

## ARTICLE IV ZONING REGULATIONS

### SECTION 401. GENERAL REGULATIONS.

- A. Relationship to Other Articles. This Article establishes the use, bulk requirements, and other regulations governing the zones created in Article III. Article II is the compendium of definitions for terms in this Article and throughout the Zoning Ordinance. The performance regulations and design standards that are contained in Article V provide the basis for the physical development and redevelopment of land within the zoning classifications. Article VII contains the standards of review upon which all applications for subdivision or site plan are measured.
- B. Deviations. Deviations from the requirements of this Article shall be considered variances pursuant to *N.J.S.A.40:55 D-60* and *-70*. Deviations from the performance, design, and improvement standards in Article V shall be considered exceptions pursuant to *N.J.S.A. 40:55D-51*, except herein below. Deviations from the performance and design standards for certain sections defined in Article V shall require application and granting of variances prior to the issuance of a building permit and certificate of occupancy, including:
1. The performance standards for all uses outlined in §502.
  2. The location of all fences that do not meet setback requirements, per §506.
  3. The height of all fences that exceed the maximum permitted height, per §506.
  4. A landscaping buffer width less than the required distance, per §508.F.3.
  5. The minimum and maximum number of required parking spaces, per §511.B.
  6. The location and setbacks of a parking area, per §511.H.2.
  7. The requirement of a sufficient stormwater management basin, per §516.H.1.
  8. The location and setbacks of a stormwater management basin, per §516.H.4.
  9. The installation of signs that are prohibited, as listed in §517.
  10. The location of all signs that do not meet setback requirements, per §517.
  11. The height, number, or area of all signs that exceed the maximum limitations, per §517.
- C. Non-Conforming Uses & Structures. Any nonconforming use or structure as defined in Article II existing on the effective date of this Ordinance may be continued upon the lot or in the structure so occupied, and any such structure may be restored or repaired in the event of partial destruction thereof. Any such use or structure that is substantially destroyed shall not be reconstructed or used except in conformance with this Ordinance.
1. Substantial Destruction. Any nonconforming building, structure or use that has been condemned or damaged by fire, explosion, flood, windstorm, other natural disaster; shall be examined by the Administrative Officer. If in the opinion of the Administrative Officer, the cost of repair is greater than fifty (50%) percent of the value of replacing the entire structure, it shall be considered completely destroyed and may be rebuilt to the original specifications only upon approval of a variance. If the cost of repair is less than fifty (50%) percent of the value of replacing the entire structure, it may be rebuilt, and used for the same purpose as before and does not exceed the height, area, and volume of the original structure. The percent damaged shall be the current replacement costs of the portion damaged or condemned, computed as a percentage of the current total replacement cost of the entire structure, neither to include the cost of the foundation unless the foundation is involved in the repair.
  2. Repair. Repairs and maintenance work required to keep a structure in sound condition may be made to a non-conforming structure containing a non-conforming use. However, no non-conforming structure or structure containing a non-conforming use shall be enlarged, extended, constructed, reconstructed or structurally altered in any manner without an appeal for variance relief.

3. Abandonment. The following shall apply to an abandonment of non-conforming use or structure:
  - a. If a nonconforming use or structure ceases operations for a continuous period of more than one year and the owner thereof makes little or no attempt to use the property for its non-conforming use or to lease to a tenant for such use, then this shall be deemed to be an intent to abandon the non-conforming use or structure and any subsequent use shall conform to the regulations of this Ordinance. Any dispute of the determination of intent to abandon shall be able to appeal to the Zoning Board of Adjustment pursuant to *N.J.S.A. 40:55D-70a*.
  - b. Any appellant to the Zoning Board of Adjustment, in accordance with the preceding paragraph, shall first have the burden of proof to provide testimony and evidence that such use or structure is legally non-conforming.

D. Non-Conforming Lots.

1. Merging of Substandard Lots. Whenever title of two or more contiguous lots is held by the same owner, regardless of whether or not each of the lots may have been approved as portions of a subdivision or acquired by separate conveyance or by other operation of law, and one or more individual lots should, by reason of exceptional shallowness, topographical conditions, substandard area or yard space, or similar measurements, not conform with the minimum lot area and dimension requirements for the zone in which it is located, the contiguous lots shall be merged into a single lot.
2. Non-Conformity from Public Dedication. Whenever the owner of a lot existing at the time of adoption of this ordinance has dedicated or conveyed land to the municipality, County or State in order to meet the minimum street width requirement of the official map or master plan of the municipality, the Zoning Officer shall issue Zoning Permits for the lot whose depth and/or areas are rendered substandard in area only because of such dedication and where the owner has no other adjacent lands to provide the minimum requirements.
3. Expansion of Building on Undersized Lot. Any existing lot on which a building or structure is located containing a conforming structure that does not meet the minimum lot size, or a building or structure that violates any yard requirements, may have additions to the principal building and/or construction of an accessory building without any appeal for variance relief provided:
  - a. The total permitted building and/or lot coverage is not exceeded; and
  - b. The accessory building and/or addition do not violate any other requirements of this Ordinance including, but not limited to, height, yard, and parking requirements.

E. Accessory Buildings & Uses. The following regulations shall apply to all accessory buildings:

1. Any accessory building attached to a principal building shall be considered part of the principal building and the total structure shall adhere to the yard requirements for the principal building regardless of the technique of connecting the principal and accessory buildings.
2. No building permit shall be issued for the construction of an accessory building prior to the issuance of a building permit for the construction of the principal building upon the same premises. If construction of the principal building does not precede or coincide with the construction of the accessory building, the Zoning Officer shall revoke the Zoning Permit for the accessory building until construction of the main building has proceeded substantially toward completion.
3. An accessory building or structure may be constructed in side and rear yards only and shall be setback from property lines as required in each subject zone. In the event that no accessory building or structure setback is established in the particular zone, the setback requirements for principal buildings shall apply.

4. Accessory parking facilities and non-residential driveways extending across more than one (1) zoning district within a single lot shall be permitted to provide accessory parking for, and access to and/or from, a permitted use situated within the same lot. This is notwithstanding that all or part of the parking facilities and/or driveway is located in a zoning district which does not permit the use to which the parking facilities and/or driveway are accessory.
- F. Bulk Regulation Measurements. Measurements for the determination of building and structure setbacks, required yard areas, landscape buffer widths, and other dimensional requirements from rights-of-way or watercourses shall be taken from the edge of the right-of-way or top of stream bank rather than from the center. In the event that additional land dedication or reservation for right-of-way purposes is required by a municipal agency or other level government; or a future right-of-way has been established on the Official Map, Circulation Element of the Master Plan, or by another level of government, such measurement shall be made from the future right-of-way or reservation line, except as may be permitted under subparagraph §401.D.2 above.
- G. Exceptions to Height Limitations. The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, domes, monuments, parapets, solar panels, chimneys, smokestacks, flagpoles, masts and aerials, barns, silos, stairways, elevator penthouses, stair towers, skylights, ventilating fans, air conditioning, mechanical infrastructure or similar equipment required to operate and maintain the building may be erected above the height limits prescribed by this Ordinance, but in no case shall such extension exceed ten (10%) percent of the maximum height otherwise permitted in the zone.
- H. General Requirements for Special Lots.
1. Corner Lot. The following regulations shall apply to corner lots:
    - a. All corner lots shall be considered to have a primary front yard and a secondary front yard, one side yard, and one rear yard.
    - b. The landowner of any building that a construction permit has been issued prior to the effective date of this Ordinance may establish the front yard as the yard abutting an arterial or collector street for purposes of the application of yard and other bulk regulations.
  2. Reverse Frontage. Residential lots that have frontage on both a residential access or subcollector street and another street shall establish the primary front yard facing the interior lowest order street and the rear yard abutting the higher order street. Where a lot backs to a higher order street, a minimum setback of thirty (30') feet shall be provided from such street.
  3. Cul-de-Sacs or Curved Streets Frontage. The minimum lot frontage may be reduced on curved alignments with an outside radius of less than five hundred (500') feet to not less than seventy (70%) percent of the required minimum provided that the width of the lot at the building setback line is equal to or greater than the minimum lot frontage requirement.
  4. No Public Sewer. Where no public sewer is available, the minimum lot size shall be one acre.
- I. Special Minimum Setback Requirements.
1. Residential Lots. No detached dwelling, accessory building or structure, or driveway otherwise permitted in this Ordinance shall be located within three (3') feet of a side or rear lot line in order to maintain positive lot drainage, unless a lot grading plan is submitted and approved by the Municipal Engineer.
  2. Transmission Lines. No building shall be placed within a high voltage transmission line (excluding its support), underground petroleum, or natural gas transmission pipeline corridor.
  3. Public Wellheads. No disposal of effluent outside of the conveyance system of Cherry Hill Township shall be permitted within three hundred (300') horizontal feet of a public water supply

wellhead. No service station, dry cleaning operation or underground petroleum tank shall be located within one thousand (1,000') horizontal feet of a public water supply wellhead.

- J. Specifically Prohibited Uses. Any use not permitted within this Ordinance shall be prohibited, with the following uses specifically prohibited:
1. Automobile wrecking and junkyards.
  2. Accessory dwelling units, "mother-in-law" suites, and the like.
  3. Airfields, heliports and helistops.
  4. Drive-in restaurants.
  5. Mobile home dwelling units.
  6. Used automobile sales, except as an accessory use to a factory-authorized new automobile sales dealership, where permitted.
  7. Outdoor storage of any type unless approval is granted by the Planning Board, Zoning Board or Zoning Officer, subject to the design and performance standards as required in Article V.
  8. Quarrying, mining, soil stripping, or other resource extraction. Removal of excess soil as a result of an approved site plan or subdivision application shall not be considered prohibited under this provision, as long as the Planning Board, Zoning Board or Township Engineer determines that only excess soil is proposed for removal based upon the approved plans.
  9. Sanitary landfills, incinerators, transfer stations, or resource recovery facilities, except upon land owned by the Township.
- K. Open Space. Open space, as defined in §202, shall be required for every non-residential property, which conforms to the following:
1. At least 25% of the gross usable site, within property lines, shall be usable open space. Open space shall include, but not limited to, any land that is a contiguous area of at least one hundred (100) square feet, which is unimproved land and any improvements incidental to the natural openness of the land.
  2. Open space shall not include any area for motorized vehicle uses (including reserved parking), any drainage areas, such as stormwater basins, stormwater facilities, retention ponds, swales and stone filters, any natural unusable areas such as wetlands and floodplains, and contiguous areas under one hundred (100) square feet.

#### **SECTION 402. RESIDENTIAL AGRICULTURE (RA).**

- A. Intent. The Residential Agriculture (RA) zone is intended to provide areas for low-intensity agricultural operations and single-family dwellings on large lots that create a rural residential environment wherein natural constraints minimize the effect of developing lands, which protect and preserve valuable agricultural and rural areas. The clustering of residential lots and buildings is encouraged in order to concentrate development on land best able to support it, while creating community focused open space and connectivity to adjacent land uses.
- B. Permitted Principal Uses. In the Residential Agriculture (RA) zone, no lot shall be used and no structure shall be erected, altered, or occupied for any purpose except the following:
1. Agriculture.
  2. Cemetery.
  3. Churches and similar places of worship, parish houses and convents.
  4. Conservation.

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5. Municipal use.
  6. Public parks and recreation.
  7. Schools and Institutions of higher education including playgrounds, parks and accessory buildings, not conducted as a business.
  8. Single-family detached dwellings.
- C. Permitted Accessory Uses & Structures. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection:
1. Balconies, chimneys, eaves, and awnings, per §431.I.
  2. Decks and patios, per §431.H.
  3. Farm stand and consumer crop picking operations when used in conjunction with an agriculture use.
  4. Fences, hedges and walls, per §506.
  5. Home occupations, per §431.B.
  6. Horses, per §431.A.
  7. Motor vehicle storage, per §431.F.
  8. Personal recreational vehicle storage, per §431.E.
  9. Personal telecommunications equipment, per §431.L.
  10. Playground and recreation equipment, per §431.K.
  11. Private parking facilities including garage and carport, per §431.C.
  12. Private residential shed and greenhouses, per §431.J.
  13. Private residential swimming pool and cabana, per §431.G.
  14. Sidewalks and walkways, per §513.
  15. Signs, in accordance with §517.
  16. Solar energy infrastructure, per §432.C.
  17. Temporary construction facilities, per §432.F.
- D. Bulk Requirements. Except as otherwise modified, the following bulk standards shall apply to all buildings in the Residential Agriculture (RA) zone:

Minimum Requirements	Residential Uses		Non-Residential Uses	
	Inside Lot	Corner Lot	Inside Lot	Corner Lot
Lot Size	1 acre	1 acre	1 acre	1 acre
Lot Frontage	200'	200'	200'	200'
Lot Depth	150'	150'	150'	150'
Front Yard	35'	35'	35'	35'
Secondary Front Yard	n/a	25'	n/a	25'
Side Yard	20'	20'	20'	20'
Aggregate Side Yard	50'	n/a	50'	n/a
Rear Yard	25'	25'	25'	25'
Maximum Height	35'	35'	35'	35'
Maximum Building Cover	25%	25%	30%	30%
Maximum Lot Cover	30%	30%	65%	65%
Open Space	n/a	n/a	25%	25%

**SECTION 403. RESIDENTIAL AGRICULTURAL PLANNED COMMUNITY (RAPC).**  
See §405.

**SECTION 404. RESIDENTIAL (R1).**

- A. Intent. The Residential (R1) zone is intended for single-family detached dwellings in a low-density setting. Clustering of dwellings to promote the retention of open space is encouraged.

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- B. Permitted Principal Uses. In the Residential (R1) zone, no lot shall be used and no structure shall be erected, altered, or occupied for any purpose except the following:
  1. Cemetery.
  2. Churches and similar places of worship, parish houses and convents.
  3. Conservation.
  4. Municipal use.
  5. Public parks and recreation.
  6. Schools and Institutions of higher education including playgrounds, parks and accessory buildings, not conducted as a business.
  7. Single-family detached dwellings.
  
- C. Permitted Accessory Uses & Structures. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection:
  1. Balconies, chimneys, eaves, and awnings, per §431.I.
  2. Decks and patios, per §431.H.
  3. Farm stand and consumer crop picking operations when used in conjunction with an agriculture use.
  4. Fences, hedges and walls, per §506.
  5. Home occupations, per §431.B.
  6. Motor vehicle storage, per §431.F.
  7. Personal recreational vehicle storage, per §431.E.
  8. Personal telecommunications equipment, per §431.L.
  9. Playground and recreation equipment, per §431.K.
  10. Private parking facilities including garage and carport, per §431.C.
  11. Private residential shed and greenhouses, per §431.J.
  12. Private residential swimming pool and cabana, per §431.G.
  13. Sidewalks and walkways, per §513.
  14. Signs, in accordance with §517.
  15. Solar energy infrastructure, per §432.C.
  16. Temporary construction facilities, per §432.F.
  
- D. Bulk Requirements. Except as otherwise modified, the following bulk standards shall apply to all buildings in the Residential (R1) zone:

Minimum Requirements	Residential Uses		Non-Residential Uses	
	Inside Lot	Corner Lot	Inside Lot	Corner Lot
Lot Size (square feet)	13,000	15,000	20,000	20,000
Lot Frontage	90'	100'	100'	120'
Lot Depth	120'	120'	120'	120'
Front Yard	35'	35'	35'	35'
Secondary Front Yard	n/a	25'	n/a	25'
Side Yard	10'	10'	10'	10'
Aggregate Side Yard	30'	n/a	30'	n/a
Rear Yard	25'	25'	25'	25'
Maximum Height	35'	35'	35'	35'
Maximum Building Cover	30%	30%	35%	35%
Maximum Lot Cover	35%	35%	70%	70%
Open Space	n/a	n/a	25%	25%

**SECTION 405. RESIDENTIAL (R2).**

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- A. Intent. The R2 Residential zone is intended for single-family detached dwellings on lots of moderate size that stabilize and protect the surrounding neighborhood. Clustering of dwellings to promote the retention of open space is encouraged.
- B. Permitted Principal Uses. In the R2 Residential zone, no lot shall be used and no structure shall be erected, altered, or occupied for any purpose except the following:
1. Cemetery.
  2. Churches and similar places of worship, parish houses and convents.
  3. Conservation.
  4. Municipal use.
  5. Public parks and recreation.
  6. Schools and Institutions of higher education including playgrounds, parks and accessory buildings, not conducted as a business.
  7. Single-family detached dwellings.
- C. Permitted Accessory Uses & Structures. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection:
1. Balconies, chimneys, eaves, and awnings, per §431.I.
  2. Decks and patios, per §431.H.
  3. Farm stand and consumer crop picking operations when used in conjunction with an agriculture use.
  4. Fences, hedges and walls, per §506.
  5. Home occupations, per §431.B.
  6. Motor vehicle storage, per §431.F.
  7. Personal recreational vehicle storage, per §431.E.
  8. Personal telecommunications equipment, per §431.L.
  9. Playground and recreation equipment, per §431.K.
  10. Private parking facilities including garage and carport, per §431.C.
  11. Private residential shed and greenhouses, per §431.J.
  12. Private residential swimming pool and cabana, per §431.G.
  13. Sidewalks and walkways, per §513.
  14. Signs, in accordance with §517.
  15. Solar energy infrastructure, per §432.C.
  16. Temporary construction facilities, per §432.F.
- D. Bulk Requirements. Except as otherwise modified, the following bulk standards shall apply to all buildings in the Residential (R2) zone:

Minimum Requirements	Residential Uses		Non-Residential Uses	
	Inside Lot	Corner Lot	Inside Lot	Corner Lot
Lot Size (square feet)	9,200	10,350	20,000	20,000
Lot Frontage	80'	90'	100'	120'
Lot Depth	120'	120'	120'	120'
Front Yard	30'	30'	30'	30'
Secondary Front Yard	n/a	25'	n/a	25'
Side Yard	10'	10'	10'	10'
Aggregate Side Yard	24'	n/a	24'	n/a
Rear Yard	25'	25'	25'	25'
Maximum Height	30'	30'	35'	35'
Maximum Building Cover	35%	35%	35%	35%
Maximum Lot Cover	40%	40%	75%	75%
Open Space	n/a	n/a	25%	25%

**SECTION 406. RESIDENTIAL (R3).**

- A. Intent. The R3 Residential zone is intended for single-family detached dwellings on modest-sized lots that stabilize and protect the surrounding neighborhood.
- B. Permitted Principal Uses. In the R3 Residential zone, no lot shall be used and no structure shall be erected, altered, or occupied for any purpose except the following:
  - 1. Cemetery.
  - 2. Churches and similar places of worship, parish houses and convents.
  - 3. Conservation.
  - 4. Municipal use.
  - 5. Public parks and recreation.
  - 6. Schools and Institutions of higher education including playgrounds, parks and accessory buildings, not conducted as a business.
  - 7. Single-family detached dwellings.
- C. Permitted Accessory Uses & Structures. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection:
  - 1. Balconies, chimneys, eaves, and awnings, per §431.I.
  - 2. Decks and patios, per §431.H.
  - 3. Farm stand and consumer crop picking operations when used in conjunction with an agriculture use.
  - 4. Fences, hedges and walls, per §506.
  - 5. Home occupations, per §431.B.
  - 6. Motor vehicle storage, per §431.F.
  - 7. Personal recreational vehicle storage, per §431.E.
  - 8. Personal telecommunications equipment, per §431.L.
  - 9. Playground and recreation equipment, per §431.K.
  - 10. Private parking facilities including garage and carport, per §431.C.
  - 11. Private residential shed and greenhouses, per §431.J.
  - 12. Private residential swimming pool and cabana, per §431.G.
  - 13. Sidewalks and walkways, per §513.
  - 14. Signs, in accordance with §517.
  - 15. Solar energy infrastructure, per §432.C.
  - 16. Temporary construction facilities, per §432.F.
- D. Bulk Requirements. Except as otherwise modified, the following bulk standards shall apply to all buildings in the Residential (R3) zone:

Minimum Requirements	Residential Uses		Non-Residential Uses	
	Inside Lot	Corner Lot	Inside Lot	Corner Lot
Lot Size (square feet)	7,800	9,750	15,000	15,000
Lot Frontage	60'	75'	90'	100'
Lot Depth	120'	120'	120'	120'
Front Yard	25'	25'	30'	30'
Secondary Front Yard	n/a	25'	n/a	25'
Side Yard	10'	10'	10'	10'
Aggregate Side Yard	24'	n/a	24'	n/a
Rear Yard	25'	25'	25'	25'
Maximum Height	30'	30'	35'	35'
Maximum Building Cover	35%	35%	35%	35%
Maximum Lot Cover	55%	55%	75%	75%

