
1. Retail trade uses, including food and convenience stores; automobile parts, home, garden and hobby supply stores; florists; bakeries, pharmacies; general merchandise, clothing and antique stores; and newsstands.
  2. Retail service uses, including barber shops and hair salons; health clubs; fitness centers; repair shops; and studios.
  3. Business, medical and professional offices.
  4. Restaurants and catering halls.
  5. Financial institutions.
  6. Child care centers.
  7. Any other use, in the opinion of the approving authority, substantially similar to those identified in this subsection.
- b. Permitted Accessory Uses.
1. Signs.
  2. Parking facilities.
  3. Satellite earth station antennas, in accordance with Section 124.6.
  4. Live entertainment at restaurants and existing bars.
  5. Other accessory uses customarily incidental to a permitted primary use.
- c. Permitted Conditional Uses.
1. Outdoor dining at permitted restaurant uses.
  2. Public and institutional uses.
  3. Public utilities.
  4. Drive-up windows for pharmacy uses. (Ord. No. 24A-99 § 1; Ord. No. 08-236 § 3)

8. Fitness centers.<sup>1</sup>
- b. Permitted Accessory Uses.
1. Signs.
  2. Parking areas.
  3. Satellite earth station antennas, in accordance with subsection 124.6.
  4. Live entertainment at restaurants and existing bars.
  5. Other accessory uses customarily incidental to a permitted primary use.
- c. Permitted Conditional Uses.
1. Outdoor dining at permitted restaurant uses.
  2. Public and institutional uses.
  3. Public utilities.  
(Ord. No. 08-236 § 2)

**Deleted:** facilities

**Deleted:** 122.8 B-3, Planned Commercial Zone

**Deleted:** a. Permitted Primary Uses.¶

¶ 1. Retail trade uses, including food and convenience stores; automobile parts, home, garden and hobby supply stores; florists; bakeries, pharmacies; general merchandise, clothing and antique stores; and newsstands.¶

¶ 2. Retail service uses, including barber shops and hair salons; health clubs; fitness centers; repair shops; and studios.¶

¶ 3. Restaurants.¶

¶ 4. Business, medical and professional offices.¶

¶ 5. Financial institutions.¶

¶ 6. Child care centers.¶

¶ 7. Any other use, in the opinion of the approving authority, substantially similar to those identified in this subsection.¶

¶ b. Permitted Accessory Uses.¶

¶ 1. Signs.¶

¶ 2. Parking.¶

¶ 3. Satellite earth station antennas, in accordance with subsection 124.6.¶

¶ 4. Live entertainment at restaurants and existing bars.¶

¶ 5. Other accessory uses customarily incidental to a permitted primary use.¶

**Deleted:** c. Permitted Conditional Uses.¶

¶ 1. Public and institutional uses.¶

¶ 2. Public utilities.¶

**Deleted:** 3. Drive-up windows for pharmacy uses.¶  
¶ (Ord. No. 24A-99 § 1; Ord. No. 236-08 § 3)¶

122.8 B-D Business District Zone

- a. Purpose
- The purpose of the Business District Zone is to provide a place where people will come to stroll, walk, talk, work, attend cultural and entertainment events, buy food and drink, conduct civic and other business and live.
- The downtown will be planned to develop over time into a thriving, economically sustainable commercial center that provides many of the goods and services that residents need on a daily basis.
- The downtown should evoke a sense of place on a human scale that is consistent with the semi rural nature of the Township.

b. Permitted Primary Uses

1. Retail trade uses, including: supermarkets, food and convenience stores, home, garden supply and nursery centers, hobby supply stores, florists, bakeries, pharmacies and drug stores, general merchandise, clothing and antique stores, sporting equipment, furniture stores, and wine and liquor stores.
2. Retail service uses, including barber shops and hair/beauty salons, health clubs, fitness centers, repair shops, dry cleaners, tailors, and artist studios.
3. Business, medical or professional offices.
4. Restaurants having food consumption on the premises and/or for take-out food orders but not including drive thru restaurants.
5. Fast service restaurants engaged primarily in the sale of food, soft drinks, ice cream and similar confections, which are packaged or served in paper, plastic, or other types of disposable wrappers and containers, and dispensed at service counters to patrons within the confines of a building, for immediate consumption within or without of the building.
6. Catering halls.
7. Financial institutions.
8. Child care centers.
9. Medical and dental clinics, therapeutic massage by licensed practitioners.
10. Nursery schools.
11. Funeral homes.
12. Recreation facilities such as: indoor tennis courts, health spas, and batting cages, outdoor facilities such as minigolf, and driving ranges.
13. Recreational uses utilizing the Passaic River that provide water craft that do not require a license.
14. Movie theaters of up to two screens, night clubs and taverns.

15. Arts Centers including live entertainment venues and/or instruction in any of the arts.
16. Art Galleries.
17. Outdoor dining at permitted restaurant uses.
18. Live/work residential units with an artist or craftsperson shop on the first floor of the building. Only the residential living quarters may extend to upper floors.  
The live/work artist's studio will devote at least one half of the total space to the creation, display or sale of art, and the remainder for living purposes.
19. Residential dwelling units on upper floors and behind street front uses of mixed use buildings. All types of residential units are allowed, regardless of form of ownership.

A mixed use commercial/residential building is defined as one in which a variety of permitted uses are combined in complementary and integrated fashion.

Apartments permitted in the B-D zone shall contain at least six hundred (600) square feet, and be no more than one thousand two hundred (1,200) square feet gross floor area. With no more than two bedrooms. The gross density shall not exceed 8 units per acre.

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20. Small hotel, inn and/or bed and breakfast facilities.  
Permitted uses are defined as: Overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation in which the owner, proprietor, and/or manager of the dwelling unit resides on premises. No more than ten (10) rental units are allowed and a small banquet or dining room is allowed.
21. Home occupation -- any activity carried out for gain by a resident in a residential dwelling unit where the activity is clearly accessory to the principal use of the structure and occupies not more than 25% of the gross floor area of the dwelling unit. The activity is conducted wholly indoors and only within the principal structure and there are no employees other than the immediate family residing on the premises. No clients, buyers, patients, students, etc., will come to the premises on a regular basis (with the exception of a teaching occupation of a tutoring nature where no more than five pupils are in attendance at one time). Deliveries are

received infrequency and not in quantities beyond those ordinarily delivered to a residence. The activity does not involve the merchandising trade or the exchange of commodities by sale to persons who come to the premises. There shall be no service involving the repair of devices powered by gasoline, diesel fuel, kerosene or other fuels. There is no external display or advertising of goods or services or other external evidence of such activity. There is no equipment stored on the premises to be transported for use elsewhere, such as landscaping equipment. There are no changes in the outside appearance of the structure or premises which would alter its residential character and there is no activity that generates traffic, parking, noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extends than would normally occurs in this zoning district.

22. Senior Citizen Housing

23. Affordable housing required by the NJ Council on Affordable Housing or state statute.

24. Non-profit membership organizations and fraternal organizations.

25. Any other use, in the opinion of the approving authority, substantially similar to those identified in this subsection.

c. Permitted Accessory Uses.

1. Signs per ordinance Section 155.

2. Parking, areas and underground parking.

3. Satellite earth station antennas, in accordance with Section 124.6.

4. Live entertainment at restaurants, night clubs and taverns.

5. Any other accessory use, which in the opinion of the approving authority is customarily incidental or accessory to a permitted primary use.

Deleted: facilities

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d. Permitted Conditional Uses.

1. Public and institutional uses.

2. Public utilities.

3. Drive-up windows for pharmacy and bank uses.  
(Ord. No. 24A-99 § 1; Ord. No. 08-236 § 3)

e. Prohibited Uses

1. Any service or repair of any device powered by gasoline, diesel fuel, kerosene or other fuels.
2. Any retail trade use in a building of over 30,000 SF except for supermarkets.
3. Any supermarket of over 80,000 SF.
4. Auction markets and flea markets unless conducted by Township organizations and authorized by the Township Committee.
5. Automobile lubrication, repair and services uses.
6. Automotive oriented uses such as: car wash, sales, repair service, service stations and wrecking yards
7. Automobile sales and rental uses.
8. Automobile service stations.
9. Automobile tire service centers.
10. Big box stores.
11. Billboards.
12. Car washes.
13. Chemical manufacturing and processing.
14. Coffee roasting and processing uses.
15. Commercial picnic groves and carnivals except as temporary uses by Township organizations and authorized by the Township Committee.
16. Fast food restaurants.
17. Hazardous material storage and use beyond that customarily and legally permitted by a permitted primary use.
18. Hospitals.
19. Hotels and motels.
20. Incineration uses and other uses principally involved with burning.
21. Junkyards, automobile wrecking or disassembly yards or the sorting or bailing of scrap metal, paper, rags, rubbish or other scrap or waste materials, except in Township recycling centers.
22. Lumberyards, and lumber and wood production uses including sawmills, planing mills and similar uses.
23. Manufacturing and Industrial uses on lots having any frontage on Valley Road or Plainfield Road.
24. Manufacturing of stone, clay, glass and concrete products.
25. Meat processing.
26. Mink farms, fox farms and commercial piggeries.
27. Outdoor storage or display of any products, goods, equipment or other material unless specifically permitted by this Ordinance.