Open Space	n/a	n/a	25%	25%
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#### **SECTION 407. MULTI-RESIDENTIAL 7 (R7).**

- A. Intent. The R7 Multi-Residential zone is intended for semi-detached and attached single-family dwellings, such as townhouses and garden apartments. The zone usually functions as an intermediate zone between single-family attached dwelling units and other uses.
- B. Required Uses. All developments in the R7 Multi-Residential zone shall include affordable housing units, in accordance with Article X.
- C. Permitted Principal Uses. In the R7 Multi-Residential zone, no lot shall be used and no structure shall be erected, altered, or occupied for any purpose except for the following:
1. Conservation.
  2. Municipal and governmental use.
  3. Multi-Residential structures containing townhouses or garden apartments.
  4. Public parks and recreation.
- D. Permitted Accessory Uses & Structures. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection:
1. Common Uses. The following uses and structures are for common use of the residents of the development and/or immediate neighborhood:
    - a. Community center, provided it is within the building envelope.
    - b. Gazebos, mail kiosks, and similar street furniture.
    - c. Maintenance building, for the upkeep of common areas and grounds, provided it is within the building envelope.
    - d. Parking garages, underground parking, and off-street parking, per §511.
    - e. Playground and recreation equipment, per §431.K.
    - f. Residential swimming pool and cabana, per §431.G.
    - g. Sidewalks and walkways, per §513.
    - h. Signs, in accordance with §517.
    - i. Solar energy infrastructure, per §432.C.
    - j. Temporary construction facilities, per §432.F.
  2. Private Uses. The following uses and structures are for individual use of private residents of the development and/or immediate neighborhood, in accordance with the applicable subsection:
    - a. Balconies, chimneys, eaves, and awnings, per §431.I.
    - b. Decks and patios, per §431.H, on fee simple lots only, unless approved as a site plan in accordance with Article VIII.
    - c. Fences, hedges, and walls, per §506.
    - d. Home occupations, per §431.B.
    - e. Personal telecommunications equipment, per §431.L.
    - f. Playground and recreation equipment, per §431.K.
    - g. Private parking facilities including garage and carport, per §431.C.
    - h. Private residential shed and greenhouses, per §431.J, on fee simple lots only, unless approved as a site plan in accordance with Article VIII.
- E. Bulk Requirements. Except as otherwise modified, the following bulk standards shall apply to all buildings to all buildings in the R7 Multi-Residential zone:
1. Minimum Requirements:

Minimum Requirements	All Uses	
	Inside Lot	Corner Lot
Lot Size	10 acres	10 acres
Lot Frontage	n/a	n/a
Lot Depth	n/a	n/a
Front Yard	75'	75'
Secondary Front Yard	75'	n/a
Side Yard	50'	50'
Aggregate Side Yard	100'	n/a
Rear Yard	50'	50'
Maximum Height	35'	35'
Maximum Building Cover	40%	40%
Maximum Lot Cover	50%	50%
Open Space	40%	40%

2. Additional Requirements. In addition to 407.E.1, the following requirements shall apply:
  - a. Twenty-five (25') feet between multi-residential structures.
  - b. A maximum of six (6) townhouse dwelling units shall be permitted in any one structure.
3. Density. The maximum density of the entire tract in a R7 Multi-Residential zone shall not exceed seven (7) dwelling units per gross usable acre.

#### **SECTION 408. MULTI-RESIDENTIAL 10 (R10).**

- A. Intent. The R10 Multi-Residential zone is intended for medium-density housing in an attached multi-residential configuration, such as townhouses and garden apartments.
- B. Required Uses. All developments in the R10 Multi-Residential zone shall include affordable housing units, in accordance with Article X.
- C. Permitted Principal Uses. In the R10 Multi-Residential zone, no lot shall be used and no structure shall be erected, altered, or occupied for any purpose except for the following:
  1. Conservation.
  2. Garden apartments.
  3. Municipal and governmental use.
  4. Public parks and recreation.
  5. Townhouses.
- D. Permitted Accessory Uses & Structures. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection:
  1. Common Uses. The following uses and structures are for common use of the residents of the development and/or immediate neighborhood:
    - a. Community center, provided it is within the building envelope.
    - b. Gazebos, mail kiosks, and similar street furniture.
    - c. Maintenance building, for the upkeep of common areas and grounds, provided it is within the building envelope.
    - d. Parking garages, underground parking, and off-street parking, per §511.
    - e. Playground and recreation equipment, per §431.K.
    - f. Refuse and recycling storage facilities, per §511.
    - g. Residential swimming pool and cabana, per §431.G.
    - h. Sidewalks and walkways, per §513.
    - i. Signs, per §517.

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- j. Solar energy infrastructure, per §432.C.
- k. Stormwater management facilities, per §516.

2. Private Uses. The following uses and structures are for individual use of private residents of the development and/or immediate neighborhood, in accordance with the applicable subsection.
  - a. Balconies, chimneys, eaves, and awnings, per §431.I.
  - b. Decks and patios, per §431.H, on fee simple lots only, unless approved as a site plan in accordance with Article VIII.
  - c. Fences, hedges, and walls, per §506.
  - d. Home occupations, per §431.B.
  - e. Personal telecommunications equipment, per §431.L.
  - f. Playground and recreation equipment, per §431.K.
  - g. Private parking facilities including garage and carport, per §431.C.
  - h. Private residential shed and greenhouses, per §431.J, on fee simple lots only, unless approved as a site plan in accordance with Article VIII.

E. Bulk Requirements. Except as otherwise modified, the following bulk standards shall apply to all buildings in the R10 Multi-Residential zone:

1. Minimum Requirements:

Minimum Requirements	All Uses	
	Inside Lot	Corner Lot
Lot Size	10 acres	10 acres
Lot Frontage	n/a	n/a
Lot Depth	n/a	n/a
Front Yard	75'	75'
Secondary Front Yard	n/a	75'
Side Yard	50'	50'
Aggregate Side Yard	100'	n/a
Rear Yard	50'	50'
Maximum Height	6 stories	6 stories
Maximum Building Cover	40%	40%
Maximum Lot Cover	50%	50%
Open Space	50%	50%

2. Additional Requirements. In addition to §408.E.1, the following requirements shall apply:
  - a. If the lot is adjacent to a single-family residential zone (RA, RAPC, R1, R2, R3), a minimum of seventy-five (75') feet from the property line shall be required.
  - b. A minimum of twenty-five (25') feet between multi-residential structures is required.
  - c. A maximum of eight (8) townhouse units shall be permitted in any one structure.
  - d. A maximum of twenty (20) garden apartment units shall be permitted in any one structure.
  - e. For developments on lots of twenty-five (25) acres or more, a mix of townhouses and garden apartment unit type is required, either type not to exceed sixty (60%) percent of the total dwelling units.
3. Density. The maximum density of the entire tract in a R10 Multi-Residential zone shall not exceed ten (10) dwelling units per gross usable acre.

**SECTION 409. MULTI-RESIDENTIAL 20 (R20) HIGH RISE.**

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- A. Intent. The R20 Multi-Residential zone is intended for high-density housing in an attached multi-residential configuration, such as mid and high-rise structures.
- B. Required Uses. All developments in the R10 Multi-Residential zone shall include affordable housing units, in accordance with Article X.
- C. Permitted Principal Uses. In the R20 Multi-Residential zone, no lot shall be used and no structure shall be erected, altered, or occupied for any purpose except for the following:
1. Conservation.
  2. Multi-Residential High-Rise structure(s).
  3. Municipal and governmental use.
  4. Public parks and recreation.
- D. Permitted Accessory Uses & Structures. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection:
1. Common Uses. The following uses and structures are for common use of the residents of the development and/or immediate neighborhood:
    - a. Community center, provided it is within the building envelope.
    - b. Gazebos, mail kiosks, and similar street furniture.
    - c. Decks and patios, per §431.H.
    - d. Fences, hedges, and walls, per §506.
    - e. Maintenance building, for the upkeep of common areas and grounds, provided it is within the building envelope.
    - f. Parking garages, underground parking, and off-street parking, per §511.
    - g. Permitted uses in the Neighborhood Business (B1) zone on the first floor of a high-rise structure, not to exceed 1,000 GFA.
    - h. Playground and recreation equipment, per §431.K.
    - i. Refuse and recycling storage facilities, per §511.
    - j. Residential swimming pool and cabana, per §431.G.
    - k. Signs, per §517.
    - l. Sidewalks and walkways, per §513.
    - m. Solar energy infrastructure, per §432.C.
    - n. Stormwater management facilities, per §516.
    - o. Temporary construction trailers, per §432.F.
  2. Private Uses. The following uses and structures are for individual use of private residents of the development and/or immediate neighborhood, in accordance with the applicable subsection:
    - a. Balconies, eaves, and awnings, per §431.I.
    - b. Home occupations, per §431.B.
    - c. Personal telecommunications equipment, per §431.L.
- E. Bulk Requirements. Except as otherwise modified, the following bulk standards shall apply to all buildings in the R20 Multi-Residential zone:
1. Minimum Requirements:

Minimum Requirements	All Uses	
	Inside Lot	Corner Lot
Lot Size	4 acres	4 acres
Lot Frontage	250'	250'
Lot Depth	250'	250'
Front Yard	100'	100'
Secondary Front Yard	n/a	100'

Side Yard	200'	200'
Aggregate Side Yard	400'	n/a
Rear Yard	200'	200'
Minimum Height	6 stories	6 stories
Maximum Height	16 stories	16 stories
Maximum Building Cover	30%	30%
Maximum Lot Cover	60%	60%
Open Space	50%	50%

2. Additional Requirements. In addition to §409.E.1, the following requirements shall apply:
  - a. A minimum of one hundred (100') feet is required between multi-residential structures.
  - b. Density. The maximum density of the entire tract in a R20 Multi-Residential zone shall not exceed twenty (20) dwelling units per gross usable acre.

**SECTION 410. RESIDENTIAL-INCLUSIONARY PLANNED DEVELOPMENT (RIPD).**

- A. Intent. The intent of the Residential-Inclusionary Planned Development (RIPD) zone is to comply with the Court Order of Judge L. Anthony Gibson dated May 22, 1991, requiring the rezoning of Block(s) 521.01 Lot(s) 2, 8 & 9, commonly known as Short Hills Farm, as an inclusionary development in order:
  1. To provide a reasonable opportunity for the construction of housing affordable to households of low and moderate incomes.
  2. To encourage the most efficient use of this size tract by providing a variety of housing types and mix of use that will enable and support the provision of low and moderate-income housing.
  3. To assure that the planning and design of the circulation, stormwater management, sewer, water and other infrastructure systems, and the open space service the entire development, mitigate any off-site impacts, and allow for timely, cost effective phased construction.
- B. Required Uses. All developments in the RIPD Multi-Residential zone shall include affordable housing units, in accordance with Article X.
- C. Permitted Principal Uses.
  1. Residential. Permitted residential uses are as follows:
    - a. Bulk Requirements.
      - i. The RIPD Residential zone shall provide a mix of residential densities and unit types with an overall site density not to exceed four (4) dwelling unites per gross site acre.
      - ii. The normal division between single-family and multi-residential housing units shall be a minimum of thirty-five (35%) percent single-family and the balance multi-residential.
      - iii. A minimum of fifty (50%) of the single-family dwelling units shall be developed in accordance with the R1 Residential zone, per §404.
      - iv. A minimum of thirty (30%) of the remaining single-family dwelling units shall be developed in accordance with the R2 Residential zone, per §405, and any balance in accordance with the R3 Residential zone, per §406.
      - v. The multi-residential dwelling units shall be developed in accordance with R10 Multi-Residential zone, per §408.
      - vi. To the greatest extent possible, the site shall be designed so that the R2 Residential section(s) shall serve as a transition between the on-site R1 Residential section, with the higher density R3 Residential and R10 Multi-Residential sections.

- vii. The R2 Residential section(s) shall be provided as a transition when RIPD zoned areas are adjacent to off-site Residential Agriculture (RA), R1 Residential and/or R2 Residential parcels.
  - viii. The multi-residential units shall be contained in development sections designed for these uses. These R10 Multi-Residential sections may abut off-site adjacent properties only where the adjacent property is held as publicly-owned open space.
  - ix. On-site, the multi-residential units may not directly abut R1 Residential sections and may abut R2 Residential sections only when such sections are separated by a twenty-five (25') foot vegetated buffer in accordance with §508.F, or a roadway with a right-of-way at least fifty (50') feet in width.
  - x. In no event will streets be placed along property lines next to adjacent off-site residentially zoned properties, nor will they be permitted to serve as buffers in the RIPD zone and adjacent residentially-zoned properties.
- b. Buffer. Where the development tract abuts other properties that are not publicly-owned open space, the site design shall include a minimum twenty-five (25') foot landscaping buffer, per §508.F. The buffer shall be deed restricted from disturbance and the lot owner shall be required to maintain the landscaping. Existing vegetation may be retained as part of the landscaping, if approved by the Planning Board. Individual fencing shall be limited to the inner boundary of the buffer area by the lot owner.
- c. Open Space. A contiguous common open space per §401.K, shall be provided at a ratio of one acre of open space for each ten (10) acres of the gross development site. This area shall be permanently restricted to open space. It may be used for recreational facilities such as swimming pools, game fields, court games, tot lots and playgrounds. Where the site abuts existing public recreational facilities and open space, this requirement may be reduced as deemed appropriate by the Planning Board. If this requirement reduces the yield of the property (Block 521.01 Lots 2, 8 & 9) below the total of 514 (five hundred and fourteen) units, the number of low- and moderate-income units to be produced from the property, 115 (one hundred and fifteen), shall not be affected. Of the 115 low and moderate income units, a minimum of 58 low and moderate income units shall be built at the Short Hills Farm site unless otherwise changed by court order.
- d. Permitted Accessory Uses & Structures. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection:
- i. Common Uses. The following uses and structures are for common use of the residents of the development and/or immediate neighborhood:
    - (a) Community center, provided it is within the building envelope.
    - (b) Gazebos, mail kiosks, and similar street furniture.
    - (c) Decks and patios, per §431.H.
    - (d) Fences, hedges, and walls, per §506.
    - (e) Maintenance building, for the upkeep of common areas and grounds, provided it is within the building envelope.
    - (f) Parking garages, underground parking, and off-street parking, per §511.
    - (g) Permitted uses in the Neighborhood Business (B1) zone on the first floor of a high-rise structure, not to exceed 1,000 GFA.
    - (h) Playground and recreation equipment, per §431.K.
    - (i) Refuse and recycling storage facilities, per §511.
    - (j) Residential swimming pool and cabana, per §431.G.

- (k) Signs, per §517.
  - (l) Sidewalks and walkways, per §513.
  - (m) Solar energy infrastructure, per §432.C.
  - (n) Stormwater management facilities, per §516.
  - (o) Temporary construction trailers, per §432.F.
- ii. Private Uses. The following uses and structures are for individual use of private residents of the development and/or immediate neighborhood, in accordance with the applicable subsection.
    - (a) Balconies, eaves, and awnings, per §431.I.
    - (b) Home occupations, per §431.B.
    - (c) Personal telecommunications equipment, per §431.L.
2. Neighborhood Center. A maximum of one Neighborhood Center of up to 50,000 square feet of office and retail may be included, which shall conform to the following:
- a. The Neighborhood Center shall be designed as an integral part of the site design with a landscaped park-like settings with promenades and connecting walkways between buildings. In no case shall it be a strip store type shopping center on a main off-site roadway, nor will it abut adjacent off-site residential properties.
  - b. The nominal division of square footage between office and retail space shall be a minimum of fifty (50%) percent office use and the balance retail use. The Planning Board must approve deviations from this mix.
    - i. Office uses shall be in accordance with the Limited Office (O1) zone, per §411.
    - ii. Retail uses shall be in accordance with the Neighborhood Business (B1) zone, per §414.
  - c. Height. The maximum peak height of an office building in the RIPD zone is limited to forty (40') feet from final grade level, with a maximum of three (3) stories.
  - d. Accessory Uses. Accessory uses, per §414, shall be permitted.
  - e. Buffer. The Neighborhood Center shall not abut the single-family dwelling R1 and R2 sections unless they are separated by either a fifty (50') foot buffer in accordance with §508.F or by a roadway with at least a fifty (50') foot right-of-way.
  - f. Parking. Parking shall be provided adjacent to the center in landscaped lots with berms and plantings that screen the lot and help integrate the center with surrounding on-site residential properties, in accordance with §510.

#### **SECTION 411. LIMITED OFFICE (O1).**

- A. Intent. The Limited Office (O1) zone is intended for the use or occupancy of both professional and general business offices and services in areas not suited for retail development. The purpose of the zone is also to provide support services to other commercial uses within the Township and region.
- B. Permitted Principal Uses. In the O1 zone, no lot shall be used and no structure shall be erected, altered, or occupied for any purpose except the following:
  - 1. Child care centers, per §432.A.
  - 2. Club or lodge, organized for fraternal or social purposes, provided that the chief activity shall not be one which is customarily carried on as a business, and provided that the buildings and services shall be for the use of members and their guests only.
  - 3. Conservation.

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4. Funeral home or philanthropic use, excluding correctional or penal institutions.
5. General and administrative offices of messenger or telegraph services, call centers, as well as offices of a builder, carpenter, caterer, cleaner, contractor, decorator, electrician, furrier, mason, painter, plumber, roofer, upholsterer, and similar establishments, but excluding outdoor storage of motor vehicles, materials and equipment, or contractor’s storage yards.
6. Home for the aged, long term care facility or assisted living facility.
7. Municipal or governmental uses.
8. Professional offices, including the following uses:
  - a. Finance, insurance agencies, real estate and accounting offices.
  - b. Medical offices, dental offices, laboratories and compounding of pharmaceuticals, physical therapy and therapeutic massage, by licensed massage therapists, and health-related professions.
  - c. Professional office uses of social services, design, information technology, law, engineering, architecture, offices for manufacturer’s representatives and similar offices.
  - d. Private non-profit educational institution.

C. Permitted Accessory Uses & Structures. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection:

1. Awnings and canopies, per §432.B.
2. Balconies, chimneys and eaves.
3. Child care centers, per §432.A.
4. Fences, hedges and walls, per §506.
5. Off-street parking facilities, per §511.
6. Outdoor break area or patio, provided it is within the building envelope.
7. Personal telecommunications equipment.
8. Public, local utilities and cable television facilities, per §432.E.
9. Refuse and recycling storage facilities, per §511.
10. Signs, per §517.
11. Sidewalks and walkways, per §513.
12. Solar energy infrastructure, per §432.C.
13. Stormwater management facilities, per §516.
14. Temporary construction trailers, per §432.F.

D. Prohibited Uses. Retail, convenience stores, personal services and any use not specifically permitted are prohibited in the Limited Office (O1) zone.

E. Bulk Requirements. Except as otherwise modified, the following bulk standards shall apply to all buildings in the Limited Office (O1) zone:

Minimum Requirements	Principal Structures	
	Inside Lot	Corner Lot
Lot Size (square feet)	10,000	10,000
Lot Frontage	100'	120'
Lot Depth	100'	100'
Front Yard	35'	35'
Secondary Front Yard	n/a	25'
Side Yard	10'	10'
Aggregate Side Yard	30'	n/a
Rear Yard	20'	20'

Maximum Height	35'	35'
Maximum Building Cover	30%	30%
Maximum Lot Cover	70%	70%
Open Space	25%	25%

**SECTION 412. GENERAL OFFICE (O2).**

- A. Intent. The General Office (O2) zone is intended for comprehensively planned office and service uses of multi-tenant buildings in areas not necessarily suited for retail development, commonly referred to as Class A Corporate Office Parks.
- B. Permitted Principal Uses. In the General Office (O2) zone, no lot shall be used and no structure shall be erected, altered, or occupied for any purpose except the following:
1. Child care centers, per §432.A.
  2. Conservation.
  3. Municipal or governmental uses.
  4. Professional offices, including the following uses:
    - a. Finance, insurance agencies, real estate and accounting offices.
    - b. Medical offices, dental offices, laboratories and compounding of pharmaceuticals, physical therapy and health-related professions.
    - c. Professional office uses of social services, design, information technology, law, engineering, architecture, offices for manufacturer's representatives and similar offices.
    - d. Private non-profit educational institution.
- C. Permitted Accessory Uses & Structures. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection:
1. Awnings and canopies, per §432.B.
  2. Balconies, chimneys and eaves.
  3. Child care centers, per §432.A.
  4. Fences, hedges and walls, per §506.
  5. Maintenance building, provided it is within the building envelope.
  6. Off-street parking facilities, per §511.
  7. Outdoor break area or patio, provided it is within the building envelope.
  8. Playground and recreation equipment.
  9. Public, local utilities and cable television facilities, per §432.E.
  10. Refuse and recycling storage facilities, per §511.
  11. Security office, provided it is within the building envelope.
  12. Signs, per §517.
  13. Sidewalks and walkways, per §513.
  14. Solar energy infrastructure, per §432.C.
  15. Stormwater management facilities, per §516.
  16. Temporary construction trailers, per §432.F.
  17. An office building that is three (3) stories or more in height, may contain on the first floor of up to 7,500 GFA of the following commercial uses that are wholly within the structure and limited to service-type uses designated to serve the occupants of the building:
    - a. Restaurants, luncheonettes, coffee shops, take-out shops and similar eating establishments, excepting fast food and drive-thru restaurants.
    - b. Stationary, periodicals, newspapers and tobacco sales.
    - c. Card, gift and flower shops.

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- d. Health and fitness centers, gym.
- e. Shoe repair service.

D. **Bulk Requirements.** Except as otherwise modified, the following bulk standards shall apply to all buildings in the General Office (O2) zone:  
 1. Minimum Requirements:

Minimum Requirements	Principal Structures	
	Inside Lot	Corner Lot
Lot Size (square feet)	10,000	12,000
Lot Frontage	100'	120'
Lot Depth	100'	100'
Front Yard	35'	35'
Secondary Front Yard	n/a	25'
Side Yard	10'	10'
Aggregate Side Yard	30'	n/a
Rear Yard	20'	20'
Maximum Height	35'	35'
Maximum Building Cover	30%	30%
Maximum Lot Cover	70%	70%
Open Space	25%	25%

2. **Height Exception.** Building heights in the O2 zone may be increased over the maximum indicated, provided that for every one (1') foot increase in height, the front, side and rear yard requirements are increased one (1') foot.

**SECTION 413. PROFESSIONAL OFFICE (O3).**

A. **Intent.** The Professional Office (O3) zone is intended to permit the development of low intensity, professional office uses in previously residential structures with minor additions. These areas tend to originally be residential in nature, but because of their location abutting major State or County right-of-ways, a mix of single-family detached residential uses interspersed with professional offices is now appropriate. It is intended that professional office development mimic the size and scale of residential buildings and in its design use architectural elements common to adjacent and nearby residences. It is also the intention of this zone to preserve wooded and natural areas as much as possible.

B. **Permitted Principal Uses.** In the Professional Office (O3) zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

- 1. Child care centers, per §432.A.
- 2. Conservation.
- 3. Municipal or governmental uses.
- 4. Professional offices, including the following uses:
  - a. Medical offices, dental offices, laboratories and compounding of pharmaceuticals, physical therapy and health-related professions.
  - b. Finance, insurance agencies, real estate and accounting offices.
  - c. Professional office uses of social services, design, information technology, law, engineering, architecture, offices for manufacturer's representatives and similar offices.
  - d. Private non-profit educational institution.

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5. Public parks and recreation.
  6. Single-family detached dwelling.
  7. Social club, fraternal, union or civic organization use.
- C. Permitted Accessory Uses & Structures. Any of the following uses and structures may be permitted when used in conjunction with a principal use and conforming to the applicable subsection:
1. All uses.
    - a. Child care centers, per §432.A.
    - b. Fences, hedges and walls, per §506.
    - c. Personal telecommunications equipment.
    - d. Public, local utilities and cable television facilities, per §432.E.
    - e. Signs, per §517.
    - f. Sidewalks and walkways, per §513.
    - g. Solar energy infrastructure, per §432.C.
    - h. Temporary construction trailers, per §432.F.
  2. Single-family detached dwellings.
    - a. Balconies, chimneys, eaves and awnings.
    - b. Decks and patios.
    - c. Home occupations.
    - d. Private residential shed and greenhouses.
    - e. Playground and recreation equipment.
    - f. Private parking facilities including garage and carport.
  3. Professional office uses.
    - a. Awnings and canopies, per §432.B.
    - b. Public, local utilities and cable television facilities, per §432.E.
    - c. Off-street parking facilities, per §511.
    - d. Refuse and recycling storage facilities, per §511.
    - e. Stormwater management facilities, per §516.
- D. Bulk Requirements. Except as otherwise modified, the following bulk standards shall apply to all buildings in the O3 zone:

Minimum Requirements	Principal Structures			
	Lots under 25,000 sf		Lots 25,000 sf or greater	
	Inside Lot	Corner Lot	Inside Lot	Corner Lot
Lot Size (square feet)	10,000	10,000	25,000	25,000
Lot Frontage	100'	120'	100'	120'
Lot Depth	100'	100'	100'	100'
Maximum Usable Building Area	5,000 sf	5,000 sf	5,000 sf	5,000 sf
Front Yard	35'	35'	35'	35'
Secondary Front Yard	n/a	25'	n/a	25'
Side Yard	10'	10'	10'	10'
Aggregate Side Yard	20'	n/a	30'	n/a
Rear Yard	25'	25'	60'	60'
Maximum Height	26'	26'	26'	26'
Maximum Building Cover	30%	30%	30%	30%
Maximum Lot Cover	70%	70%	70%	70%
Open Space	25%	25%	25%	25%

**SECTION 414. NEIGHBORHOOD BUSINESS (B1).**

- A. Intent. The Neighborhood Business (B1) zone is intended to provide for the mixture of shopping, individual retail uses, and office facilities that provide for personal services and needs on a neighborhood scale.
- B. Permitted Principal Uses. In the Neighborhood Business (B1) zone, no lot shall be used and no structure shall be erected, altered, or occupied for any purpose except the following:
1. Child care centers, per §432.A.
  2. Conservation.
  3. Eating and drinking establishments.
    - a. Restaurants (except drive-through and drive in), lunch counters, delicatessens, tearooms, cafes, pizzerias, ice cream shops, bakeries and coffee shops.
    - b. Bars and taverns.
  4. Municipal use and other governmental offices.
  5. Office.
    - a. Medical offices, dental offices, laboratories, physical therapy and therapeutic massage, by licensed massage therapists, and health-related professions.
    - b. Finance, insurance agencies, real estate and accounting offices.
    - c. Professional office uses of social services, design, information technology, law, engineering, architecture and similar business or professional offices.
    - d. General and administrative offices of messenger or telegraph services, call centers, as well as offices of a builder, carpenter, caterer, cleaner, contractor, decorator, electrician, furrier, mason, painter, plumber, roofer, upholsterer, and similar establishments, but excluding outdoor storage of motor vehicles, materials and equipment, or contractor's storage yards.
  6. Personal services.
    - a. Animal hospital, domestic animal daycare, animal physical therapy, and similar uses
    - b. Banks and other financial offices, including drive-thru facilities with a maximum of three (3) drive through lanes that includes ATM service.
    - c. Barber and beauty shops, nails and spa services.
    - d. Copying and shipping services.
    - e. Dance, karate facilities and martial arts studios.
    - f. Dry cleaning.
    - g. Health and fitness centers, gyms.
    - h. Laundromat or self-service laundries.
    - i. Shoe repairing.
    - j. Tailoring and dressmaking.
  7. Public parks and recreation.
  8. Retail sales.
    - a. Appliance, electronics sales and service shops, video and multi-media sales and rentals, recorded music and computer software sales.
    - b. Art or artisan studio, galleries, antique stores, and consignment shops.
    - c. Book stores.
    - d. Clothing and clothing accessory stores.
    - e. Convenience stores.
    - f. Hobby and craft stores.
    - g. Jewelers.

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- h. Lighting, carpet, and furniture stores.
- i. Music and musical instrument stores.
- j. Office supplies store.
- k. Pet supplies and sales.
- l. Pharmacy and drug stores without drive-through service.
- m. Sporting goods and equipment.
- n. Wine, liquor and beer stores.

9. Services.

- a. Business and instructional schools, including trade schools, for profit and non-profit.
- b. Exterminator services.
- c. Florist, card and gift shop.
- d. Funeral homes, mortuaries, and cemeteries.
- e. Repair shops, including carpenter, cabinet making, furniture repair, plumbing, or similar.
- f. Photography studio.
- g. Technology repair service.
- h. Travel and tourism agencies.

C. Permitted Accessory Uses & Structures. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection:

- 1. Awnings and canopies, per §432.B.
- 2. Balconies, chimneys and eaves.
- 3. Child care centers, per §432.A.
- 4. Fences, hedges and walls, per §506.
- 5. Gazebos, benches, and similar street furniture.
- 6. Off-street parking facilities, per §511.
- 7. Outdoor break area or patio, provided it is within the building envelope.
- 8. Personal telecommunications equipment.
- 9. Public, local utilities and cable television facilities, per §432.E.
- 10. Refuse and recycling storage facilities, per §511.
- 11. Residential dwelling units above ground floor non-residential principal uses.
- 12. Signs, per §517.
- 13. Sidewalks and walkways, per §513.
- 14. Solar energy infrastructure, per §432.C.
- 15. Stormwater management facilities, per §516.
- 16. Temporary construction trailers, per §432.F.

D. Prohibited Uses. Any use that is not specifically permitted in §414.B is hereby prohibited, specifically drive-through restaurants and drive-through pharmacies.

E. Bulk Requirements. Except as otherwise modified, the following bulk standards shall apply to all buildings in the B1 zone:

Minimum Requirements	Principal Structures	
	Inside Lot	Corner Lot
Lot Size (square feet)	6,000	6,000
Lot Frontage	50'	60'
Lot Depth	100'	100'
Front Yard	15'	15'
Secondary Front Yard	n/a	15'
Side Yard	10'	10'
Aggregate Side Yard	20'	n/a

Rear Yard	20'	20'
Maximum Height	35'	35'
Maximum Building Cover	30%	30%
Maximum Lot Cover	70%	70%
Open Space	25%	25%

#### **SECTION 415. HIGHWAY BUSINESS (B2).**

- A. Intent. The Highway Business (B2) zone is intended to provide for the development of commercial activities that are oriented for automotive use and traffic, which constitute the main shopping and service areas within the municipality.
- B. Permitted Principal Uses. In the B2 zone, no lot shall be used and no structure shall be erected, altered, or occupied for any purpose except the following:
1. Child care centers, per §432.A.
  2. Clubs and lodge halls for fraternal organizations and meeting places, public, or private.
  3. Conservation.
  4. Eating and drinking establishments.
    - a. Restaurants, lunch counters, delicatessens, tearooms, cafes, pizzerias, ice cream shops, bakeries and coffee shops.
    - b. Night clubs, bars, taverns and social clubs.
  5. Home for the aged, long term care facility or assisted living facility.
  6. Libraries and museums.
  7. Municipal use and other governmental offices.
  8. Office.
    - a. Medical offices, dental offices, laboratories, physical therapy and therapeutic massage, by licensed massage therapists, and health-related professions.
    - b. Finance, insurance agencies, real estate and accounting offices
    - c. Professional office uses of social services, design, information technology, law, engineering, architecture and similar business or professional offices.
    - d. General and administrative offices of messenger or telegraph services, call centers, as well as offices of a builder, carpenter, caterer, cleaner, contractor, decorator, electrician, furrier, mason, painter, plumber, roofer, upholsterer, and similar establishments, but excluding outdoor storage of motor vehicles, materials and equipment, or contractor's storage yards.
  9. Personal Services.
    - a. Animal hospital, domestic animal daycare, animal physical therapy, and similar uses.
    - b. Banks and other financial offices, including drive-thru facilities.
    - c. Barber and beauty shops, nails and spa services.
    - d. Copying and shipping services.
    - e. Dance, karate facilities and martial arts studios.
    - f. Dry cleaning.
    - g. Health and fitness centers, gyms.
    - h. Laundromat or self-service laundries.
    - i. Shoe repairing.
    - j. Tailoring and dressmaking.

10. Recreation.

- a. Outdoor recreation, excepting go-karts, motorcycles, or other motorized conveyances
- b. Public parks and recreation.
- c. Indoor recreational and leisure facilities, including bowling, billiards, racquetball and similar.
- d. Amusements, including astrology services and arcades.

11. Retail sales.

- a. Appliance, electronics sales and service shops, video and multi-media sales and rentals, recorded music and computer software sales.
- b. Art or artisan studio, galleries, antique stores, and thrift shops.
- c. Automobile new sales, including factory-authorized sales and service of new automobiles and trucks, boats, recreational vehicles, campers and trailers, motorcycles, and off-road vehicles, including ancillary sales of parts and body repair services.
- d. Book stores
- e. Clothing and clothing accessory stores.
- f. Commercial greenhouse and nurseries.
- g. Convenience stores.
- h. Grocery and dry goods stores.
- i. Hobby and craft stores.
- j. Home improvement stores and lumberyards.
- k. Jewelers.
- l. Lighting, carpet, and furniture stores.
- m. Music and musical instrument stores.
- n. Office supplies store.
- o. Pet supplies and sales.
- p. Pharmacy and drug stores.
- q. Sports goods and equipment.
- r. Wine, liquor and beer stores.

12. Services.

- a. Auto, truck and vehicle rental.
- b. Business and institutional schools, including trade schools.
- c. Car washes.
- d. Catering establishments.
- e. Exterminator services.
- f. Florist, card and gift shop.
- g. Funeral homes, mortuaries, and cemeteries.
- h. General service and repair shops, including carpenter, cabinet making, furniture repair, plumbing, or similar shops.
- i. Newspaper publishing and job printing establishments.
- j. Photography studio.
- k. Self storage facilities.
- l. Technology repair service.
- m. Travel and tourism agencies.

C. Conditional Principal Uses. In the B2 zone, the following shall be conditional uses:

- 1. Automobile-related services, including repair shops, tire sales and repair, transmission service, oil and lube service, auto body shops, and gasoline service stations.
  - a. A minimum lot size of 20,000 square feet shall be required.
  - b. All fuel pumps and fuel islands shall be located within the building envelope. Canopies are

required to be a minimum of ten (10') feet from all property lines.

- c. All lubrication, repair, or similar activities shall be performed in a fully enclosed building and no dismantled parts shall be displayed or stored outside of an enclosed building. All appliances, pits, storage areas, and trash facilities other than gasoline filling pumps or air pumps shall be within a building or roofed structure.
  - d. All fuel tanks shall be installed underground, except tanks under 1,100 gallons in size used only for the storage of kerosene, and tanks used only for the storage of propane.
  - e. All doors shall be kept shut tightly during all automobile body repairs and/or painting work. Such building shall be located a minimum of seventy-five (75') feet from the nearest property line with the doors not facing any residentially zone or occupied lot.
  - f. No junked motor vehicle or part thereof, or such vehicles incapable of normal operation upon the highway, shall be permitted on the premises of the repair garage, except as noted herein. No more than eight (8) vehicles awaiting repair or disposition at the repair garage shall be permitted on the premises for a period not exceeding seven (7) days, except that up to three (3) inoperable vehicles in an enclosed building may be permitted.
  - g. The exterior display of motor vehicles, recreational vehicles, boats, other forms of transportation, or equipment for sale or rent shall not be permitted. The business operation of vehicles sales or rental shall not be permitted on the same lot.
  - h. Signs. All signs shall conform to §517, with changeable copy area gasoline price only, not to exceed twelve (12) square feet.
  - i. Buffer. Required buffer strips between residential uses and zones, and gas station uses shall be a minimum of thirty (30') feet in width, in accordance with §508.F.
2. Motel, hotel, and ancillary uses including restaurants, meeting rooms, conference rooms, and recreational facilities.
    - a. A minimum lot size of one (1) acre shall be required.
    - b. The maximum height for hotel and motel structures shall be increased to a maximum of fifty (50') feet.
    - c. New or remodeled rooms shall be no smaller than 350 square feet. Kitchenettes shall only be allowed in rooms of at least 350 square feet.
    - d. Buffer. Required buffer strips between residential uses and zones, and hotels, motels and accessory uses shall be a minimum of thirty (30') feet in width, in accordance with §508.F.
  3. Drive-Through or Fast-Food Restaurants are subject to the following standards:
    - a. A minimum lot size of 20,000 square feet shall be required.
    - b. Drive-through windows and stacking lanes be screened from public and private streets, sidewalks, adjacent outdoor dining spaces, parks and public open spaces.
    - c. Drive-through speakers shall not be audible from adjacent residentially used or zoned properties.
    - d. The architecture of drive-through uses shall be compatible and harmonize with that of the shopping center motif or immediate neighborhood in terms of building color, materials, mass, scale, and form. Standardized, "corporate prototype" building designs shall be discouraged.
    - e. On and off-site circulation, traffic safety, curbside parking, number or proximity of driveways,

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speed bumps, and other site development factors shall be considered during review.

- D. Permitted Accessory Uses & Structures. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection:
  1. Awnings and canopies, per §432..B.
  2. Balconies, chimneys and eaves.
  3. Child care centers, per §432.A.
  4. Fences, hedges and walls, per §506.
  5. Gazebos, benches, and similar street furniture.
  6. Off-street parking facilities, per §511.
  7. Outdoor break area or patio, provided it is within the building envelope.
  8. Personal telecommunications equipment.
  9. Public, local utilities and cable television facilities, per §432.E.
  10. Refuse and recycling storage facilities, per §511.
  11. Signs, per §517.
  12. Sidewalks and walkways, per §513.
  13. Solar energy infrastructure, per §432.C.
  14. Stormwater management facilities, per §516.
  15. Telecommunication towers and antennas, per §432.D.
  16. Temporary construction trailers, per §432.F.
  17. Used automobile sales, including used or pre-owned auto sales and service of automobiles and trucks, boats, recreational vehicles, campers and trailers, motorcycles, and off-road vehicles, including ancillary sales of parts and body repair services, in conjunction with the sale of new vehicles.
- E. Prohibited Uses. Any use that is not specifically permitted in §415.B is hereby prohibited.
- F. Bulk Requirements. Except as otherwise modified, the following bulk standards shall apply to all buildings in the B2 zone:

Minimum Requirements	Principal Structures	
	Inside Lot	Corner Lot
Lot Size (square feet)	20,000	20,000
Lot Frontage	100'	120'
Lot Depth	150'	150'
Front Yard	25'	25'
Secondary Front Yard	n/a	25'
Side Yard	10'	10'
Aggregate Side Yard	20'	n/a
Rear Yard	20'	20'
Maximum Height	35'	35'
Maximum Building Cover	30%	30%
Maximum Lot Cover	70%	70%
Open Space	25%	25%

**SECTION 416. SHOPPING CENTER BUSINESS (B3).**

- A. Intent. The Shopping Center Business (B3) zone is intended to promote orderly commercial facility development for retail commercial and business service uses planned under a unified site design, which serve a large threshold, while minimizing vehicular traffic within the shopping complex by permitting various retailers at one location.
- B. Permitted Principal Uses. In the B3 zone, no lot shall be used and no structure shall be erected,

altered, or occupied for any purpose except the following:

1. Child care centers, per §432.A.
2. Clubs and lodge halls for fraternal organizations and meeting places, public, or private.
3. Conservation.
4. Libraries and museums.
5. Municipal use and other governmental offices.
6. Recreation.
  - a. Outdoor recreation, excepting go-karts, motorcycles, or other motorized conveyances.
  - b. Public parks and recreation.
  - c. Indoor recreational and leisure facilities, including bowling, billiards, racquetball and similar.
  - d. Amusements, including astrology services and arcades.
7. Shopping centers and pad sites with the following uses:
  - a. Eating and drinking establishments.
    - i. Restaurants, lunch counters, delicatessens, tearooms, cafes, pizzerias, ice cream shops, bakeries and coffee shops.
    - ii. Night clubs, bars, taverns and social clubs.
  - b. Office.
    - i. Medical offices, dental offices, laboratories, physical therapy and therapeutic massage, by licensed massage therapists, and health-related professions.
    - ii. Finance, insurance agencies, real estate and accounting offices
    - iii. Professional office uses of social services, design, information technology, law, engineering, architecture and similar business or professional offices.
    - iv. General and administrative offices of messenger or telegraph services, call centers, as well as offices of a builder, carpenter, caterer, cleaner, contractor, decorator, electrician, furrier, mason, painter, plumber, roofer, upholsterer, and similar establishments, but excluding outdoor storage of motor vehicles, materials and equipment, or contractor's storage yards.
  - c. Personal services.
    - i. Animal hospital, domestic animal daycare, animal physical therapy, and similar uses.
    - ii. Banks and other financial offices, including drive-thru facilities.
    - iii. Barber and beauty shops, nails and spa services.
    - iv. Copying and shipping services.
    - v. Dance, karate facilities and martial arts studios.
    - vi. Dry cleaning.
    - vii. Health and fitness centers, gyms.
    - viii. Laundromat or self-service laundries.
    - ix. Shoe repairing.
    - x. Tailoring and dressmaking.
  - d. Retail sales.
    - i. Appliance, electronics sales and service shops, video and multi-media sales and rentals, recorded music and computer software sales.
    - ii. Art or artisan studio, galleries, antique stores, and thrift shops.
    - iii. Book stores.
    - iv. Clothing and clothing accessory stores.
    - v. Commercial greenhouse and nurseries.