28. Petroleum refining uses, including the production and processing of paving and roofing materials and similar uses.
29. Plastic resin production.
30. Primary metal uses, including steel works, blast furnaces, foundries, electroplating and similar uses.
31. Rubber manufacturing, including the production of tires, inner tubes, footwear, seals, hoses, belts and similar products.
32. Self-storage facilities and similar uses.
33. Single family detached homes.
34. Slaughterhouse.
35. Sludge treatment facility.
36. Storage of petroleum or its derivatives except when stored in underground tanks for use on the premises and not in excess of forty thousand (40,000) gallons of fuel oil or twenty thousand (20,000) gallons of gasoline or kerosene.
37. Storage yards, unless specifically permitted by this Ordinance.
38. Trailers used as dwellings or for storage or for commercial activities, except that trailers may be used as accessory buildings for storage or office use at construction sites in accordance with the provisions of Section 107.2.  
(Ord. No. 8-98 § 2)
39. Warehousing on lots having any frontage on Valley Road or Plainfield Road.
40. Wholesale trade on lots having any frontage on Valley Road or Plainfield Road.

f. Access Standards

1. A curb cut and road access is not required so long as a permanent access easement is available on contiguous property.
2. A pedestrian accessible entry shall be provided on all properties facing Valley Road and Plainfield Road. Such entry shall face the street. False entrances are prohibited.
3. Parking shall be provided behind buildings. No parking shall be provided between the front of the building and the street right of way.

g. Bonus Landscape Standards

1. The approving authority shall grant Floor Area Ratio (FAR), lot coverage and building coverage bonus based upon the amount of additional landscaping and buffering proposed that is in addition to the landscaping and buffering required.

2. Developers are eligible for a bonus only if they are in full conformance with all other required landscaping and buffering regulations as required in this Ordinance.
3. Developers are eligible for a maximum 15% bonus in FAR, lot cover and building cover.
4. The bonus shall be equal to the percentage of additional landscaping and buffering provided beyond what is required by this Ordinance up to a maximum of 15%.

122.8a LIO - Limited Industrial Overlay Zone

a. Purpose

The purpose of the Limited Industrial Overlay zone is to allow currently nonconforming uses in a small area to conform to a zone standard and to end these properties' nonconforming status.

b. Permitted Primary Uses allowed in the zone are:

1. Auto repair
2. Construction Yard
3. Garden Center
4. Warehouse
5. All uses allowed in the LI- 2 Limited Industrial Zone per Section 122.9 of this Ordinance.

**Deleted:** <#>Manufacturing conforming to Section 122.9(a) (1 – 3) of this Ordinance. ¶

122.9 LI-2, Limited Industrial Zone

a. Permitted Primary Uses.

1. The manufacturing, packing, processing, treatment or design of food (except meat products), personal care, textile, pharmaceutical, apparel, furniture, paper, instruments, transportation equipment and similar products, supplies and services.
2. The manufacturing, packing, processing, treatment or design of products, tools, plastics and industrial and commercial machinery, equipment and parts.
3. The manufacturing, packing, processing, servicing and design of computer and related parts and instruments, office equipment, electrical appliances, domestic appliances and related products, supplies and services.
4. Research laboratories.

5. Recording studios.
6. Printing, publishing, silk screening and similar processing and services.
7. Wholesale trade.
8. Warehousing.
9. Business, medical and professional offices.
10. Child care centers.
11. Any other use, in the opinion of the approving authority, substantially similar to those identified in this subsection.

b. Permitted Accessory Uses.

1. Signs.
2. Parking areas. Deleted: facilities
3. Satellite earth station antennas, in accordance with subsection 124.6.
4. Outdoor vehicle storage provided no vehicle has more than a single rear axle and that any trailer also stored on the site bears a direct business relationship to the vehicles parking on the property and further provided that the screening requirements of this Ordinance are met. The number of vehicles on any one site shall be determined during site plan review.
5. Other accessory uses customarily incidental to a permitted primary use.

c. Permitted Conditional Uses.

1. Public and institutional uses.
2. Public utilities.  
(Ord. No. 08-236 § 3)

## 123 PROHIBITED USES

123.1 Except when this Ordinance permits the approving authority to approve a use which, in the opinion of the approving authority, is substantially similar to those primary uses in a particular zone, all uses not specifically permitted by this Ordinance are expressly prohibited. (Ord. No. 08-236 § 3)

123.2 Any use that fails to meet the performance standards of Section 144.

123.3 The following uses are specifically prohibited in all zone districts of the Township, except for the B-D Business District Zone. Prohibited uses in the B-D zone are listed in Section 122.8.e of the Ordinance.