- vi. Convenience stores.
- vii. Grocery and dry goods stores.
- viii. Hobby and craft stores.
- ix. Home improvement stores and lumberyards.
- x. Jewelers.
- xi. Lighting, carpet, and furniture stores.
- xii. Music and musical instrument stores.
- xiii. Office supplies store.
- xiv. Pet supplies and sales.
- xv. Pharmacy and drug stores.
- xvi. Sports goods and equipment.
- xvii. Wine, liquor and beer stores.

e. Services.

- i. Auto, truck and vehicle rental.
- ii. Business and institutional schools, including trade schools.
- iii. Car washes.
- iv. Catering establishments.
- v. Exterminator services.
- vi. Florist, card and gift shop.
- vii. Funeral homes, mortuaries, and cemeteries.
- viii. General service and repair shops, including carpenter, cabinet making, furniture repair, plumbing, or similar shops.
- ix. Newspaper publishing and job printing establishments.
- x. Photography studio.
- xi. Technology repair service.
- xii. Travel and tourism agencies.

C. Conditional Principal Uses. In the B3 zone, the following shall be conditional uses:

1. Gasoline service stations.

- a. A minimum lot size of 20,000 square feet shall be required.
- b. All fuel pumps and fuel islands shall be located within the building envelope. Canopies are required to be a minimum of ten (10') feet from all property lines.
- c. All lubrication, repair, or similar activities shall be performed in a fully enclosed building and no dismantled parts shall be displayed or stored outside of an enclosed building. All appliances, pits, storage areas, and trash facilities other than gasoline filling pumps or air pumps shall be within a building or roofed structure.
- d. All fuel tanks shall be installed underground, except tanks under 1,100 gallons in size used only for the storage of kerosene, and tanks used only for the storage of propane.
- e. All doors shall be kept shut tightly during all automobile body repairs and/or painting work. Such building shall be located a minimum of seventy-five (75') feet from the nearest property line with the doors not facing any residentially zone or occupied lot.
- f. No junked motor vehicle or part thereof, or such vehicles incapable of normal operation upon the highway, shall be permitted on the premises of the repair garage, except as noted herein. No more than eight (8) vehicles awaiting repair or disposition at the repair garage shall be permitted on the premises for a period not exceeding seven (7) days, except that up to three (3) inoperable vehicles in an enclosed building may be permitted.

- g. The exterior display of motor vehicles, recreational vehicles, boats, other forms of transportation, or equipment for sale or rent shall not be permitted. The business operation of vehicles sales or rental shall not be permitted on the same lot.
  - h. Signs. All signs shall conform to §517, with changeable copy area gasoline price only, not to exceed twelve (12) square feet.
  - i. Buffer. Required buffer strips between residential uses and zones, and gas station uses shall be a minimum of thirty (30') feet in width, in accordance with §508.F.
2. Motel, hotel, and ancillary uses including restaurants, meeting rooms, conference rooms, and recreational facilities.
    - a. A minimum lot size of one (1) acre shall be required.
    - b. The maximum height for hotel and motel properties shall be increased to a maximum of fifty (50') feet.
    - c. New or remodeled rooms shall be no smaller than 350 square feet. Kitchenettes shall only be allowed in rooms of at least 350 square feet.
    - d. The maximum length of stay is limited to fourteen (14) consecutive days for each individual guest. No guest shall stay more than sixty (60) days in a twelve-month period.
    - e. Buffer. Required buffer strips between residential uses and zones, and hotels, motels and accessory uses shall be a minimum of thirty (30') feet in width, in accordance with §508.F.
  3. Drive-Through or Fast-Food Restaurants are subject to the following standards:
    - a. A minimum lot size of 20,000 square feet shall be required.
    - b. Drive-through windows and stacking lanes be screened from public and private streets, sidewalks, adjacent outdoor dining spaces, parks and public open spaces.
    - c. Drive-through speakers shall not be audible from adjacent residentially used or zoned properties.
    - d. The architecture of drive-through uses shall be compatible and harmonize with that of the shopping center motif or immediate neighborhood in terms of building color, materials, mass, scale, and form. Standardized, "corporate prototype" building designs shall be discouraged.
    - e. On and off-site circulation, traffic safety, curbside parking, number or proximity of driveways, speed bumps, and other site development factors shall be considered during review.
- D. Permitted Accessory Uses & Structures. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection:
1. Awnings and canopies, per §432.B.
  2. Child care centers, per §432.A.
  3. Fences, hedges and walls, per §506.
  4. Garden centers, provided it is within the building envelope.
  5. Gazebos, benches, and similar street furniture.
  6. Off-street parking facilities, per §511.
  7. Outdoor break area or patio, provided it is within the building envelope.
  8. Personal telecommunications equipment.
  9. Public, local utilities and cable television facilities, per §432.E.
  10. Refuse and recycling storage facilities, per §511.
  11. Signs, per §517.
  12. Sidewalks and walkways, per §513.

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- 13. Solar energy infrastructure, per §432.C.
- 14. Stormwater management facilities, per §516.
- 15. Temporary construction trailers, per §432.F.

- E. Prohibited Uses. Any use that is not specifically permitted in §416.B is hereby prohibited.
- F. Bulk Requirements. Except as otherwise modified, the following bulk standards shall apply to all buildings in the B3 zone:

Minimum Requirements	Principal Structures	
	Inside Lot	Corner Lot
Lot Size	1 acre	1 acre
Lot Frontage	200'	200'
Lot Depth	200'	200'
Front Yard	40'	40'
Secondary Front Yard	n/a	30'
Side Yard	20'	20'
Aggregate Side Yard	50'	n/a
Rear Yard	25'	25'
Maximum Height	35'	35'
Maximum Building Cover	30%	30%
Maximum Lot Cover	70%	70%
Open Space	25%	25%

**SECTION 417. REGIONAL BUSINESS (B4).**

- A. Intent. The Regional Business (B4) zone is intended to provide a broad mix of comparison retail, service, office, residential, and recreation/cultural uses, serving regional market areas and offering significant employment, residential, and recreational opportunities. These purposes are accomplished by applying a comprehensive approach that encourages compact and mixed-use development that is supportive of transit and pedestrian travel, creating a regional business zone.
- B. Required Uses. All developments in the B4 Regional Business zone shall include affordable housing units, in accordance with Article X.
- C. Permitted Principal Uses. In the B4 zone, no lot shall be used and no structure shall be erected, altered, or occupied for any purpose except the following:
  - 1. Office and similar uses, as listed below:
    - a. Office A, which shall be a minimum of twenty thousand (20,000) gross square foot per tenant.
    - b. Office B, which shall be a minimum of five thousand (5,000) gross square foot per tenant.
    - c. Office C, which shall not have a minimum square foot requirement.
    - d. Civic Uses, including college, private or public elementary, secondary or nursery school, or other educational institution for academic institutions; Fraternal and social lodges or clubs and all associated functions (including but not limited to) athletic, political, social, and cultural functions; House of worship, facility for religious orders, or similar religious institutions; Libraries; Municipal and governmental uses; Museums; and public or private community centers.
    - e. Convention Center.
    - f. Banks with drive thru facilities
    - g. Transit facilities.
    - h. Public, local utilities and cable television facilities, per §432.E.
  - 2. Retail & Service uses as listed below:

- a. Retail A, which shall have a minimum area of sixty thousand (60,000) gross square feet per outlet or tenant.
  - b. Retail B, which shall be a maximum area of fifty nine thousand, nine hundred and ninety-nine (59,999) square feet per outlet or tenant.
  - c. Retail C, which shall be a retail or service use customarily incidental and/or accessory to an office, hotel or transit facility with a maximum area of fifty nine thousand, nine hundred and ninety-nine (59,999) square feet per outlet or tenant. Only the following types of retail and service activities may be included as Retail C uses:
    - i. Luncheonettes, coffee shops, cocktail lounges, bars, and other eating establishments, excepting fast food and drive-thru restaurants.
    - ii. Appliance, electronics sales and service shops, video and multi-media sales and rentals, recorded music, and computer software sales.
    - iii. Art or artisan studio, galleries, antique stores, and thrift shops.
    - iv. Grocery, bakery, ice cream, convenience, drug, liquor, and dry goods stores; card, gift, and flower shops.
    - v. Stationery, periodicals, newspapers, and tobaccos.
    - vi. Hardware, paint, plumbing, and electrical supply stores, but not to include lumberyards, home centers, or masonry supply stores.
    - vii. Clothing and clothing accessory stores.
    - viii. Music and musical instrument stores.
    - ix. Personal sales and services, barber and beauty shops, tailoring and dressmaking, dry cleaning, shoe repair, radio, television and technology service.
  - d. Planned Commercial Development, which consists of a minimum area of thirty-five (35) contiguous acres to be developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate commercial or office uses or both and any residential and other uses incidental to the predominant use as may be permitted by ordinance and as further defined in *N.J.S.A. 40:55D-6*.
3. Restaurant and Entertainment uses, as listed below:
- a. Restaurants, which shall not include a “drive-thru” and/or any fast-food:
    - i. Restaurant A, which shall be a minimum of two hundred (200) seats.
    - ii. Restaurant B, which shall be a minimum of fifty (51) one seats and a maximum of one hundred and ninety-nine (199) seats.
    - iii. Restaurant C, which shall be a maximum of fifty (50) seats.
  - b. Theater, which shall be designed for the presentation and viewing of live performances, theatrical productions and/or motion pictures.
  - c. Racetrack Facilities, which consists of thorough-bred horse and harness race track facilities, including, but not limited to, grandstand, clubhouse, stables, off-track betting, and related facilities as regulated by the State of New Jersey.
  - d. Recreational Uses, which consists of any use designed for active recreational activities by customers or member, including health and fitness centers, child care facilities (per §432.A), pool and tennis clubs and similar such uses.
  - e. Hotel and/or Motel.
4. Multi-Residential structures, as listed below:
- a. Residential A (high-rise), which shall be a minimum of seven (7) floors in height or higher.
  - b. Residential B (mid-rise), which shall be between four (4) and six (6) floors in height.

c. Residential C (townhomes), which shall not exceed three (3) floors in height.

- D. Permitted Accessory Uses & Structures. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection:
1. Awnings and canopies, per §432.B.
  2. Balconies, chimneys and eaves.
  3. Community center or clubhouse, provided it is within the building envelope.
  4. Child care centers, per §432.A.
  5. Fences, hedges and walls, per §506.
  6. Gazebos, mail kiosks, and similar street furniture.
  7. Maintenance building, for the upkeep of common areas and grounds, provided it is within the building envelope.
  8. Off-street parking facilities, per §511.
  9. Outdoor break area or patio, provided it is within the building envelope.
  10. Parking garages, underground parking, and off-street parking, per §510.
  11. Personal telecommunications equipment.
  12. Playground and recreation equipment.
  13. Public, local utilities and cable television facilities, per §432.E.
  14. Refuse and recycling storage facilities, per §511.
  15. Swimming pool and cabana.
  16. Signs, per §517.
  17. Sidewalks and walkways, per §513.
  18. Solar energy infrastructure, per §432.C.
  19. Stormwater management facilities, per §516.
  20. Telecommunication towers and antennas, per §432.D.
  21. Temporary construction trailers, per §432.F.
- E. Conditional Accessory Uses. In the B4 zone, the following shall be conditional accessory uses:
1. Gasoline service stations.
    - a. Gasoline stations limited to retail fuel sales only may be permitted as a conditional accessory use to a principal retail use that has a minimum floor area of 10,000 square feet located on the same parcel in the B-4 district.
    - b. A minimum lot size of 2 acres shall be required.
    - c. The establishment of an accessory gas station that is limited to retail fuel sales in the B-4 district shall result in no net increase in curb cuts onto public streets on the parent parcel. Access to the gas station use itself shall be from within the site and not directly accessible from the road network within the Township. Nothing in these standards shall preclude the relocation of driveways already existing on a site if it is necessary to best accommodate traffic circulation patterns to and from the principal use(s) and the accessory use(s).
    - d. All pump canopies, fuel pumps and fuel pump islands and/or accessory station buildings, such as the attendants' kiosk, shall be located within the buildable area envelope and be within all required setbacks.
    - e. Buildings associated with the conditional accessory use may not exceed two-hundred (200) square feet.
    - f. All elevations of the building, canopy and roof shall incorporate a consistent architectural style and material selection with the design aesthetic of the principal building.
    - g. The canopy(ies) at the pump island structure shall not be designed with a flat-style roof

canopy, but rather shall have a visually interesting roof-scape design that incorporates elements from the principal use building. Columns and supporting structure shall be faced in substantial materials (i.e. - brick or stone) that are compatible with the principal building's design.

- h. All vehicle repair or other similar service activities, convenience stores and vending machines shall be prohibited at the accessory conditional use location, but are not prohibited within or as the principal use.
  - i. All fuel tanks shall be installed underground.
  - j. No junked motor vehicle or part thereof, or such vehicles incapable of normal operation upon the highway, shall be permitted on the premises.
  - k. The exterior display of motor vehicles, recreational vehicles, boats, other forms of transportation, or equipment for sale or rent shall not be permitted at the accessory conditional use location. The business operation of vehicle displays for sales or rental promotion shall not be permitted at the accessory conditional use location.
  - l. A maximum of eight (8) stacking lanes and sixteen (16) pumps shall be permitted.
  - m. Stacking lanes shall be screened from public and private streets, sidewalks, adjacent outdoor dining spaces, parks and public open spaces with landscape elements.
  - n. Required buffer strips between any adjacent Residential "R" Zone district or residential use and gas station uses shall be a minimum of thirty (30') feet in width, in accordance with §508.F.
  - o. All signs shall conform to §517, with changeable copy area to be permitted for the gasoline price only which shall not exceed twelve (12) square feet. Façade signage shall be permitted on the fascia of the canopy structure and each sign shall not exceed 20 square feet in area. Signage is not permitted on the façade that faces towards any Residential "R" Zone district.
- F. Prohibited Uses. Any use that is not specifically permitted in §417.B is hereby prohibited.
- 1. Used car lots except as an accessory use to the sale of new cars, by a duly franchised new car dealer.
  - 2. The operation, whether as a primary or accessory use, of a drive-in or drive-thru eating establishment
  - 3. Pool halls or arcades.
- G. Development Standards. The density of permitted uses in this zone shall be determined through the utilization of Table 4.1. The chart should be utilized as follows:
- 1. The size of the site to be developed will fall into one of the six size ranges.
  - 2. The uses permitted for that site size can be found in that column.
  - 3. The numbers in each box are the range that any use can occupy as a percentage of the total usage on the site.
    - a. The first number is the minimum percent that may be occupied by a use.
    - b. The second number is the maximum percentage that may be occupied by a use.
    - c. If only the number zero is in a box, that use is not permitted in a site of that size.
  - 4. In determining the use breakdown of any site, the common denominator shall be the Use Units. These use units shall be assigned according to the nearest integer.

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5. In order to facilitate satisfaction of the Township's affordable housing obligations, housing units shall be exempt from the maximum unit type ratios applicable to Residential A, B and C set forth herein and/or in Table 4.1.

TABLE 4.1. REGIONAL BUSINESS (B4) DENSITY STANDARDS							
Lot Acreage	0 - 4.99 acres	5 - 9.99 acres	10 - 24.99 acres	25 - 49.99 acres	50 - 149.99 acres	Over 150 acres	Use Units
<b>OFFICE USES</b>							
Office A	0-100%	0-100%	0-100%	0-100%	0-100%	0-100%	1,000 GFA
Office B	0-100	0-100	0-100	0-100	0-100	0-80	1,000 GFA
Office C	0	0	0	0-10	0-10	0-10	500 GFA
Convention Center	0	0	0-50	0-20	0-10	0-5	1,000 GFA
Banks	0-100	0-100	0-50	0-20	0-10	0-5	500 GFA
Transit Facilities	0	0-100	0-50	0-20	0-10	0-5	500 GFA
<b>RETAIL USES</b>							
Retail A	0	0	0	0	0-20	0-30	1,000 GFA
Retail B	0	0	0	0	0	0-20	1,000 GFA
Retail C	0	0-10	0-10	0-10	0-10		1,000 GFA
<b>RESTAURANT &amp; ENTERTAINMENT USES</b>							
Restaurant A	0-100	0-100	0-50	0-20	0-10	0-10	250 GFA
Restaurant B	0	0	0-10	0-10	0-5	0-5	250 GFA
Restaurant C							
Theatres	0	0-100	0-50	0-20	0-10	0-5	10 seats
Race Track	0	0	0	0	0-100	0-100	10 seats
Recreational Facilities	0	0-100	0-50	0-20	0-10	0-5	1,000 GFA
Hotel/Motel	0	0-100	0-80	0-50	0-20	0-10	Room
<b>MULTI-RESIDENTIAL USES</b>							
Residential A	0	0	0	0	0-30	0-20	Dwelling Unit
Residential B	0	0	0	0-50	0-30	0-20	Dwelling Unit
Residential C	0	0	0	0-50	0-30	0-20	Dwelling Unit

For example: A site with 40,800 GFA of Office B, a 200 room Hotel and a 11,300g sf Restaurant A will have a percentage breakdown as follows:

Office B	41	14.3%	(41/286)
Hotel	200	70%	(200/286)
Restaurant A	45	15.7%	(45/286)
TOTAL	286	100%	(286/286)

Such a combination could only be approved on a site between five (5) acres and 24.99 acres, since a hotel is not a permitted use on sites less than five (5) acres and no more than 50% of Hotel use and a percentage of Restaurant A use are permitted on sites of 25 acres or larger.

6. In addition to the density limitation imposed by Table 4.1, the following design standards shall apply:
- a. Retail.
    - i. Retail A. If more than one use of this type is proposed, all of these uses may or may not be connected and shall be a part of a Planned Commercial Development.

- ii. Retail B. When connected to a Retail A use in an enclosed mall, no single Retail B use shall exceed ten (10%) percent of the square footage of all Retail A uses.
- iii. Retail C.
  - (a) Shall be located within an office building, a hotel, a transit center, or residential community and shall serve as an accessory to the primary use.
  - (b) Primary access to this use may be from a common lobby or enclosed area or direct outside access.
  - (c) The Planning Board shall have sole discretion in determining the size, location, and types of Retail C uses included in a residential community. In making such a determination the Planning Board shall only approve those uses which are designed to primarily serve the residential units in the complex.
- b. Residential C. No one building shall contain more than eight (8) townhouse style units attached on at least one side.

H. **Bulk Requirements.** Except as otherwise modified, the following bulk standards shall apply to all buildings in the Regional Business (B4) zone:

1. Minimum Requirements:

Minimum Requirements	Principal Structures	
	Inside Lot	Corner Lot
Lot Size	See Table 4.1	See Table 4.1
Lot Frontage	150'	200'
Lot Depth	125'	125'
Front Yard	30'	30'
Secondary Front Yard	n/a	30'
Side Yard	20'	20'
Aggregate Side Yard	50'	n/a
Rear Yard	20'	20'
Maximum Height	150'	150'
Maximum Building Cover	30%	30%
Maximum Lot Cover	70%	70%
Open Space	25%	25%

- 2. Additional Requirements. In addition to §417.G.1, the following requirements shall apply:
  - a. A minimum setback of fifty (50') feet or one (1') foot of setback for each foot of building height, whichever is greater, is required from all buildings to a State or County road right-of-way and single-family residential zone (RA, RAPC, R1, R2, R3).
  - b. The minimum building side and rear yard setbacks shall be a minimum of twenty (20') feet from the property line, except in multi-residential uses/complexes/lots, where zero (0') feet shall be permitted.
  - c. A minimum distance of twenty-five (25') feet between multi-residential structures.
  - d. There shall be no off-street parking within ten (10') feet of a structure.
  - e. The required open space may be increased or decreased dependent upon the exclusion or inclusion of desirable design features, such as parking structures. To calculate the total required open space, a multiplier for each of the categories is determined by the site design. These figures are multiplied together with the twenty-five (25%) percent to determine the required open space, in accordance with the Table 4.2:

<b>TABLE 4.2. REGIONAL BUSINESS (B4) OPEN SPACE</b>		
<b>Site Acreage</b>	<b>Multiplier</b>	<b>% of Parking in a Structure</b>
0 - 4.99 acres	x 1.2	0 - 19.99%
5 - 9.99	x 1.1	20 - 39.99
10 - 24.99	x 1	40 - 59.99
25 - 49.99	x 0.9	60 - 79.99
50 acres or more	x 0.8	80 - 100

For example, a site which is thirteen (13) acres and has twenty-five percent (25%) of its parking in a parking structure, the minimum required open space is 27.5% [1.0 x 1.1 x 25].

**SECTION 418. INSTITUTIONAL (IN).**

- A. Intent. The Institutional (IN) zone is intended for governmental, educational, charitable, health care, and religious uses presently existing within the municipality. Buildings within the IN zone are often in a complex or campus form integrating residential, office, recreational, health care, houses of worship, and other ancillary uses with its primary function.
- B. Permitted Principal Uses. In the IN zone, no lot shall be used and no structure shall be erected, altered, or occupied for any purpose except the following:
  - 1. Cemeteries.
  - 2. Child care centers, per §432.A.
  - 3. College, private or public elementary, secondary or nursery school, or other educational institution for academic institutions, but not to include a business or trade school, dance studio, or similar commercial use.
  - 4. Fraternal and social lodges or clubs and all associated functions (including but not limited to) athletic, political, social, and cultural functions.
  - 5. Hospital and sanatoriums.
  - 6. Home for the aged, long term care facility, assisted living facility or residential health care facilities.
  - 7. House of worship, facility for religious orders, or similar religious institutions.
  - 8. Libraries.
  - 9. Municipal and governmental uses.
  - 10. Museums.
  - 11. Parks and playgrounds, conservation land and other open space.
  - 12. Public or private community centers.
  - 13. Theater for performing arts.
- C. Permitted Accessory Uses & Structures. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection:
  - 1. Awnings and canopies, per §432.B.
  - 2. Balconies, chimneys and eaves.
  - 3. Child care centers, per §432.A.
  - 4. Decks and patios.
  - 5. Fences, hedges and walls, per §506.
  - 6. Monastery, convent or similar religious order facilities accessory to a religious use, provided it is within the building envelope.
  - 7. Medical or health centers accessory to a hospital or sanatorium, provided it is within the building envelope.

- 8. Off-street parking facilities, per §511.
- 9. Outdoor break area or patio, provided it is within the building envelope.
- 10. Playground and recreation equipment.
- 11. Personal telecommunications equipment.
- 12. Parking facilities including garage and carport.
- 13. Swimming pool and cabana.
- 14. Shed and greenhouses.
- 15. Public, local utilities and cable television facilities, per §432.E.
- 16. Rectory or parish house accessory to a religious use, provided it is within the building envelope.
- 17. Refuse and recycling storage facilities, per §511.
- 18. Signs, per §517.
- 19. Sidewalks and walkways, per §513.
- 20. Solar energy infrastructure, per §432.C.
- 21. Stormwater management facilities, per §516.
- 22. Temporary construction trailers, per §432.F.

D. **Bulk Requirements.** Except as otherwise modified, the following bulk standards shall apply to all buildings in the IN zone:

Minimum Requirements	Principal Structures	
	Inside Lot	Corner Lot
Lot Size	1 acre	1 acre
Lot Frontage	200'	200'
Lot Depth	120'	120'
Front Yard	35'	35'
Secondary Front Yard	n/a	30'
Side Yard	20'	20'
Aggregate Side Yard	50'	n/a
Rear Yard	25'	25'
Maximum Height	35'	35'
Maximum Building Cover	30%	30%
Maximum Lot Cover	70%	70%
Open Space	25%	25%

**SECTION 419. INDUSTRIAL RESTRICTED (IR).**

- A. **Intent.** The Industrial Restricted (IR) zone is intended for individual manufacturing, assembly, and contracting uses for a wide variety of industries, but excluding nuisance and heavy industries, as well as general service and offices.
- B. **Permitted Principal Uses.** In the IR zone, no lot shall be used and no structure shall be erected, altered, or occupied for any purpose except the following:
  - 1. Automobile repair shops, tire repair, transmission service, oil and lube service, auto body shops, and gasoline service stations.
  - 2. Business uses as follows:
    - a. Wholesale establishments, warehouses, self-storage and storehouses.
    - b. Lumber, building materials and other similar storage yards.
  - 3. Child care centers, per §432.A.
  - 4. Dance, gymnastics, karate facilities and martial arts studios.
  - 5. General, administrative and commercial offices.

6. Health and fitness centers, gyms.
  7. Indoor recreational and leisure facilities, including bowling, billiards, racquetball and similar.
  8. Industrial, manufacturing or processing use listed below, provided the proposed industrial process meets the performance requirements listed in §402 and does not have inherent characteristics which are noxious, injurious, offensive, or hazardous to the health, safety, or general welfare of the community:
    - a. Manufacturing of light machinery, comprising any of the following: carburetors, and small machine parts, cash registers, sewing machines, typewriters, calculators and other off ice machines.
    - b. Fabrication of metal products comprising the following: baby carriages, bicycles, and other vehicles, metal foil, aluminum, gold, etc; metal furniture, musical instruments; sheet metal products; and toys.
    - c. Fabrication of paper products, comprising any of the following: bags; book-bindings; boxes and packaging materials; office supplies; toys.
    - d. Fabrication of wood products, comprising any of the following: boats; boxes; cabinets and woodworking furniture; toys.
    - e. 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.
    - f. Laboratories comprising of the following: biological, chemical, dental, pharmaceutical, and general research.
    - g. Other permissible industry, comprising of any of the following: brush and broom manufacturing; concrete and plastic products; electric light and power companies; electronic products; farm machinery sales and service; glass products manufacturing; jewelry manufacturing, including polishing; laundering and cleaning establishments; leather goods manufacturing except curing, tanning and finish of hides; motion picture exchange; pharmaceutical products manufacturing; print, paper and cloth; sporting goods manufacturing; textile products manufacturing; and warehouses and store houses.
    - h. In addition to the above, any industry not inconsistent with the above and meeting the performance requirements listed herein may be conducted in this zone. All others are specifically excluded.
    - i. Wholesale storage and warehouse facilities.
  9. Municipal use and other governmental offices.
  10. Museums.
- C. Permitted Accessory Uses & Structures. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection:
1. Awnings and canopies, per §432.B.
  2. Child care centers, per §432.A.
  3. Fences, hedges and walls, per §506.
  4. Off-street parking facilities, per §511.
  5. Outdoor break area or patio, provided it is within the building envelope.

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- 6. Outdoor storage, including but not limited to building and landscaping materials, road construction materials, fill materials and soil, within a completely enclosed area, with visual screening as required by Article V.
- 7. Public, local utilities and cable television facilities, per §432.E.
- 8. Refuse and recycling storage facilities, per §511.
- 9. Retail. Retail is permitted as an accessory, subject to the GFA shall not exceed twenty (20%) percent of the GFA of the total space owned or leased, not to exceed 5,000 square feet.
- 10. Signs, per §517.
- 11. Sidewalks and walkways, per §513.
- 12. Solar energy infrastructure, per §432.C.
- 13. Stormwater management facilities, per §516.
- 14. Telecommunication towers and antennas, per §432.D.
- 15. Temporary construction trailers, per §432.F.

- D. Prohibited Uses. Any use that is not specifically permitted in §419.B is hereby prohibited, specifically any residential use.
- E. Bulk Requirements. Except as otherwise modified, the following bulk standards shall apply to all buildings in the IR zone:
  - 1. Minimum Requirements.

Minimum Requirements	Principal Structures	
	Inside Lot	Corner Lot
Lot Size (square feet)	20,000	20,000
Lot Frontage	100'	120'
Lot Depth	120'	120'
Front Yard	30'	30'
Secondary Front Yard	n/a	30'
Side Yard	10'	10'
Aggregate Side Yard	24'	n/a
Rear Yard	20'	20'
Maximum Height	35'	35'
Maximum Building Cover	30%	30%
Maximum Lot Cover	70%	70%
Open Space	25%	25%

- 2. Height Exception. For every 10,000 square feet of gross floor area (GFA) in excess of 50,000 square feet, all yards shall be increased by a multiple of five (5') feet.

**SECTION 420. INDUSTRIAL RESTRICTED BUSINESS (IRB) ZONE.**

- A. Intent. The Industrial Restricted Business (IRB) zone is intended to encourage the redevelopment of vacant or under utilized industrial properties in a shopping center use, while protecting any abutting residential land uses.
- B. Permitted Uses. In the IRB zone, no lot shall be used and no structure shall be erected, altered, or occupied for any purpose except the following:
  - 1. Any permitted use in the Shopping Center Business (B3) zone, per §416.B.
  - 2. Any permitted use in the Industrial Restricted (IR) zone, per §419.B.
- C. Permitted Accessory Uses & Structures. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection:

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1. Awnings and canopies, per §432.B.
2. Child care centers, per §432.A.
3. Fences, hedges and walls, per §506.
4. Garden centers, per §420.D.2.b.
5. Off-street parking facilities, per §511.
6. Outdoor break area, dining area or patio, provided it is within the building envelope.
7. Public, local utilities and cable television facilities, per §432.E.
8. Refuse and recycling storage facilities, per §511.
9. Signs, per §517.
10. Sidewalks and walkways, per §513.
11. Solar energy infrastructure, per §432.C.
12. Stormwater management facilities, per §516.
13. Temporary construction trailers, per §432.F.

D. Bulk Coverage. Except as otherwise modified, the following bulk standards shall apply to all buildings in the IRB zone:

1. Minimum Requirements.

Minimum Requirements	<u>Principal Structures</u>
Lot Size	25 acres
Lot Frontage	500'
Lot Depth	200'
Front Yard	400'
Side Yard	20'
Aggregate Side Yard	50'
Rear Yard	25'
Maximum Height	35'
Maximum Building Cover	30%
Maximum Lot Cover	70%
Open Space	25%

2. Additional Requirements. In addition to §420.D.1, the following requirements shall apply:
  - a. Within a shopping center tract, commercial establishments may be located on individual isolated lots without street frontage and without adherence to minimum lot dimensional requirements, provided such lots have access to public streets via easements or similar means, through the shopping center parking lot(s) and/or driveway system, and provided that such lots are integrated into the shopping center so as not to interrupt the common facilities, such as customer parking, pedestrian walks, truck loading and utilities.
  - b. Maximum Shopping Center gross floor area of 340,000 square feet, excluding mezzanines used as non-sales areas for purposes incidental to the principal use of the structure within which it is located and /or garden center display/sales areas which are partially enclosed and whose only access for the public is through the main store area.
    - i. Any mezzanine non-sales area shall not exceed five percent (5%) of the 340,000 square feet. Any mezzanine area shall be used for storage only.
    - ii. Only one garden center shall be permitted in any one Industrial Restricted-Business (IRB) overlay zone. The garden center shall not exceed ten percent (10%) of the gross floor area of the building to which it is an accessory.

- E. **Buffer Requirements.** A buffer shall be provided between single-family residential properties and principal and accessory structures within the IRB zone for the protection of adjacent residential neighborhoods, in accordance to the requirements of a residential buffer in §508.F of the ordinance. The following restrictions apply:
  1. No building shall be constructed within two hundred and thirty (230') feet of an abutting single-family residential zone.
  2. A maximum of one building, not to exceed 40,000 square feet of floor area, may be constructed within the referenced two hundred and thirty (230') foot buffer, but must be a minimum of one hundred (100') feet from any residential zone or use.

**SECTION 421. RESTRICTED BUSINESS (IR-RB) OVERLAY ZONE.**

- A. **Intent.** It is the purpose of this zone to provide areas for the use of sexually oriented businesses, understanding that the Township has an obligation to protect its residents against the established secondary effects of sexually-oriented businesses as stated in N.J.S.A. 2C:34-7 while creating an area for the expression of such uses as required by the First Amendment of the United States Constitution.
- B. **Permitted Principal Uses.** In addition to uses allowed under §419 for the Industrial Restricted (IR) zone, sexually-oriented business, body piercing and tattoo parlors are permitted in the Restricted Business (IR-RB) overlay zone.
- C. **Permitted Accessory Uses & Structures.** Any of the accessory uses and structures permitted under §419-B for the Industrial Restricted (IR) zone, are permitted in the Restricted Business (IR-RB) overlay zone.
- D. **Prohibited Uses.** Any use that is not specifically permitted in §421.B is hereby prohibited, specifically any residential use.
- E. **Bulk Requirements.** Except as otherwise modified, the following bulk standards shall apply to all buildings in the IR-RB overlay zone:

Minimum Requirements	Principal Structures	
	Inside Lot	Corner Lot
Lot Size (square feet)	20,000	20,000
Lot Frontage	100'	120'
Lot Depth	120'	120'
Front Yard	30'	30'
Side Yard	10'	10'
Aggregate Side Yard	24'	24'
Rear Yard	20'	20'
Maximum Height	35'	35'
Maximum Building Cover	30%	30%
Maximum Lot Cover	70%	70%
Open Space	25%	25%

**SECTION 422. AGRICULTURAL-HORTICULTURE COMMERCIAL (AR-HC) OVERLAY ZONE. RESERVED.**

**SECTION 423. SENIOR HOUSING (SH) OVERLAY ZONE.**

- A. **Intent.** The intent of the Senior Housing (SH) overlay zone is to encourage the development of senior housing that is compatible and complementary to its neighborhood context, is located near essential

services and amenities required by seniors, and allows for or encourages neighborhood walkability; and to facilitate the development of senior housing projects which are superior in functional design, quality of construction, appearance, and operational standards..

- B. Required Uses. All developments in the SH overlay zone shall include affordable housing units, in accordance with Article X.
1. Multi-residential housing of 100 units of multi-family congregate care housing providing low income rental housing for elderly and handicapped persons, together with one (1) maintenance unit, in conjunction with a community center, sponsored and maintained by a not-for-profit it social service agency, which housing facility is proposed by the Township and approved by the Court for inclusion as a component within the Cherry Hill Township Housing Plan Element of the Township Master Plan;
- C. Permitted Principal Uses. In the SH overlay zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:
1. Cemeteries.
  2. Child care centers, per §432.A.
  3. College, private or public elementary, secondary or nursery school, or other educational institution for academic institutions, but not to include a business or trade school, dance studio, or similar commercial use.
  4. Fraternal and social lodges or clubs and all associated functions (including but not limited to) athletic, political, social, and cultural functions.
  5. Hospital and sanatoriums.
  6. Home for the aged, long term care facility, assisted living facility, or residential health care facilities.
  7. House of worship, facility for religious orders, or similar religious institutions.
  8. Libraries.
  9. Municipal and governmental uses.
  10. Museums.
  11. Parks and playgrounds, conservation land and other open space.
  12. Public or private community centers.
  13. Theater for performing arts.
- D. Permitted Accessory Uses & Structures. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection:
1. Common Uses. The following uses and structures are for common use of the residents of the development and/or immediate neighborhood:
    - (p) Community center, provided it is within the building envelope.
    - (q) Gazebos, mail kiosks, and similar street furniture.
    - (r) Decks and patios, per §431.H.
    - (s) Fences, hedges, and walls, per §506.
    - (t) Maintenance building, for the upkeep of common areas and grounds, provided it is within the building envelope.
    - (u) Parking garages, underground parking, and off-street parking, per §511.
    - (v) Playground and recreation equipment, per §431.K.
    - (w) Refuse and recycling storage facilities, per §511.
    - (x) Residential swimming pool and cabana, per §431.G.
    - (y) Signs, per §517.
    - (z) Sidewalks and walkways, per §513.
    - (aa) Solar energy infrastructure, per §432.C.

(bb) Stormwater management facilities, per §516.

(cc) Temporary construction trailers, per §432.F.

2. Private Uses. The following uses and structures are for individual use of private residents of the development and/or immediate neighborhood, in accordance with the applicable subsection.

(d) Balconies, eaves, and awnings, per §431.I.

(e) Home occupations, per §431.B.

(f) Personal telecommunications equipment, per §431.L.

E. Prohibited Uses. The prohibited uses of the Institutional (IN) zone (§418) shall apply to the SH overlay zone.

F. Bulk Requirements. The bulk standards of the Institutional (IN) zone §418 shall apply to all buildings in the SH overlay zone. Mid-rise, multi-residential congregate housing structures permitted under §423, shall adhere to the following requirements:

a. The building height shall not exceed fifty (50') feet.

b. A minimum of three hundred (300') feet is required to the perimeter property line of any existing single family residential lot.

c. In addition to the performance and design standards established in Article V, the parking calculation of four (4) spaces for each one thousand (1,000) square feet of gross floor area (GFA) shall apply for all community centers.

#### **SECTION 424. SENIOR & SUPPORTIVE HOUSING (SSH) OVERLAY ZONE.**

A. Intent. The intent of the Senior & Supportive Housing (SSH) overlay zone is to encourage the development of senior and supportive housing that is compatible and complementary to its community context, is located near essential services and amenities required by individuals aged 55 and older, and individuals with disabilities, and allows for and encourages pedestrian walkability; and to facilitate the development of senior and supportive housing projects, which are superior in functional design, quality of construction, appearance, and operational standards.

B. Definitions. Unless specifically defined below or otherwise in §202, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application:

CONGREGATE and/or SUPPORTIVE HOUSING: Any shared living arrangement designed to integrate the housing and service needs of elderly adults and/or younger disabled individuals. The goal of congregate and/or supportive housing is to increase self-sufficiency through the provision of a spectrum of supportive services in a residential setting.

C. Required Uses. All developments in the SSH zone shall include affordable housing units, in accordance with Article X, and shall require the following:

1. Multi-family congregate and/or supportive housing providing for low-income rental housing for seniors and individuals with disabilities. There shall be no more than 160 units (maximum), which shall be inclusive of two (2) superintendents' unit. Community center and related facilities, sponsored and maintained by a not-for-profit social service agency, shall also be provided. Such a housing facility must be approved by the Court for inclusion as a component within the Cherry Hill Township Housing Element & Fair Share Plan of the Township Master Plan.

- D. Permitted Principal Uses. In the SSH overlay zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:
1. Cemeteries.
  2. Child care centers, per §432.A.
  3. College, private or public elementary, secondary or nursery school, or other educational institution for academic institutions, but not to include a business or trade school, dance studio, or similar commercial use.
  4. Fraternal and social lodges or clubs and all associated functions (including but not limited to) athletic, political, social, and cultural functions.
  5. Hospital and sanatoriums.
  6. Home for the aged, long term care facility, assisted living facility, or residential health care facilities. Multi-family congregate housing and supportive housing providing for low-income rental housing for seniors and individuals with disabilities per §424.C.1 is also permitted.
  7. House of worship, facility for religious orders, or similar religious institutions.
  8. Libraries.
  9. Municipal and governmental uses.
  10. Museums.
  11. Parks and playgrounds, conservation land and other open space.
  12. Public or private community centers.
  13. Theater for performing arts.
- E. Permitted Accessory Uses & Structures. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection:
1. Common Uses. The following uses and structures are for common use of the residents of the development and/or immediate neighborhood:
    - a. Community center provided it is within the buildable area envelope.
    - b. Medical and administrative offices, for the purpose of serving the residents of the multi-family congregate and/or supportive housing units and for coordinating the off-site services for non-residents, provided it is within the buildable area envelope.
    - c. Gazebos, mail kiosks, and similar street furniture.
    - d. Decks and patios, per §431.H.
    - e. Fences, hedges, and walls, per §506.
    - f. Maintenance building, for the upkeep of common areas and grounds, provided it is within the buildable area envelope.
    - g. Parking garages, underground parking, and off-street parking, per §511.
    - h. Playground and recreation equipment, per §431.K.
    - i. Refuse and recycling storage facilities, per §511.
    - j. Signs, per §517.
    - k. Sidewalks and walkways, per §513.
    - l. Solar energy infrastructure, per §432.C.
    - m. Stormwater management facilities, per §516.
    - n. Temporary construction trailers, per §432.F.
  2. Private Uses. The following uses and structures are for individual use of private residents of the development and/or immediate neighborhood, in accordance with the applicable subsection.
    - a. Balconies, eaves, and awnings, per §431.I.
    - b. Home occupations, per §431.B.
    - c. Personal telecommunications equipment, per §431.L.