- a. Auction markets and flea markets unless conducted by Township organizations and authorized by the Township Committee.
- b. Automobile lubrication, repair and services uses.
- c. Automobile sales and rental uses.
- d. Automobile service stations.
- e. Automobile tire service centers.
- f. Bars.
- g. Billboards.
- h. Bowling alleys.
- i. Car washes.
- j. Chemical manufacturing and processing.
- k. Coffee roasting and processing uses.
- l. Commercial picnic groves and carnivals except as temporary uses by Township organizations and authorized by the Township Committee.
- m. Fast food restaurants.

- n. Golf driving ranges, miniature golf and related outdoor golf uses.
- o. Hazardous material storage and use beyond that customarily and legally permitted by a permitted primary use.
- p. Hospitals.
- q. Hotels and motels.
- r. Incineration uses and other uses principally involved with burning.
- s. Junkyards, automobile wrecking or disassembly yards or the sorting or bailing of scrap metal, paper, rags, rubbish or other scrap or waste materials, except in Township recycling centers.
- t. Liquor stores.
- u. Lumberyards, and lumber and wood production uses including sawmills, planing mills and similar uses.
- v. Manufacturing of stone, clay, glass and concrete products.
- w. Meat processing.
- x. Mink farms, fox farms and commercial piggeries.
- y. Movie theaters.
- z. Multifamily residential uses.
- aa. Nightclubs and dance halls.
- bb. Outdoor recreation and amusement uses.
- cc. Outdoor storage or display of any products, goods, equipment or other material unless specifically permitted by this Ordinance.
- dd. Parking structures.
- ee. Petroleum refining uses, including the production and processing of paving and roofing materials and similar uses.
- ff. Plastic resin production.

**Deleted:** decks above and below the ground

- gg. Primary metal uses, including steel works, blast furnaces, foundries, electroplating and similar uses.
- hh. Rubber manufacturing, including the production of tires, inner tubes, footwear, seals, hoses, belts and similar products.
- ii. Self-storage facilities.
- jj. Slaughterhouse.
- kk. Sludge treatment facility.
- ll. Storage of petroleum or its derivatives except when stored in underground tanks for use on the premises and not in excess of forty thousand (40,000) gallons of fuel oil or twenty thousand (20,000) gallons of gasoline or kerosene.
- mm. Storage yards.
- nn. Trailers used as dwellings or for storage or for commercial activities, except that trailers may be used as accessory buildings for storage or office use at construction sites in accordance with the provisions of Section 107.2.  
(Ord. No. 8-98 § 2)

Section 131 - Bulk Standards

ZONE			O – Office	B-D Business District
Minimum Lot Area			20,000 SF	<u>10,000 SF</u>
Minimum Lot Width			100 feet	<u>100 feet</u>
Minimum Floor Area			800 SF	<u>None</u>
Maximum Height			2 stories/35 feet	<u>3 stories/40 feet</u>
Minimum Front Yard			50 feet	<u>20 feet</u>
Maximum Front Yard			N/A	<u>40 feet</u>
Minimum Side Yard			20 feet (8)	<u>10 feet (8)</u>
Minimum Rear Yard			25 feet (8)	<u>20 feet (8)</u>
Maximum Building Coverage			20%	<u>30%</u>
Lot Coverage			40%	<u>60%</u>
Floor Area Ratio			.30	<u>.5</u>
Buffer			25 (1)	<u>10 (9)</u>

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9 Buffer is required when property abuts a residential use or zone.

## Section 140 – Environmental Protection Regulations

- 141.1 All properties with frontage on roads as designated on the Zoning Map except for those in the B-D zone district shall provide a seventy-five (75) foot wide conservation easement along said road in which no existing vegetation shall be disturbed except as needed for site access, sight triangles or any other purpose deemed necessary by the approving authority.

Properties located in the B-D zone district shall provide a twenty foot wide conservation easement along the roadway frontage. Street furniture, such as, but not limited to: outdoor seating, kiosks, bus shelters, sculpture, trash receptacles, planters, and fountains shall be allowed within the conservation easement. The remainder of the easement shall be landscaped.

## 144 PERFORMANCE STANDARDS

All applications for development shall demonstrate, to the satisfaction of the approving authority, compliance with all of the following performance standards:

### 144.1 Air Pollution

No substance shall be emitted into the atmosphere in quantities which are injurious to human, plant or animal life or to property or which will interfere unreasonably with the comfortable enjoyment of life and property anywhere in the Township. All provisions of the New Jersey Air Pollution Control code, N.J.A.C. 7:27-1.1 et seq., as amended or the regulations contained in this Section, whichever shall be the more stringent, shall be complied with.

### 144.2 Smoke

In any nonresidential zone, no smoke, the shade or appearance of which is darker than No. 1 on the Ringelmann Smoke Chart, shall be emitted into the open air from any fuel burning equipment; provided, however, that smoke emitted during the clearing of a fire box or the building of a new fire, the shade or appearance of which is not darker than No. 2 on the Ringelmann Smoke Chart, may be permitted for a period or periods aggregating no more than three (3) minutes in any fifteen (15) consecutive minutes.