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- E. Prohibited Uses. The prohibited uses of the Institutional (IN) zone (§418) shall apply to the SSH overlay zone.
- F. Bulk Requirements. Except as otherwise modified, the following bulk standards shall apply to all buildings in the SSH zone:
  - 1. Minimum Requirements:

Minimum Requirements	Principal Structures	
	Inside Lot	Corner Lot
Lot Size (acres)	10 acre	10 acre
Lot Frontage	200'	200'
Lot Depth	300'	300'
Front Yard	100'	100'
Secondary Front Yard	n/a	100'
Side Yard	75'	75'
Aggregate Side Yard	150'	n/a
Rear Yard	100'	100'
Maximum Height	3 stories or 50'	3 stories or 50'
Maximum Building Cover	30%	30%
Maximum Lot Cover	50%	50%
Open Space	50%	50%

- 2. Additional Requirements. In addition to §424.F.1, the following requirements shall apply:
  - a. The building height shall not exceed three (3) stories or fifty feet (50') maximum.
  - b. A minimum setback of 175' shall be required from all multi-family congregate housing structures to adjoining property lines of existing single family residential lots.
  - c. A buffer, designed in accordance with the standards required in §508.F (with the fence requirement being adjusted to require a meandering 48" high, three (3) rail, split rail fence), shall be provided to create a visual buffer (that is not intended to be solid, but shall be dense in nature) along all adjoining property lines of existing single family residential lots. The buffer area shall be a minimum of one hundred feet (100') in width. This buffer shall also be subject to a perpetual Conservation Easement to ensure that the buffer remains in its natural, undisturbed state within which no regrading or clearing shall be permitted, excepting the removal of minor underbrush or dead trees that are hazardous to people or buildings. Minor passive trails and walkways may be permitted. Phasing may be taken into account for the implementation of the buffer.
  - d. The removal of trees shall not be permitted outside of fifteen feet (15') of improvements, which includes any such buildings or structures, driveway, sidewalks, septic facilities and similar accessory facilities. The protection of the greatest number of trees within the fifteen (15') foot disturbance areas is also encouraged. All remaining trees, particularly contiguously forested areas, outside of fifteen feet (15') of improvements shall be subject to a perpetual Conservation Easement to ensure that the wooded areas remain in their natural, undisturbed state within which no regrading or clearing shall be permitted, excepting the removal of minor underbrush or dead trees that are hazardous to people or buildings. Minor passive trails and walkways may be permitted.
  - e. Landscaping areas that are adjoining active agricultural uses shall be a minimum of 10' in width and shall meet the planting density requirements in accordance with 508.F.7.a, b and c.
  - f. Affordable Housing set-asides shall be consistent with 100% affordable developments.

3. Density. The maximum density of the residential uses on the entire tract in a SSH zone shall not exceed nine (9) dwelling units per gross acre, but shall not exceed 160 units maximum on a site per Section C.1.

G. Design Standards. In addition to those applicable standards in Article V, the below standards have been promulgated in an attempt to achieve a well-designed site. It is recognized that the intent of this section can be achieved with designs not anticipated by these standards. Accordingly, the Planning Board may waive any design standard it deems appropriate.

1. Spatial relationships between buildings and other structures shall be formal and façades shall be parallel to street lines and exterior building walls shall typically be either parallel or at right angles to each other. A lot with multiple buildings should be organized around a feature such as a courtyard, green or quadrangle that encourages pedestrian activity and incidental social interaction among users. Buildings shall be designed to provide for safety concerns and shall be located to allow for adequate fire and emergency access.
2. Focal points of visual termination shall generally be occupied by prominent buildings and structures that employ enhanced height, massing, distinctive architectural treatments, ornamental site elements, or other distinguishing features.
3. The entry façades of all buildings shall be designed to a pedestrian scale, and shall include porches and other pedestrian-scaled design elements. Entryways shall be covered and shall be prominent features on the façades; be architecturally articulated and integrated into the architecture.
4. The architectural treatment of the each façade, with regard to its major features and materials, shall be continued around all sides of a building that are readily visible from public property and/or rights-of-way. The design of all sides of a building shall be consistent with regard to style, materials, colors, and details. There shall be no blank or unarticulated facades; windows shall be located on all facades. All facades shall be designed with attention to detail and quality of materials.
5. Service areas shall not be visible from the public areas on the site, except where it is not practical to impair visibility of public areas from passive trails and walkways within a Conservation Easement. Enhanced plantings may also be appropriate in certain cases in order to further shield the service areas.
6. The massing of buildings shall be deemphasized in a variety of ways, including the use of projecting and recessed elements such as porches, windows and roof dormers, to reduce their apparent overall bulk and volume, to enhance visual quality and contribute to human-scale development.
7. Variations of roof lines are encouraged.
8. The primary portion of the building is permitted to be three (3) stories in height; however, any portions of the building that are wings, more-or-less perpendicular to the primary portion of the building and/or that is addressing a residential neighborhood shall be no greater than two (2) stories.
9. Building Materials:
  - a. Exterior building facades shall be composed of two dominate materials and not more than two additional materials.
  - b. The use of high intensity colors are not permitted. All building trim shall be a uniform color.
  - c. Permitted building façade materials:
    - i. Brick, stone, cast stone or other forms of masonry.

- ii. Clear glass (with frosted, etched or opaque glass are limited to 10%)
  - iii. Cementitious siding materials
  - iv. Finished woods
  - v. Composite-based materials (such as AZEK).
  - vi. Other high-quality materials (pending the approval of the Planning Board).
- d. Permitted roofing materials:
- i. Standing metal seam
  - ii. Natural or artificial slate
  - iii. Membrane roofing (where not visible from ground level)
  - iv. Asphalt or fiberglass “architectural shingles”
- e. Permitted patio and porch materials:
- i. Stone
  - ii. Slate and/or Bluestone
  - iii. Brick
  - iv. Concrete: poured with floated aggregate or patterned
  - v. Decorative paver
  - vi. Wood or material such as Dura Deck
  - vii. Fiberglass
10. Fenestration:
- a. All glass shall be clear and not have a mirrored characteristic
  - b. Windows shall comprise of at least 15% of each façade
  - c. Window casing and mullions shall match the window frame color.
11. All air conditioning units, skylights, solar panels, HVAC systems, exhaust pipes or stacks, elevator housing satellite dishes, and other telecommunications receiving devices shall be screened from view from public property or rights-of-way and from adjacent properties by using walls, fencing, roof elements, penthouse-type screening devices, and /or plantings.
12. Parking lot layout shall take into consideration pedestrian and vehicular circulation and shall be designed to preclude dead end parking lots. Pedestrian crosswalks shall be provided, where necessary and appropriate, and shall be distinguished by textured paving, and shall be integrated into the wider network of pedestrian walkways. Pavement textures shall be required on pedestrian access ways, and strongly encouraged elsewhere in the parking lot, as surfacing materials, or when used as accents and as approved by the Planning Board.
13. Off-street parking shall not be located between a building and a street unless the visual impact has been minimized by the construction of walls, fences, berms or the installation of appropriate landscaping.
14. No outside storage or overnight parking of commercial vehicles or boats, recreational vehicles, trailers or similar conveyances shall be permitted.
15. Canopy tree shall be planted along street frontages at a maximum distance of thirty-five feet (35') on center and spaced equal distance between street lights. Such street trees shall be a minimum caliper of three inches (3”) (measured six inches (6”) above ground level) at the time of planting. Bottom branches shall be trimmed to a minimum of eight (8) feet above the ground for pedestrian passage.
16. The interior of all parking lots shall be landscaped to provide shade and visual relief. Protected planting islands or peninsulas within the perimeter of the parking lot are encouraged. Parking lots with 10 or less spaces may not require interior landscaping if the Planning Board determines that

there is adequate perimeter landscaping. In parking lots with 11 or more spaces, a minimum of one deciduous shade tree shall be required to be planted in the parking lot for every eight parking spaces. A six foot (6') planting diamond, or equivalent planter, is required per tree. Choice of plant materials, buffer width, type of screening, location, and frequency of tree planting shall be flexible, provided these objectives are designed to the satisfaction of the Planning Board.

17. Hedges, privacy or ornamental fences of varying heights may be used to block view of parking areas, storage areas, loading docks or other utilitarian views from residential or public areas. No "cyclone" or "chain link" fencing shall be permitted.
  18. Common trash collection areas shall be properly screened with an appropriate combination of walls, fences, earth berms, and plantings. Any common trash collection area shall provide facilities for the collection and separation of recyclable materials in accordance with the requirements of the Township of Cherry Hill.
  19. Sidewalks and pedestrian paths shall connect proposed uses to a public sidewalk or roadway. Sidewalks, which are internal to the site, shall be designed to connect parking areas with individual structures, as well as building groups.
  20. The use of special paving such as brick or pre-cast concrete pavers for sidewalks is required for a minimum of 10% of the paved area, specifically at prominent intersections and public spaces. Otherwise, sidewalks shall be poured-in-place concrete. Special paving, if selected, should complement the building materials and should be used to define spaces or special areas such as entrances. All plans for special pavement areas shall be submitted to the Planning Board for approval. Private sidewalks shall be submitted to the Planning Board for approval. Sidewalks adjacent to parking lots, where car bumpers may overhang the walk, shall be a minimum of six feet (6') wide measured from the face of the curb or four feet (4') wide if setback a minimum of two feet (2') from the face of curb with a grassed area.
  21. All public and private streets, parking lots and pedestrian walkways shall be sufficiently illuminated to ensure traffic and pedestrian safety under all weather conditions. Lighting fixtures are to include non-glare lights with "cutoff" shields as appropriate in order to mitigate against adverse impacts upon adjacent and nearby properties, the safety of traffic along adjacent roadways and overhead glow.
  22. Street lighting shall be decorative and blend with the architectural style of the development.
  23. Streets and sites shall be provided with adequate lighting while minimizing adverse impacts such as glare and overhead sky glow on adjacent properties. House-side shields shall be provided where abutting a residential use.
  24. Lighting attached or integrated into to the exterior of a building shall be architecturally compatible with the style, materials colors and details of the building and shall comply with the local building code. The type of light source used on the exterior of buildings, signs, parking areas, pedestrian walkways and other areas of a site, and the light quality produced, shall be the same or compatible. As a general rule, exterior lighting should be concealed through shielding or landscaping. Mounting brackets and associated hardware should be inconspicuous.
- H. Signs. Signs shall conform with the provisions of Article V.
- I. Open Space. A minimum of 50% of the total tract area shall be dedicated for common open space uses, which may include conservation, passive and active recreation and storm water management as above. No more than 25% of the required common open space shall be in the form of wetlands,

wetlands buffers, flood plain, swales, recharge areas, and detention and retention basins if designed as an aesthetic feature.

**SECTION 425.           RESERVED.**

**SECTION 426.           GOLDEN TRIANGLE TRANSIT-ORIENTED DEVELOPMENT (GTTOD) OVERLAY ZONE.**

- A. Intent. The intent of the Golden Triangle Transit Oriented Development (GTTOD) overlay zone is to create a compact, mixed use of residential, office, retail, institutional, and civic uses to promote and support transit use. Pedestrian activity, passenger support, affordable housing and transit access are key goals in the GTTOD zone. The development standards are designed to require compact redevelopment, opportunities for increased choice of transportation modes, and a safe and pleasant pedestrian environment by ensuring an attractive streetscape, a functional mix of complementary uses, and the provision of facilities that support transit use, bicycling, and walking. The GTTOD overlay zone is meant to create dense, transit supportive development around the Cherry Hill Atlantic City Rail Line transit station, typically the area within one-half (1/2) mile walking distance from the transit station, which represents a 10-minute walk. The intent of this overlay is to accomplish the following:
1. Compact Development. This overlay zone provides incentives for residential and commercial infill and redevelopment within designated areas. Development is encouraged in designated areas by providing incentives, such as density bonuses and mixed use development opportunities in designated areas.
  2. Mixed Use. The flexible zoning standards in this zone allow mixed-use development. The overlay zone allows residential uses integrated with commercial and employment uses in appropriate locations (e.g. – main street, neighborhood center and other core areas). The overlay zone encourages opportunities to provide flexibility in building height, housing density, floor area, lot coverage, yard setback, landscaping, and other zoning provisions for mixed-use developments. It is anticipated that mixed-use development may include residential uses above or behind permitted or commercial, and the combination of compatible commercial uses (retail, office, services, entertainment, etc.).
  3. Affordable Housing. Provide accessible and convenient affordable housing for very low-, low- and moderate-income households. The 57 acre tract can result in up to 684 housing units. Of this total, 20 percent (20%), or 136, shall be low- and moderate-income housing units if the low- and moderate-income units are for sale. Fifteen percent (15%), or 102, shall be low- and moderate income-housing units if the low- and moderate-income units are for rent.
  4. Pedestrian Activity. Development in the overlay zone encourages appropriate standards for pedestrian access, safety, and comfort.
  5. Efficient Land Use. It has been determined that parking is most inefficient land use and the following regulatory and parking management tools are available to minimize the amount of land used for surface parking:
    - a. Shared Parking. “Shared parking” is an option available in this overlay zone and allows that multiple uses to share one or more parking facilities.
    - b. On-street Parking. On-street parking slows traffic, creates better pedestrian environments by buffering sidewalks from moving vehicles, increases the viability of retail shops and services, and reduces the amount of land used for off-street parking lots, thus decreasing impervious surfaces.

- c. Valet Parking. Valet parking may be feasible for some restaurants and meeting/event facilities. Valet parking allows stacking of smaller parking spaces with less space devoted to drive aisles.
  6. Public Spaces. The overlay zone encourages the integration of usable public space whenever possible, and recognizes and responds appropriately to existing or planned public spaces on or near the site (e.g., parks, civic buildings and spaces, transit stops, sidewalks, plazas, and similar spaces). Public spaces should be clearly recognizable as “public” (e.g. – a plaza within view of a street or other public space), publicly accessible (i.e. – a pedestrian can get there), and can be occupied by a person (i.e. – a person can stand there). These spaces can be as simple as an expanded sidewalk for outdoor dining to a large plaza with public art and entertainment.
  7. Human-Scaled Building Design. The overlay zone supports human-scale design by requiring building entrances placed close to the street, ground floor windows, articulated façades, appropriately scaled signs and lighting, and awnings and other weather protection. For example, in downtowns, main streets, neighborhood centers, and other strategic locations (e.g. – at transit stops), it is often appropriate to require a maximum front building setback, or a “build-to” line, for a minimum percentage of the building front. For shopping centers with private, internal driveways, the width/height ratio can be measured between opposite building fronts (pads) along an internal street, or between one building front and street trees on the opposite side of the street. The internal drive or “shopping street” should have sidewalks and amenities similar to a public street (e.g., seating, trees, lighting, etc.).
- B. Required Uses. All developments in the GTTOD zone shall include affordable housing units, in accordance with Article X.
- C. Permitted Principal Uses. In the GTTOD zone, no lot shall be used and no structure shall be erected, altered, or occupied for any purpose except the following:
  1. All multi-residential dwellings located in buildings that comply with the height requirements of the GTTOD zone. Multi-Residential housing may be constructed within stand-alone buildings or may be constructed above non-residential uses.
  2. All principal non-residential uses permitted in the Regional Business (B4) zone shall be permitted, with the exception of the “Retail A” use.
- D. Permitted Accessory Uses. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection in §426.C:
  1. Child Care Centers.
  2. Awnings & Canopies.
  3. Outdoor seating.
  4. Public, Local Utilities & Cable Television Facilities.
  5. Temporary Construction Trailers.
  6. Fences, hedges, and walls.
  7. Off-street parking facilities, including structures.
  8. Signs.
  9. Refuse and Recycling Storage Areas.
  10. Sidewalk, curbs, gutters, and walkways.
  11. Stormwater management facilities.
- E. Prohibited Uses. Any use that is not specifically permitted in §426.C is hereby prohibited.
- F. Bulk Requirements. Except as otherwise modified, the following bulk standards shall apply to all buildings in the GTTOD zone:
  1. Minimum Requirements:

Minimum Requirements	Principal Structures	
	Inside Lot	Corner Lot
Lot Size (acres)	30	30
Lot Frontage	200'	200'
Lot Depth	200'	200'
Front Yard	75'	75'
Secondary Front Yard	n/a	75'
Side Yard	20'	20'
Aggregate Side Yard	50'	n/a
Rear Yard	30'	30'
Maximum Height	4 stories or 55'	4 stories or 55'
Maximum Building Cover	35%	35%
Maximum Lot Cover	75%	75%
Open Space	25%	25%

2. Additional Requirements. In addition to §426.F.1, the following requirements shall apply:
    - a. Minimum land area designated for housing shall be a minimum of 50 percent (50%). Housing may be constructed within stand-alone buildings or may be constructed above commercial and office uses. The intent of the overlay is to permit a gross density of 12 units per acre on the gross acreage of 57 acres to yield 684 units on the portion of the site devoted to housing. The requirement for fifty percent (50%) of land area to be utilized for housing is relieved once final approval is granted for the permitted gross density.
    - b. Affordable Housing set-asides shall be consistent with Article X, a minimum of twenty percent (20%) of the total number of units shall be set aside as Affordable Housing Units in For-Sale/Ownership developments and where a minimum of fifteen percent (15%) of the total number of units shall be set aside as Affordable Housing Units in Rental developments. Affordable Housing set-asides shall be consistent with Article X, a minimum of twenty percent (20%) of the total number of units shall be set aside as Affordable Housing Units in For-Sale/Ownership developments and where a minimum of fifteen percent (15%) of the total number of units shall be set aside as Affordable Housing Units in Rental developments.
    - c. No more than fifty percent (50%) of the zone may be approved for non-residential uses until 342 housing units have received preliminary approval.
    - d. At least 30 percent of the non-residential floor area in the zone shall be office space.
    - e. A perimeter tract buffer of a minimum of fifty feet (50'), consisting of existing and supplemental landscape material and/or fences, shall be provided to create a reasonable visual buffer.
    - f. An owners' association shall be created, subject to the approval of the Planning Board. The association shall become the owner of all lands dedicated to recreation and open space and shall be responsible for maintaining all public areas.
  3. Density. The maximum density of the residential uses on the entire tract in the GTTOD zone shall not exceed 12 dwelling units per gross acre. The maximum density is permitted only if it can be achieved within the limits imposed by the maximum permitted height in the GTTOD zone.
- E. Open Space. A minimum of 25% of the total tract area shall be dedicated for common open space uses, which may include conservation, passive and active recreation and storm water management as below. No more than 50% of the required common open space shall be in the form of wetlands, wetlands buffers, flood plain, swales, recharge areas, and detention and retention basins if designed as an aesthetic feature. Additionally, the non-residential area shall have at least one (1) town park and may have plazas, greens, squares, and greenways.

- F. Design Standards. The below standards have been promulgated in an attempt to achieve a well-designed site. It is recognized that the intent of this section can be achieved with designs not anticipated by these standards. Accordingly, the Planning Board may waive any design standard it deems appropriate.
1. Spatial relationships between buildings and other structures shall be formal and façades shall be parallel to street lines and exterior building walls shall typically be either parallel or at right angles to each other. Buildings shall be oriented toward the street or the streetscape. A lot with multiple buildings should be organized around a feature such as a courtyard, green or quadrangle that encourages pedestrian activity and incidental social interaction among users. Buildings shall be designed to provide for safety concerns and shall be located to allow for adequate fire and emergency access.
  2. Residential buildings shall define the street-edge through adherence to uniform setbacks along the build-to line for each block. A minimum of eighty percent (80%) of all residential building façades on a block face shall be located at the build-to-line. The streetscape shall also be reinforced by lines of uniformly spaced shade trees and may be further reinforced by walls, hedges, or fences that define front yards.
  3. Commercial buildings on corner lots shall be considered significant structures, since they have at least two façades visibly exposed to the street. Such buildings shall be designed with additional architectural features to emphasize their location.
  4. Focal points of visual termination shall generally be occupied by prominent buildings and structures that employ enhanced height, massing, distinctive architectural treatments, ornamental site elements, or other distinguishing features.
  5. Special Design Standards. In addition to the requirements of §504, the following shall apply in this zone:
    - a. The entry façades of all buildings shall be designed to a pedestrian scale.
    - b. The architectural treatment of the front façade, with regard to its major features and materials, shall be continued around all sides of a building that are readily visible from public property and/or rights-of-way. The design of all sides of a building shall be consistent with regard to style, materials, colors, and details. No solid, blank, windowless walls or service areas shall not be visible from the public areas. Where the construction of a blank or substantially blank wall is necessary, the façades shall be articulated by the provision of false windows, articulated masonry, or, if the building is occupied by a commercial use, by using recessed or projecting display window cases. Enhanced plantings may also be appropriate in certain cases.
    - c. Open arcades may encroach into a public right-of way and over the sidewalk at a front or side street lot line as follows:
      - i. Front Encroachment: 8 feet maximum.
      - ii. Side Street Encroachment: 8 feet maximum.
      - iii. The maximum allowable height of an encroachment is three stories. The area of an encroachment shall not exceed 20 percent of the block length.
    - d. All air conditioning units, skylights, solar panels, HVAC systems, exhaust pipes or stacks, elevator housing satellite dishes, and other telecommunications receiving devices shall be screened from view from public property or rights-of-way and from adjacent properties by using walls, fencing, roof elements, penthouse-type screening devices, and /or plantings.
    - e. The massing of buildings shall be deemphasized in a variety of ways, including the use of projecting and recessed elements such as porches, windows and roof dormers, to reduce their apparent overall bulk and volume, to enhance visual quality and contribute to human-scale development. Such breaks in the facades and rooflines shall occur not more frequently than every twenty-five feet (25') and no less frequently than every 100 feet.

- f. Parking lot layout shall take into consideration pedestrian and vehicular circulation and shall be designed to preclude dead end parking lots. Pedestrian crosswalks shall be provided, where necessary and appropriate, and shall be distinguished by textured paving, and shall be integrated into the wider network of pedestrian walkways. Pavement textures shall be required on pedestrian access ways, and strongly encouraged elsewhere in the parking lot, as surfacing materials, or when used as accents and as approved by the Planning Board.
- g. Bicycle Parking.
  - i. For residential uses, there shall be one bicycle space or locker for every three (3) dwellings.
  - ii. For commercial uses, there shall be one bicycle space or locker for every 40 parking spaces.

#### G. Parking.

1. In addition to the standards of Article V and the New Jersey Residential Site Improvement Standards (RSIS), the following shall apply:
  1. Off-street parking shall not be located between a building and a street unless the visual impact has been minimized by the construction of walls, fences, berms or the installation of appropriate landscaping.
  2. No outside storage or overnight parking of commercial vehicles or boats, recreational vehicles, trailers or similar conveyances shall be permitted, unless the commercial vehicle is part of a commercial use and is parked in a designated area, screened and shielded from any roadway.
  3. Off-street parking shall be located along the side and rear of structures parking shall be provided in the rear and the side of buildings. If parking in the front of buildings must be provided, it shall not occupy more than twenty-five percent (25%) of the lot frontage. Direct pedestrian connections shall be provided from the rear and side parking areas to the front of all buildings. Whenever possible, breaks in the building footprints should be provided to allow pedestrian access from rear parking areas to building fronts. The pedestrian access way should be a minimum of twenty-five (25') feet. On street parking shall be permitted on all development streets, except service alleyways.
2. Shared Parking standards.
  - a. Shared parking shall be encouraged for all commercial parking lots and particularly for those serving mixed use commercial and residential buildings. Where necessary, in parking lots which are serving mixed-use commercial or residential buildings, the Planning Board may, in its discretion, permit a limited amount of parking to be reserved either for residential or specified commercial uses only; or may restrict the hours that certain spaces are to be used for residential or commercial uses only. In exercising its discretion to allow any limitation to be placed on the use of any parking, the Board shall do so with the intent to limit such restrictive use in order to advance the objective of encouraging shared parking.
  - b. An applicant seeking to satisfy its parking requirement using a shared parking approach shall prepare a parking report that documents how an adequate supply of parking spaces will be provided to satisfy projected parking demand. The report shall be prepared using procedures presented in the most recent version of the report "Shared Parking," published by the Urban Land Institute. The report shall be prepared using the most current shared parking methodology published by the Urban Land Institute or the Institute of Transportation Engineers.
  - c. The report may also adjust projected parking demand based on an analysis of captured parking using procedures presented in the most recent version of the Trip Generation Handbook published by the Institute of Transportation Engineers. A captured and shared parking study report shall:

- i. Calculate the projected peak parking demand for each land use that will be sharing the available parking supply using the latest edition of the ITE informational report Parking Generation.
- ii. Calculate the extent to which parking demand will be mitigated on the site as a result of trips captured from adjoining land uses and therefore occurring without the use of a vehicle.
- iii. Calculate the peak parking accumulation for the development, making use of shared parking procedures.
- iv. Expand the peak parking accumulation by 10% to determine the needed supply of parking spaces. This will assure an adequate capacity of spaces for the turnover of vehicles.
- v. Determine the number of on-site parking spaces that will be supplied.
- vi. Determine the number of on-street parking spaces that are available to the development in accordance with procedures established by this section.
- vii. Determine whether additional parking spaces will be needed to serve the development and if so how they will be supplied.

### 3. Landscaping.

- a. Lots for residential and nonresidential uses shall balance the functional requirements of parking with the provision of pedestrian amenities. Transition areas between parking and civic, commercial, or residential uses shall be designed with textured paving, landscaping, and street furniture approved by the Planning Board.
- b. Parking lot layout, landscaping, buffering, and screening shall be provided to minimize direct view of parked vehicles from streets and sidewalks, avoid spillover light, glare, noise, or exhaust fumes onto adjacent 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 by a minimum of a four-and-one-half-foot-high, year-round visually impervious screen, hedge, or wall. The height of any required screen, hedge, or wall shall decrease where driveways approach sidewalks or walkways, in order to provide adequate visibility of pedestrian from motor vehicles, and shall not interfere with clear sight triangle requirements.
- c. The interior of all parking lots shall be landscaped to provide shade and visual relief. Protected planting islands or peninsulas within the perimeter of the parking lot are encouraged. Parking lots with 10 or less spaces may not require interior landscaping if the Planning Board determines that there is adequate perimeter landscaping. In parking lots with 11 or more spaces, a maximum of one deciduous shade tree shall be required to be planted in the parking lot for every eight parking spaces. A six-foot planting diamond, or equivalent planter, is required per tree. Choice of plant materials, buffer width, type of screening, location, and frequency of tree planting shall be flexible, provided these objectives are designed to the satisfaction of the Planning Board.
- d. Parking lot layout shall take into consideration pedestrian and vehicular circulation and shall be designed to preclude dead end parking lots. Pedestrian crosswalks shall be provided, where necessary and appropriate, and shall be distinguished by textured paving, and shall be integrated into the wider network of pedestrian walkways. Pavement textures shall be required on pedestrian access ways, and strongly encouraged elsewhere in the parking lot, as surfacing materials, or when used as accents and as approved by the Planning Board.

### H. Site Infrastructure.

1. Common trash collection areas shall be properly screened with an appropriate combination of walls, fences, earth berms, and plantings. Any common trash collection area shall provide

facilities for the collection and separation of recyclable materials in accordance with the requirements of the Township of Cherry Hill.

2. Any loading space shall be screened from public view by building walls or extensions thereof, fencing and /or landscaping.
3. Sidewalks shall have a minimum width of five feet (5'), except along commercial uses where the sidewalk in commercial areas shall be ten feet (10'). Sidewalks in commercial areas shall be continued across street surfaces using paving materials to delineate crosswalks.
4. Sidewalks and pedestrian paths shall connect proposed uses to a public sidewalk or roadway. Private sidewalks shall be designed to connect parking areas with individual structures, as well as building groups.
5. The use of special paving such as brick or pre-cast concrete pavers for sidewalks is required for a minimum of 10% of the paved area, specifically at prominent intersections and public spaces. Otherwise, sidewalks shall be poured-in-place concrete. Special paving, if selected, should complement the building materials and should be used to define spaces or special areas such as entrances. All plans for special pavement areas shall be submitted to the Planning Board for approval. Private sidewalks shall be submitted to the Planning Board for approval. Sidewalks adjacent to parking lots, where car bumpers may overhang the walk, shall be a minimum of six feet (6') wide measured from the face of the curb or four feet (4') wide if setback a minimum of two feet (2') from the face of curb with a grassed area.

I. Landscaping.

1. Canopy tree shall be planted along street frontages at a maximum distance of 35 feet on center and spaced equal distance between street lights. Such street trees shall be a minimum caliper of three inches (3") (measured six inches (6") above ground level) at the time of planting. Bottom branches shall be trimmed to a minimum of eight feet (8') above the ground for pedestrian passage.
2. Whenever an off street parking area exceeds 100 spaces, the area should be divided into a minimum of 4 (four) equal sections with each section being divided by a landscaped divider strip (minimum 10 feet (10') wide) with canopy trees and planted with ground cover or low shrubs (at least 36 inches in height).
3. Hedges, privacy or ornamental fences of varying heights may be used to block view of parking areas, storage areas, loading docks or other utilitarian views from residential or public areas. No "cyclone" or "chain link" fencing shall be permitted.

J. Lighting. In addition to §509 of the ordinance, the following shall apply:

1. All public and private streets, parking lots and pedestrian walkways shall be sufficiently illuminated to ensure traffic and pedestrian safety under all weather conditions. Lighting fixtures are to include non-glare lights with "cutoff" shields as appropriate in order to mitigate against adverse impacts upon adjacent and nearby properties, the safety of traffic along adjacent roadways and overhead glow.
2. Street lighting shall be decorative and blend with the architectural style of the development.
3. Streets and sites shall be provided with adequate lighting while minimizing adverse impacts such as glare and overhead sky glow on adjacent properties. House-side shields shall be provided where abutting a residential use.
4. Along all commercial or mixed-use streets, parking areas, sidewalk, walkways, courtyards and common areas, 12-14 foot high decorative pedestrian scale lamp posts shall be provided at regular intervals. Posts in commercial mixed-use and senior citizen and townhouse streets should be spaced approximately sixty feet (60') on the center. Distance of lighting shall depend upon the manufacturer chosen and the specifications of the particular lights.
5. In off-street parking lots, post heights may be extended to a maximum of sixteen feet (16').

6. Use of minimum wattage metal halide or color corrected sodium or mercury vapor light sources is encouraged.
  7. Lighting attached to the exterior of a building shall be architecturally compatible with the style, materials colors and details of the building and shall comply with the local building code. The type of light source used on the exterior of buildings, signs, parking areas, pedestrian walkways and other areas of a site, and the light quality produced, shall be the same or compatible. Facades shall be lit from the exterior, and as a general rule, lights should be concealed through shielding or landscaping. Mounting brackets and associated hardware should be inconspicuous.
- K. Signs. Signs shall conform with the provisions of Article V.

#### **SECTION 427. PATCO TRANSIT-ORIENTED DEVELOPMENT (PTOD) OVERLAY ZONE.**

- A. Intent. The intent of the PATCO Transit Oriented Development (PTOD) overlay zone is to create a compact, mixed use of residential, office, retail, institutional, and civic uses to promote and support transit use. Pedestrian activity, passenger support, affordable housing and transit access are key goals in the TOD zone. The development standards are designed to require compact redevelopment, opportunities for increased choice of transportation modes, and a safe and pleasant pedestrian environment by ensuring an attractive streetscape, a functional mix of complementary uses, and the provision of facilities that support transit use, bicycling, and walking. The PTOD overlay zone is meant to create dense, transit supportive development at the PATCO Speedline Woodcrest Station, the area within this site will provide a convenient walking distance to and from the transit station. The intent of this overlay is to accomplish the following:
1. Compact Development. This overlay zone provides incentives for residential and commercial infill and redevelopment within designated areas. Development is encouraged in designated areas by providing incentives, such as density bonuses and mixed use development opportunities in designated areas.
  2. Mixed Use. The flexible zoning standards in this zone allow mixed-use development. The overlay zone allows residential uses integrated with commercial and employment uses in appropriate locations (e.g. – main street, neighborhood center and other core areas). The overlay zone encourages opportunities to provide flexibility in building height, housing density, floor area, lot coverage, yard setback, landscaping, and other zoning provisions for mixed-use developments. It is anticipated that mixed-use development may include residential uses above or behind permitted or commercial, and the combination of compatible commercial uses (retail, office, services, entertainment, etc.).
  3. Affordable Housing. Provide accessible and convenient affordable housing for very low-, low- and moderate-income households. The 35 acre tract can result in up to 630 housing units. Of this total, 20 percent (20%), or 126, shall be low- and moderate-income housing units if the low- and moderate-income units are for sale. Fifteen percent (15%), or 95, shall be low- and moderate income-housing units if the low- and moderate-income units are for rent.
  4. Pedestrian Activity. Development in the overlay zone encourages appropriate standards for pedestrian access, safety, and comfort.
  5. Efficient Land Use. It has been determined that parking is most inefficient land use and the following regulatory and parking management tools are available to minimize the amount of land used for surface parking:
    - a. Shared Parking. “Shared parking” is an option available in this overlay zone and allows that multiple uses to share one or more parking facilities.
    - b. On-street Parking. On-street parking slows traffic, creates better pedestrian environments by buffering sidewalks from moving vehicles, increases the viability of retail shops and services,

and reduces the amount of land used for off-street parking lots, thus decreasing impervious surfaces.

- c. Valet Parking. Valet parking may be feasible for some restaurants and meeting/event facilities. Valet parking allows stacking of smaller parking spaces with less space devoted to drive aisles.
6. Public Spaces. The overlay zone encourages the integration of usable public space whenever possible, and recognizes and responds appropriately to existing or planned public spaces on or near the site (e.g., parks, civic buildings and spaces, transit stops, sidewalks, plazas, and similar spaces). Public spaces should be clearly recognizable as “public” (e.g. – a plaza within view of a street or other public space), publicly accessible (i.e. – a pedestrian can get there), and can be occupied by a person (i.e. – a person can stand there). These spaces can be as simple as an expanded sidewalk for outdoor dining to a large plaza with public art and entertainment.
7. Human-Scaled Building Design. The overlay zone supports human-scale design by requiring building entrances placed close to the street, ground floor windows, articulated façades, appropriately scaled signs and lighting, and awnings and other weather protection. For example, in downtowns, main streets, neighborhood centers, and other strategic locations (e.g. – at transit stops), it is often appropriate to require a maximum front building setback, or a “build-to” line, for a minimum percentage of the building front. For shopping centers with private, internal driveways, the width/height ratio can be measured between opposite building fronts (pads) along an internal street, or between one building front and street trees on the opposite side of the street. The internal drive or “shopping street” should have sidewalks and amenities similar to a public street (e.g., seating, trees, lighting, etc.).
- B. Required Uses. All developments in the PTOD zone shall include affordable housing units, in accordance with Article X.
- C. Permitted Principal Uses. In the PTOD zone, no lot shall be used and no structure shall be erected, altered, or occupied for any purpose except the following:
  1. All multi-residential dwellings located in buildings that comply with the height requirements of the PTOD zone. Multi-Residential housing may be constructed within stand-alone buildings or may be constructed above non-residential uses.
  2. All principal non-residential uses permitted in the Regional Business (B4) zone shall be permitted, with the exception of the “Retail A” use.
- D. Permitted Accessory Uses. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection in §427.C:
  1. Child Care Centers.
  2. Awnings & Canopies.
  3. Outdoor seating.
  4. Public, Local Utilities & Cable Television Facilities.
  5. Temporary Construction Trailers.
  6. Fences, hedges, and walls.
  7. Off-street parking facilities, including structures.
  8. Signs.
  9. Refuse and Recycling Storage Areas.
  10. Sidewalk, curbs, gutters, and walkways.
  11. Stormwater management facilities.
- E. Prohibited Uses. Any use that is not specifically permitted in §427.C is hereby prohibited.
- F. Bulk Requirements. Except as otherwise modified, the following bulk standards shall apply to all

buildings in the PTOD zone:

1. Minimum Requirements:

Minimum Requirements	Principal Structures	
	Inside Lot	Corner Lot
Lot Size (acres)	35	35
Lot Frontage	200'	200'
Lot Depth	200'	200'
Front Yard	75'	75'
Secondary Front Yard	n/a	75'
Side Yard	20'	20'
Aggregate Side Yard	50'	n/a
Rear Yard	30'	30'
Maximum Height	4 stories or 55'	4 stories or 55'
Maximum Building Cover	35%	35%
Maximum Lot Cover	75%	75%
Open Space	25%	25%

2. Additional Requirements. In addition to §427.F.1, the following requirements shall apply:
- a. Minimum land area designated for housing shall be a minimum of 50 percent (50%). Housing may be constructed within stand-alone buildings or may be constructed above commercial and office uses. The intent of the overlay is to permit a gross density of 18 units per acre on the gross acreage of 35 acres to yield 630 units on the portion of the site devoted to housing. The requirement for fifty percent (50%) of land area to be utilized for housing is relieved once final approval is granted for the permitted gross density.
  - b. Affordable Housing set-asides shall be consistent with Article X, a minimum of twenty percent (20%) of the total number of units shall be set aside as Affordable Housing Units in For-Sale/Ownership developments and where a minimum of fifteen percent (15%) of the total number of units shall be set aside as Affordable Housing Units in Rental developments. Affordable Housing set-asides shall be consistent with Article X, a minimum of twenty percent (20%) of the total number of units shall be set aside as Affordable Housing Units in For-Sale/Ownership developments and where a minimum of fifteen percent (15%) of the total number of units shall be set aside as Affordable Housing Units in Rental developments.
  - c. No more than fifty percent (50%) of the zone may be approved for non-residential uses until 315 housing units have received preliminary approval.
  - d. At least 30 percent of the non-residential floor area in the zone shall be office space.
  - e. A perimeter tract buffer of a minimum of thirty feet (30'), consisting of existing and supplemental landscape material and/or fences, shall be provided to create a reasonable visual buffer.
  - f. An owners' association shall be created, subject to the approval of the Planning Board. The association shall become the owner of all lands dedicated to recreation and open space and shall be responsible for maintaining all public areas.
3. Density. The maximum density of the residential uses on the entire tract in the PTOD zone shall not exceed 18 dwelling units per gross acre. The maximum density is permitted only if it can be achieved within the limits imposed by the maximum permitted height in the PTOD zone.

G. Open Space. A minimum of 25% of the total tract area shall be dedicated for common open space uses, which may include conservation, passive and active recreation and storm water management as below. No more than 50% of the required common open space shall be in the form of wetlands, wetlands buffers, flood plain, swales, recharge areas, and detention and retention basins if designed

as an aesthetic feature. Additionally, the non-residential area shall have at least one (1) town park and may have plazas, greens, squares, and greenways.

- H. Design Standards. The below standards have been promulgated in an attempt to achieve a well-designed site. It is recognized that the intent of this section can be achieved with designs not anticipated by these standards. Accordingly, the Planning Board may waive any design standard it deems appropriate.
1. Spatial relationships between buildings and other structures shall be formal and façades shall be parallel to street lines and exterior building walls shall typically be either parallel or at right angles to each other. Buildings shall be oriented toward the street or the streetscape. A lot with multiple buildings should be organized around a feature such as a courtyard, green or quadrangle that encourages pedestrian activity and incidental social interaction among users. Buildings shall be designed to provide for safety concerns and shall be located to allow for adequate fire and emergency access.
  2. Residential buildings shall define the street-edge through adherence to uniform setbacks along the build-to line for each block. A minimum of eighty percent (80%) of all residential building façades on a block face shall be located at the build-to-line. The streetscape shall also be reinforced by lines of uniformly spaced shade trees and may be further reinforced by walls, hedges, or fences that define front yards.
  3. Commercial buildings on corner lots shall be considered significant structures, since they have at least two façades visibly exposed to the street. Such buildings shall be designed with additional architectural features to emphasize their location.
  4. Focal points of visual termination shall generally be occupied by prominent buildings and structures that employ enhanced height, massing, distinctive architectural treatments, ornamental site elements, or other distinguishing features.
  5. Special Design Standards. In addition to the requirements of §504, the following shall apply in this zone:
    - a. The entry façades of all buildings shall be designed to a pedestrian scale.
    - b. The architectural treatment of the front façade, with regard to its major features and materials, shall be continued around all sides of a building that are readily visible from public property and/or rights-of-way. The design of all sides of a building shall be consistent with regard to style, materials, colors, and details. No solid, blank, windowless walls or service areas shall not be visible from the public areas. Where the construction of a blank or substantially blank wall is necessary, the façades shall be articulated by the provision of false windows, articulated masonry, or, if the building is occupied by a commercial use, by using recessed or projecting display window cases. Enhanced plantings may also be appropriate in certain cases.
    - c. Open arcades may encroach into a public right-of way and over the sidewalk at a front or side street lot line as follows:
      - i. Front Encroachment: 8 feet maximum.
      - ii. Side Street Encroachment: 8 feet maximum.
      - iii. The maximum allowable height of an encroachment is three stories. The area of an encroachment shall not exceed 20 percent of the block length.
    - d. All air conditioning units, skylights, solar panels, HVAC systems, exhaust pipes or stacks, elevator housing satellite dishes, and other telecommunications receiving devices shall be screened from view from public property or rights-of-way and from adjacent properties by using walls, fencing, roof elements, penthouse-type screening devices, and /or plantings.
    - e. The massing of buildings shall be deemphasized in a variety of ways, including the use of projecting and recessed elements such as porches, windows and roof dormers, to reduce their apparent overall bulk and volume, to enhance visual quality and contribute to human-scale

development. Such breaks in the facades and rooflines shall occur not more frequently than every twenty-five feet (25') and no less frequently than every 100 feet.