### 144.3 Solid Particles and Fly Ash

- a. No discharge of solid particles through a stack, duct or vent shall be permitted that is greater than fifty (50) percent of the allowable emission in pounds per hour established by Ordinance 7 and 8 of the New Jersey Air Pollution Control Code, N.J.A.C. 7:27-1 et seq.
- b. No open burning shall be permitted.
- c. All incinerators shall be approved by the State Department of Environmental Protection.
- d. Any road, parking area, driveway, truck loading or unloading station or any other exterior area having a substantial movement of vehicles or equipment shall be paved or otherwise stabilized during construction

sufficient to prevent the generation of dust from the movement of such vehicles or equipment.

- e. In any zone, no odorous materials may be emitted into the atmosphere in quantities sufficient to be detected without instruments.

#### 144.4 Wastes

- a. Each proposed use shall comply with all liquid waste requirements of the Long Hill Township Board of Health and the New Jersey Department of Environmental Protection.
- b. Each proposed use shall comply with the following solid waste requirements:
  - 1. Assume full responsibility for adequate and regular collection and removal of all refuse except where the Township assumes such responsibility.
  - 2. Comply with all applicable provisions of the New Jersey Department of Environmental Protection.
  - 3. Permit no accumulation on the property of any solid waste, junk or other objectionable materials.
  - 4. Not engage in any sanitary landfill operation on the property except as may be permitted by other Township codes and ordinances.

#### 144.5 Radiation

All uses of materials, equipment or facilities which are or may be sources of radiation shall comply with all controls, standards and requirements of the Atomic Energy Act of 1954, as amended and any codes, rules or regulations promulgated under such Act, as well as the Radiation Protection Act, P.L. 1958, c. 116, as amended, whichever shall be more stringent.

#### 144.6 Noise

- a. Noise control shall be subject to standards established by the New Jersey Department of Environmental Protection.
- b. The burden of proof shall be on the applicant to establish that noise levels of a proposed development shall not exceed standards established by the Department of Environmental Protection.

- c. Measurements, if required under this subsection, shall be made by a competent acoustical engineer using equipment meeting the United States of America Standards Institute Standard S1.4-1961 or the latest revision thereof and S2.22 or the latest revision. All measurements shall be made in at least eight (8) frequency bands. The required measurements shall note ambient noise levels between hours of 8:00 a.m. and 11:00 p.m. for periods of at least one (1) hour on three (3) separate occasions.
- d. The approving authority may require post-development noise measurements and appropriate buffering and other noise reduction methods for any project.

144.7 Vibration

In any zone, no vibrations discernible without instruments at the lot line shall be permitted.

144.8 Glare

No single standard for glare is promulgated in this Section due to the impracticality of establishing such standards. It is the intent of these performance standards to ensure that both direct and indirect glare, to the extent possible, are eliminated or activities producing such glare are carried on within a structure. Necessary glare producing devices such as roadway and walkway lighting shall be designed, constructed and maintained in such a manner as not to be a nuisance to surrounding uses.

144.9 Heat

In any zone, any use or process shall not produce a temperature rise discernible at the lot line or discharge water into a watercourse which shall produce a temperature increase of greater than three (3) degrees in that watercourse measured at a point ten (10) feet from a point of discharge.

144.10 Fire and explosion hazards

If it appears that any proposed use, structure, process or resulting product or material constitutes a fire or explosion hazard, the approving authority may require the applicant to supply proof of:

- a. Approval of the use, structure, process or resulting product or material from the State Department of Labor and Industry indicating that adequate safeguards against fire and explosion have been taken or installed.

- b. Approval from the Township Fire Inspector that the applicant has complied with all applicable Township fire prevention regulations.

144.11 Toxic chemicals

No toxic chemicals or pesticides shall be received, processed or stored by any use, unless permitted by the New Jersey Department of Environmental Protection. However, petroleum products and other commercial products, excluding pesticides, may be used for the following purposes:

- a. Running machinery.
- b. Testing equipment.
- c. Fuel oil.
- d. Cleaning of equipment.

144.12 Odors

No use shall produce any odor which is perceptible to the human sense of smell at the boundary of the subject property. No odorous material may be emitted into the atmosphere in quantities sufficient to be detected.

Section 150 Development Design Standards

151.1 Off-Street Parking

- a. In all zones, in connection with every industrial, business, institutional, recreational, residential or any other use, there shall be provided, at the time any building or structure is erected or is enlarged or increased in capacity or changed in use, off-street parking for automotive and other vehicles in accordance with the requirements set forth herein. Such facilities shall be completed prior to the issuance of a certificate of occupancy. The applicant shall also meet the requirements of N.J.S.A. 52:32-11 through 32-12, requiring parking spaces for the handicapped.
- b. Each off-street parking space, excluding those intended for use by drivers with physical disabilities, shall measure nine (9) feet in width and nineteen (19) feet in length (or eighteen (18) feet in length where vehicles overhang a curbed area) and shall be of a usable shape and condition. The above parking space size shall not apply to parallel curb parking spaces which shall measure no less than eight (8) feet in width by twenty-three (23) feet in length. Parking spaces for drivers with physical disabilities shall be at least twelve (12) feet wide and otherwise conform to the requirements herein.
- c. The number of off-street parking spaces required shall be as set forth in the following table:

<u>Use</u>	<u>Number of Required Parking Spaces</u>
Accessory apartment	1 per unit
Agricultural uses	As determined by approving authority

Apartments	2 per unit
Automobile service stations	2 per pump island plus 3 per bay or work area
Business and professional offices	1 per 250 s.f. of floor area
Churches	1 per every 3 seats of estimated seating capacity
Child care center	No requirement
Community Residences and Community Shelters	1 per bedroom or 1 per 400 s.f. of floor area, whichever is greater
Dwellings, single family	As provided in Section 124.4
Family day care home	1 per 250 s.f. of floor area
Financial institutions	4 per indoor teller window, or 1 per 250 s.f. of floor area, whichever is greater
Funeral Homes	10 spaces plus 1 per every three seats of estimated seating capacity
Horse farms, riding	1 per 200 s.f. of floor area

stables, swim clubs, greenhouses and nurseries	of the principal building
Manufacturing, printing, process- ing and other light industrial uses	1 per 500 s.f. of floor area
Medical office, medical and dental clinic and immediate medical care facilities	1 per 200 s.f. of floor area
Mixed Use	As determined by approving authority
Nursery school	1.5 per employee
Open space and recreation	As determined by approving authority
Other public uses	As determined by approving authority
Public utilities and institutions	As determined by approving authority
Restaurants and	1 per 2.5 seats or 1 per

catering halls	60 s.f. of floor area devoted to seating, whichever is greater
Retail sales, trade and service	1 per 200 s.f. of floor area
Senior citizen housing	0.5 per dwelling unit
Townhouse	3 per unit with at least one (1) to be in a garage
Warehouse	1 per 1,000 s.f. of floor area
Wholesale trade	1 per 500 s.f. of floor area

- d. For mixed use properties, the parking requirements for each use shall be computed separately and then added together to compute the maximum number of required parking areas. The approving authority shall consider shared parking schemes and other parking reduction proposals during their deliberations in deciding on the minimum number of required spaces.

In all questionable or doubtful situations, or for uses not enumerated, the approving authority shall determine the required number of spaces, utilizing as a standard the requirements for uses which are similar to those specifically enumerated, as well as generally accepted standards and procedures.

- e. The number of parking spaces for drivers with physical disabilities shall be provided in accordance with the following:

Total Number of Spaces <u>in Lot</u>	Required Number <u>of Spaces</u>
1 - 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
more than 1,000	20 plus one for each 100 over 1,000

All required spaces pursuant to this paragraph shall be properly marked and signed.

**Deleted:** For parking lots of five (5) or fewer spaces, the required space for drivers with physical disabilities shall be provided but is not required to be designated as reserved for the physically disabled.¶

- f. Bicycle parking facilities shall be provided at the rate of one bicycle parking space per ten (10) required automobile parking spaces for the first 100 automobile parking spaces and one bicycle parking space for every twenty (20) required automobile parking spaces beyond one hundred (100) spaces.

155.5 Signs Permitted in the B-D Business District Zone

In the B-D zone, the following signs shall be permitted in addition to those permitted in all zones:

- a. One (1) wall sign for each permitted use provided that the area of the wall sign shall not exceed one and one-half (1-1/2) percent of the gross floor area of the use, nor exceed fifty (50) square feet in area, whichever is less and further provided that the length of said sign does not exceed sixty (60) percent of the width of the front facade of the use.
- b. As an alternative to the signs permitted in paragraph a. above, each permitted use, or group of permitted uses, may erect one (1) ground sign not exceeding sixteen (16) square feet in area and eight (8) feet in height, provided that the permitted use or group of permitted uses represented by the ground sign have a lot frontage of at least one hundred (100) feet in length, and that the permitted total area of permitted wall, awning, and permanent door and window signs is reduced to fifty (50) percent of the maximum permitted sign size permitted in paragraph a. above.
- c. Directory of occupant signs not exceeding eight (8) square feet in area provided that the directory located within a side or rear yard of the property or attached to the principal building facing the major street and provided the property contains five (5) or more tenants. Permitted uses on corner lots are allowed to have a second directory sign for use on the minor road. The sign shall be no more than eight (8) square feet in area and shall be attached to the principal building on the side facing the minor street.
- d. Awning signs provided the total area of the signs is consistent with the provisions of paragraph a. and further provided that no wall sign is used on the property.
- e. Permanent window and door signs, not exceeding a total of ten (10) square feet in total area of all such signs for each permitted use, of which up to two (2) square feet may be used for signs of neon or similar materials.
- f. Signs for automobile service stations, where such uses are permitted as nonconforming uses, provided that the total area of all signs does not exceed fifty (50) square feet and further provided that the requirements of paragraphs a., b., and d. are met.

- g. In addition to all other permitted signs, banks shall be permitted up to two (2) wall signs indicating automatic teller machine services, provided that the aggregate of the signs does not exceed twelve (12) square feet.
- h. For all permitted uses providing the minimum required front yard setback, one (1) ground sign not exceeding sixteen (16) square feet in area and eight (8) feet in height shall be permitted per lot, provided that it shall not be placed within any required sight triangle and shall be a minimum of ten (10) feet from any property line, and provided that the permitted total area of allowed wall, awning, and permanent door and window signs shall be reduced to fifty (50%) percent of the maximum permitted sign size allowed otherwise.  
(Ord. No. 194-06 § 15; Ord. No. 230-08 § 9)

#### 155.6 Signs Permitted in Planned Retail Developments

In the B-D zone planned retail developments of more than 7.5 acres, the following signs shall be permitted in addition to those permitted in all zones:

- a. For each permitted use of three thousand (3,000) or fewer square feet, one (1) wall sign the area of which shall not exceed two (2) percent of the gross floor area of the use.

For each permitted use over three thousand (3,000) square feet and up to ten thousand (10,000) square feet, one (1) wall sign the area of which shall not exceed one and one-half (1-1/2) percent of the gross floor area of the use, except that uses between three thousand (3,000) and four thousand (4,000) square feet shall be permitted a sign with an area of sixty (60) square feet.

For all permitted uses of ten thousand (10,000) or fewer square feet, wall signs shall not be greater than thirty-two (32) inches in height, except that wall signs utilizing two (2) lines of copy shall be permitted up to forty (40) inches in height, provided each individual line of copy provides an overall height of between sixteen (16) and eighteen (18) inches. The length of the wall sign shall not exceed sixty (60) percent of the width of the front facade of the use.

For each permitted use over ten thousand (10,000) square feet in gross floor area, one (1) wall sign the area of which shall not exceed one-half (0.5) percent of the gross floor area of the use. No such sign shall be greater than forty-eight (48) inches in height, nor shall the

length of said sign exceed forty (40) percent of the front facade of said use.

In the case of a pharmacy, liquor store or restaurant located within a supermarket, each such use shall be permitted a separate wall sign provided the dimensions of each wall sign are in accordance with this subsection and further provided that each such use is permitted a minimum sign area of at least twenty-five (25) square feet.

- b. Each use may have one (1) canopy sign for each entrance sign provided the sign is located perpendicular and adjacent to the entrance. No canopy sign shall exceed five (5) square feet in area.
- c. One (1) ground sign not exceeding one hundred (100) square feet in area nor fifteen (15) feet in height, except that no individual tenant sign used for ground shall exceed twenty (20) square feet in area. The approving authority may, at its sole discretion, impose additional controls on the size, dimensions and number of individual tenant signs used for all ground signs in the B-3 zone.

For shopping centers located on corner lots, a second ground sign shall be permitted for use on the secondary road. The sign shall identify the shopping center name only, shall not exceed fifteen (15) square feet in area and shall be no more than three (3) feet in height.

- d. Directory of occupancy signs not exceeding eight (8) square feet in area provided they are located in the side or rear yard of the property and provided the property contains five (5) or more tenants.
- e. In addition to all other permitted signs, banks shall be permitted up to two (2) wall signs indicating automatic teller machine services, provided that the aggregate area of the signs does not exceed twelve (12) square feet.
- f. Permanent window and door signs, not exceeding a total of ten (10) square feet in total area of all such signs for each permitted use, of which up to two (2) square feet may be used for signs of neon or similar materials.

156.1 Buffering

- a. Every development shall provide sufficient buffering when topographical or other barriers do not provide reasonable screening and when the approving authority determines that there is a need (1) to shield neighboring properties from any adverse external effects of a development; or (2) to shield the development from negative impacts of adjacent uses such as streets or railroads. In high density developments, when building design and siting do not provide privacy, the approving authority may require landscaping, fences, or walls to screen dwelling units for privacy.
- b. Buffering shall provide a year-round visual screen in order to reduce adverse impacts. It may consist of fencing, evergreens, berms, rocks, boulders or combinations thereof to achieve the same objectives.
- c. Buffering Required.
  - 1. Where a nonresidential or mixed use abuts a residential zone or use or is located across a street from such a zone or use, a buffer strip of a width specified in the Schedule of Bulk Requirements shall be provided between the nonresidential use and the residential zone or use. Said buffer shall be located on the property occupied by the nonresidential use.
  - 2. Parking lots, trash storage and utility areas, and loading and unloading areas should be screened around their perimeters by a buffer strip a minimum of five (5) feet in width.
  - 3. Where residential subdivisions abut higher-order streets (collectors or arterials), adjacent lots shall front on lower-order streets, and a landscaped buffer area shall be provided along the property line abutting the road. The buffer strip shall be a minimum of fifteen (15) feet or wider where necessary for the health and safety of the residents.
  - 4. Arrangement of plantings in buffers shall provide maximum protection to adjacent properties and avoid damage to existing plant material. Possible arrangements include planting in parallel, serpentine, or broken rows. If planted berms are used, the minimum top width shall be four (4) feet, and the maximum side slope shall be 2:1.

5. Evergreen plant materials in berms shall be at least eight (8) feet in height at planting.
6. No buildings, structures, storage of materials, or parking shall be permitted within the buffer area; buffer areas shall be maintained and kept free of all debris, rubbish, weeds, and tall grass.

**Section 160 Site Plan and Subdivision Review**

161.2 There shall be an Administrative Site Plan Waiver Subcommittee (ASPWS) which shall consist of two (2) Planning Board regular or alternate members (and a third Planning Board member or alternate as an alternate member of the ASPWS) as voting members. The Planning and Zoning Administrator, or her designee, and the Construction Official or his designee, shall serve as non-voting members of the SPWS in an advisory capacity, as needed. The ASPWS shall review all site plan waiver applications for a change in use or occupancy using the following criteria:

- a. Upon receipt of a complete application (see Administrative Site Plan Waiver Checklist set forth in subsection 163.4 below) and the required application fee (see subsection 181.1b below), the Planning and Zoning Administrator will research the application and provide any applicable Planning Board or Board of Adjustment history of the subject property to the ASPWS. Copies of the application will then be distributed to the members of the ASPWS who will arrange for a site visit utilizing an established criteria checklist adopted by the Planning Board by resolution.
- b. After the site visit is conducted, the Planning and Zoning Administrator will be notified to schedule a meeting of the ASPWS (within two (2) weeks of submission of the complete application and application fee, if feasible). All ASPWS meetings will be held in the daytime or at such other time more convenient for the ASPWS members. The ASPWS may request a meeting with the applicant and/or property owner. The ASPWS may consult with any Township staff they feel may offer technical assistance, such as, but not limited to: the Township Attorney, the Township Engineer, and the Township Planner.
- c. After it completes its review, the ASPWS will render a written decision to either grant an administrative site plan waiver or refer the application to the full Planning Board. An administrative site plan waiver shall be granted by the SPWS if it finds that:

the proposed new development would serve the same use, or a substantially similar use, as the existing use;

no substantial alteration, addition or change to the exterior of the building will take place;

existing and proposed site improvements meet or exceed the development design standards specified in Section 150 of the Township Land Use Ordinance;

The proposed new use will not create any significant problems with parking, traffic circulation, lighting or drainage.

If an administrative waiver is granted by the ASPWS, a written "findings of fact" will be generated by the Planning and Zoning Administrator describing the nature of the use, hours of operation, number of employees, proposed parking, lighting, landscaping and other site improvements, and all other applicable conditions of the administrative site plan waiver, with a deadline for completion set forth. A performance guarantee in accordance with the provisions of N.J.S.A. 40:55D-53 may be required when deemed necessary by the Planning and Zoning Administrator in consultation with the Township Engineer. The administrative waiver granted by the ASPWS shall not be effective until it is signed by the applicant and, when appropriate, by the property owner as well. Copies of the signed findings of fact shall be distributed to the Planning Board file, Construction Official, Zoning Enforcement Officer and the applicant.

- d. The Planning and Zoning Administrator shall monitor the applicant's compliance with the terms and conditions of the findings of fact. If the applicant does not comply with the terms and conditions of the findings of fact within the time limits set forth in the ASPWS's written decision, the matter will be referred to the Zoning Officer for enforcement.
- e. A written monthly report of actions taken by the ASPWS will be prepared by the Planning and Zoning Administrator and circulated among the members of the Planning Board.  
(Ord. No. 149-04 § 1; Ord. No. 195-06 § 1; Ord. No. 241-09 § 1)

END OF DOCUMENT

Prepared by Kevin O'Brien, P.P., 3 December 2010