- f. Parking lot layout shall take into consideration pedestrian and vehicular circulation and shall be designed to preclude dead end parking lots. Pedestrian crosswalks shall be provided, where necessary and appropriate, and shall be distinguished by textured paving, and shall be integrated into the wider network of pedestrian walkways. Pavement textures shall be required on pedestrian access ways, and strongly encouraged elsewhere in the parking lot, as surfacing materials, or when used as accents and as approved by the Planning Board.
- g. Bicycle Parking.
  - i. For residential uses, there shall be one bicycle space or locker for every three (3) dwellings.
  - ii. For commercial uses, there shall be one bicycle space or locker for every 40 parking spaces.

I. Parking.

1. In addition to the standards of Article V and the New Jersey Residential Site Improvement Standards (RSIS), the following shall apply:
  - a. Off-street parking shall not be located between a building and a street unless the visual impact has been minimized by the construction of walls, fences, berms or the installation of appropriate landscaping.
  - b. No outside storage or overnight parking of commercial vehicles or boats, recreational vehicles, trailers or similar conveyances shall be permitted, unless the commercial vehicle is part of a commercial use and is parked in a designated area, screened and shielded from any roadway.
  - c. Off-street parking shall be located along the side and rear of structures parking shall be provided in the rear and the side of buildings. If parking in the front of buildings must be provided, it shall not occupy more than twenty-five percent (25%) of the lot frontage. Direct pedestrian connections shall be provided from the rear and side parking areas to the front of all buildings. Whenever possible, breaks in the building footprints should be provided to allow pedestrian access from rear parking areas to building fronts. The pedestrian access way should be a minimum of twenty-five (25') feet. On street parking shall be permitted on all development streets, except service alleyways.
2. Shared Parking standards.
  - a. Shared parking shall be encouraged for all commercial parking lots and particularly for those serving mixed use commercial and residential buildings. Where necessary, in parking lots which are serving mixed-use commercial or residential buildings, the Planning Board may, in its discretion, permit a limited amount of parking to be reserved either for residential or specified commercial uses only; or may restrict the hours that certain spaces are to be used for residential or commercial uses only. In exercising its discretion to allow any limitation to be placed on the use of any parking, the Board shall do so with the intent to limit such restrictive use in order to advance the objective of encouraging shared parking.
  - b. An applicant seeking to satisfy its parking requirement using a shared parking approach shall prepare a parking report that documents how an adequate supply of parking spaces will be provided to satisfy projected parking demand. The report shall be prepared using procedures presented in the most recent version of the report "Shared Parking," published by the Urban Land Institute. The report shall be prepared using the most current shared parking methodology published by the Urban Land Institute or the Institute of Transportation Engineers.
  - c. The report may also adjust projected parking demand based on an analysis of captured parking using procedures presented in the most recent version of the Trip Generation

Handbook published by the Institute of Transportation Engineers. A captured and shared parking study report shall:

- i. Calculate the projected peak parking demand for each land use that will be sharing the available parking supply using the latest edition of the ITE informational report Parking Generation.
- ii. Calculate the extent to which parking demand will be mitigated on the site as a result of trips captured from adjoining land uses and therefore occurring without the use of a vehicle.
- iii. Calculate the peak parking accumulation for the development, making use of shared parking procedures.
- iv. Expand the peak parking accumulation by 10% to determine the needed supply of parking spaces. This will assure an adequate capacity of spaces for the turnover of vehicles.
- v. Determine the number of on-site parking spaces that will be supplied.
- vi. Determine the number of on-street parking spaces that are available to the development in accordance with procedures established by this section.
- vii. Determine whether additional parking spaces will be needed to serve the development and if so how they will be supplied.

### 3. Landscaping.

- a. Lots for residential and nonresidential uses shall balance the functional requirements of parking with the provision of pedestrian amenities. Transition areas between parking and civic, commercial, or residential uses shall be designed with textured paving, landscaping, and street furniture approved by the Planning Board.
- b. Parking lot layout, landscaping, buffering, and screening shall be provided to minimize direct view of parked vehicles from streets and sidewalks, avoid spillover light, glare, noise, or exhaust fumes onto adjacent 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 by a minimum of a four-and-one-half-foot-high, year-round visually impervious screen, hedge, or wall. The height of any required screen, hedge, or wall shall decrease where driveways approach sidewalks or walkways, in order to provide adequate visibility of pedestrian from motor vehicles, and shall not interfere with clear sight triangle requirements.
- c. The interior of all parking lots shall be landscaped to provide shade and visual relief. Protected planting islands or peninsulas within the perimeter of the parking lot are encouraged. Parking lots with 10 or less spaces may not require interior landscaping if the Planning Board determines that there is adequate perimeter landscaping. In parking lots with 11 or more spaces, a maximum of one deciduous shade tree shall be required to be planted in the parking lot for every eight parking spaces. A six-foot planting diamond, or equivalent planter, is required per tree. Choice of plant materials, buffer width, type of screening, location, and frequency of tree planting shall be flexible, provided these objectives are designed to the satisfaction of the Planning Board.
- d. Parking lot layout shall take into consideration pedestrian and vehicular circulation and shall be designed to preclude dead end parking lots. Pedestrian crosswalks shall be provided, where necessary and appropriate, and shall be distinguished by textured paving, and shall be integrated into the wider network of pedestrian walkways. Pavement textures shall be required on pedestrian access ways, and strongly encouraged elsewhere in the parking lot, as surfacing materials, or when used as accents and as approved by the Planning Board.

### J. Site Infrastructure.

1. Common trash collection areas shall be properly screened with an appropriate combination of walls, fences, earth berms, and plantings. Any common trash collection area shall provide facilities for the collection and separation of recyclable materials in accordance with the requirements of the Township of Cherry Hill.
2. Any loading space shall be screened from public view by building walls or extensions thereof, fencing and /or landscaping.
3. Sidewalks shall have a minimum width of five feet (5'), except along commercial uses where the sidewalk in commercial areas shall be ten feet (10'). Sidewalks in commercial areas shall be continued across street surfaces using paving materials to delineate crosswalks.
4. Sidewalks and pedestrian paths shall connect proposed uses to a public sidewalk or roadway. Private sidewalks shall be designed to connect parking areas with individual structures, as well as building groups.
5. The use of special paving such as brick or pre-cast concrete pavers for sidewalks is required for a minimum of 10% of the paved area, specifically at prominent intersections and public spaces. Otherwise, sidewalks shall be poured-in-place concrete. Special paving, if selected, should complement the building materials and should be used to define spaces or special areas such as entrances. All plans for special pavement areas shall be submitted to the Planning Board for approval. Private sidewalks shall be submitted to the Planning Board for approval. Sidewalks adjacent to parking lots, where car bumpers may overhang the walk, shall be a minimum of six feet (6') wide measured from the face of the curb or four feet (4') wide if setback a minimum of two feet (2') from the face of curb with a grassed area.

K. Landscaping.

1. Canopy tree shall be planted along street frontages at a maximum distance of 35 feet on center and spaced equal distance between street lights. Such street trees shall be a minimum caliper of three inches (3") (measured six inches (6") above ground level) at the time of planting. Bottom branches shall be trimmed to a minimum of eight feet (8') above the ground for pedestrian passage.
2. Whenever an off street parking area exceeds 100 spaces, the area should be divided into a minimum of 4 (four) equal sections with each section being divided by a landscaped divider strip (minimum 10 feet (10') wide) with canopy trees and planted with ground cover or low shrubs (at least 36 inches in height).
3. Hedges, privacy or ornamental fences of varying heights may be used to block view of parking areas, storage areas, loading docks or other utilitarian views from residential or public areas. No "cyclone" or "chain link" fencing shall be permitted.

L. Lighting. In addition to §509 of the ordinance, the following shall apply:

1. All public and private streets, parking lots and pedestrian walkways shall be sufficiently illuminated to ensure traffic and pedestrian safety under all weather conditions. Lighting fixtures are to include non-glare lights with "cutoff" shields as appropriate in order to mitigate against adverse impacts upon adjacent and nearby properties, the safety of traffic along adjacent roadways and overhead glow.
2. Street lighting shall be decorative and blend with the architectural style of the development.
3. Streets and sites shall be provided with adequate lighting while minimizing adverse impacts such as glare and overhead sky glow on adjacent properties. House-side shields shall be provided where abutting a residential use.
4. Along all commercial or mixed-use streets, parking areas, sidewalk, walkways, courtyards and common areas, 12-14 foot high decorative pedestrian scale lamp posts shall be provided at regular intervals. Posts in commercial mixed-use and senior citizen and townhouse streets should

be spaced approximately sixty feet (60') on the center. Distance of lighting shall depend upon the manufacturer chosen and the specifications of the particular lights.

5. In off-street parking lots, post heights may be extended to a maximum of sixteen feet (16').
6. Use of minimum wattage metal halide or color corrected sodium or mercury vapor light sources is encouraged.
7. Lighting attached to the exterior of a building shall be architecturally compatible with the style, materials colors and details of the building and shall comply with the local building code. The type of light source used on the exterior of buildings, signs, parking areas, pedestrian walkways and other areas of a site, and the light quality produced, shall be the same or compatible. Facades shall be lit from the exterior, and as a general rule, lights should be concealed through shielding or landscaping. Mounting brackets and associated hardware should be inconspicuous.

M. Signs. Signs shall conform with the provisions of Article V.

**SECTION 428.           RESERVED.**

**SECTION 429.           FLOOD PLAIN (FP) OVERLAY ZONE.**

A. Statutory Authorization. The Legislature of the State of New Jersey has, in *N.J.S.A. 40:48-1 et seq.*, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Township Council of the Township of Cherry Hill, of Camden County, New Jersey does ordain as follows:

B. Findings of Fact.

1. The flood hazard areas of Township of Cherry Hill are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

C. Intent. It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to do the following:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
6. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

D. Methods for Reducing Flood Loss. In order to accomplish its purposes, this ordinance includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, and other development which may increase flood damage; and,
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

E. Definitions. Unless specifically defined below or otherwise in §202, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application:

AO ZONE: Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

AH ZONE: Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone,

APPEAL: A request for a review of the Administrative Official's interpretation of any provision of this ordinance or a request for a variance.

AREA OF SHALLOW FLOODING: A designated AO or AH zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD: Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

BASE FLOOD: A flood having a one percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE): The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

BASEMENT: Any area of the building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

**DEVELOPMENT:** Any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

**DIGITAL FLOOD INSURANCE RATE MAP (DFIRM):** The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**ELEVATED BUILDING:** A non-basement building (i) built, in the case of a building in an Area of Special Flood Hazard, to have the top of the elevated floor, elevated above the base flood elevation plus freeboard by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**FLOOD OR FLOODING:** A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD INSURANCE RATE MAP (FIRM):** The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY (FIS):** The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

**FLOODPLAIN MANAGEMENT REGULATIONS:** Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**FLOODPROOFING:** Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without accumulatively increasing the water surface elevation more than 0.2 foot.

**FREEBOARD:** A factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway

conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

**HIGHEST ADJACENT GRADE:** The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

**HISTORIC STRUCTURE:** Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
5. By an approved State program as determined by the Secretary of the Interior; or
6. Directly by the Secretary of the Interior in States without approved programs.

**LOWEST FLOOR:** The lowest floor of the lowest enclosed area [including basement]. An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

**MANUFACTURED HOME:** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**MANUFACTURED HOME PARK or MANUFACTURED HOME SUBDIVISION:** A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

**NEW CONSTRUCTION:** Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

**NEW MANUFACTURED HOME PARK or SUBDIVISION:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

**RECREATIONAL VEHICLE:** A vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**START OF CONSTRUCTION:** (For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348)) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such

as the pouring of a slab or footings, the installation of pilings, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damage would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT:** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**STRUCTURE:** A walled and roofed building, a manufactured home, or a gas or liquid storage tank, that is principally above ground.

**VARIANCE:** A granting of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

**VIOLATION:** The failure of a structure or other development to be fully compliant with this ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

F. General Provisions. This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Township of Cherry Hill, Camden County, New Jersey.

1. Basis for the Establishment of Special Flood Hazard Areas. The areas of special flood hazard for the Township of Cherry Hill, Community No. 340129, are identified and defined on the following documents prepared by the *Federal Emergency Management Agency*:
  - a. A scientific and engineering report "Flood Insurance Study, Camden County, New Jersey (All Jurisdictions)" dated August 17, 2016.
  - b. *Flood Insurance Rate Map* for Camden County, New Jersey (All Jurisdictions) as shown on Index and panel numbers 34007C0033E, 34007C0034F, 34007C0037F, 34007C0041E, 34007C0042E, 34007C0044E, 34007C0053E, 34007C0061E, 34007C0062E, 34007C0063E, 34007C0064E, 34007C0068E, 34007C0107E, 34007C0126E, 34007C0127E, 34007C0131E; whose effective date is August 17, 2016.

The above documents are hereby adopted and declared to be a part of this ordinance. The *Flood Insurance Study* and maps are on file at 820 Mercer Street, Cherry Hill, NJ 08002-2638.

2. Penalties for Non-Compliance. No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than ninety (90) days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Township of Cherry Hill from taking such other lawful action as is necessary to prevent or remedy any violation.
3. Abrogation & Greater Restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
4. Interpretation. In the interpretation and application of this ordinance, all provisions shall be:
  - a. Considered as minimum requirements;
  - b. Liberally construed in favor of the governing body; and,
  - c. Deemed neither to limit nor repeal any other powers granted under State statutes.
5. Warning & Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by human or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Township of Cherry Hill, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

#### G. Permits

1. Required Permits. Applicable zoning and building permits shall be obtained before construction or development begins within any area of special flood hazard established in §429-B.F.1. Applications for zoning and building permits shall be made on forms furnished by the Administrative Official and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:
  - a. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
  - b. Elevation in relation to mean sea level to which any structure has been floodproofed.
  - c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in §429.J.2; and,
  - d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
2. Designation of the Administrator. The Administrative Official is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.
3. Duties & Responsibilities of the Administrator. Duties of the Administrative Official shall include, but not be limited to:

- a. Permit Review. All zoning and building permits shall be reviewed to determine the following:
  - iv. the permit requirements of this ordinance have been satisfied.
  - v. all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
  - vi. if the proposed development is located in the floodway, assure that the encroachment provisions of §429.K.1 are met.
- b. Use of other Base Flood & Floodway Data. When base flood elevation and floodway data has not been provided in accordance with §429.F.1, the Administrative Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer construction standards, in accordance with §429.J.1 and §429.J.2.
- c. Information to be Obtained & Maintained.
  - i. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
  - ii. For all new or substantially improved floodproofed structures, the actual elevation (in relation to mean sea level) must be verified and recorded and the floodproofing certifications required in §429.G.1.c are maintained.
  - iii. Maintain for public inspection all records pertaining to the provisions of this ordinance.
- d. Alteration of Watercourses.
  - i. Notify adjacent communities and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
  - ii. Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.
- e. Substantial Damage Review.
  - i. After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.
  - ii. Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section.
  - iv. Ensure substantial improvements meet the requirements of sections 429.J.1 –SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 429.J.2 – SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.
- f. Interpretation of FIRM Boundaries. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in §429.H.

#### H. Variances & Appeals.

##### 1. Board Action.

- a. The Planning Board or Zoning Board of Adjustment, as established by the Township of Cherry Hill, shall hear and decide appeals and requests for variances from the requirements of this ordinance. A variance is required from the applicable Board to construct in the floodplain or to deviate from the construction standards within the floodplain.

- b. The respective Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Administrative Official in the enforcement or administration of this Ordinance.
  - c. Those aggrieved by the decision of the respective Board, or any taxpayer, may appeal such decision to the Superior Court of New Jersey, as provided in *N.J.S.A. 40:55D-1 et seq.*
  - d. In passing upon such applications, the Planning or Zoning Board of Adjustment, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and the following:
    - i. Danger that materials may be swept onto other lands to the injury of others;
    - ii. Danger to life and property due to flooding or erosion damage;
    - iii. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
    - iv. Importance of the services provided by the proposed facility to the community;
    - v. Necessity to the facility of a waterfront location, where applicable;
    - vi. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
    - vii. Compatibility of the proposed use with existing and anticipated development;
    - viii. Relationship of the proposed use to the comprehensive plan and flood plain management program of that area;
    - ix. Safety of access to the property in times of flood for ordinary and emergency vehicles;
    - x. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
    - xi. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
  - e. Upon consideration of the factors of §429.H.1.d and the purposes of this ordinance, the applicable Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
  - f. The Administrative Official shall maintain the records of all appeal actions, including technical information, and report any variances to the *Federal Insurance Administration* upon request.
2. Conditions for Variances.
- a. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in §429.H.1.d have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
  - b. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
  - c. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
  - d. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - e. Variances shall only be issued upon:

- i. a showing of good and sufficient cause;
    - ii. a determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
    - iii. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in §429.H.1.d, or conflict with existing local laws or ordinances.
  - f. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- I. Provisions for Flood Hazard Reduction. In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, are required:
  1. Anchoring.
    - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
    - b. All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
  2. Construction Materials & Methods.
    - a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
    - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
  3. Utilities.
    - a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
    - b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
    - c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
    - d. For all new construction and substantial improvements, the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
  4. Subdivision Proposals.
    - a. All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;
    - b. All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

- c. All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and,
  - d. Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty (50) lots or five (5) acres (whichever is less).
5. Enclosure Openings. All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings in at least two exterior walls of each enclosed area, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1') foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.
- J. Specific Standards. In all areas of special flood hazards where base flood elevation data have been provided as set forth in §429.F.1 or in §429.G.3.b, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required:
- 1. Residential Construction.
    - a. New construction and substantial improvement of any residential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated to or above base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive;
    - b. Require within any AO or AH zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated above the depth number specified in feet plus one (1) foot above the highest adjacent grade (at least three feet if no depth number is specified), and require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
  - 2. Non-Residential Construction.
    - a. New construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A or AE zone shall either have the lowest floor, including basement together with attendant utilities and sanitary facilities, elevated to or above the level of the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive; and
    - b. Require within any AO or AH zone on Cherry Hill's FIRM that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement together with attendant utilities and sanitary facilities, elevated above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures; or together with the attendant utilities and sanitary facilities, shall:

- i. Be floodproofed so that below the base flood level plus one (1) foot or as required by ASCE/SEI 24-14, Table 6-1, whichever is more restrictive, the structure is watertight with walls substantially impermeable to the passage of water;
- ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in §429.G.3.b

3. Manufactured Homes.

- a. Manufactured homes shall be anchored in accordance with §429.I.1.b.
- b. All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be consistent with the need to minimize flood damage; be constructed to minimize flood damage; have adequate drainage provided to reduce exposure to flood damage; and be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive.

K. Floodways. Located within areas of special flood hazard established in §429.F.1 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters that carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. If §429.K.1 is satisfied, all new construction and substantial improvements must comply with §429.I & J.
3. In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

**SECTION 430. STREAM BUFFER (SB) OVERLAY ZONE.**

A. Intent. In recognition of the fact that natural features contribute to the welfare of residents, the following regulations have been enacted to provide reasonable controls governing the restoration, conservation, disturbance, and management of existing stream buffers for all perennial and intermittent streams and all lakes and ponds in Cherry Hill by establishing designated Stream Buffer Overlay Zone. For the purposes of this ordinance, the following purposes and intent shall apply:

1. Reduce the amount of nutrients, sediment, organic matter pesticides, and other harmful substances that reach watercourses, wetlands, subsurface, and surface water bodies by using scientifically-proven processes including filtration, deposition, absorption, adsorption, plant uptake, biodegradation, denitrification and by improving infiltration, encouraging sheet flow, and stabilizing concentrated flows.

2. Improve and maintain the safety, reliability and adequacy of the water supply for domestic, agricultural, commercial, industrial and recreational uses along with sustaining diverse populations of aquatic flora and fauna.
3. Regulate the land use, siting and engineering of all development to be consistent with the intent and objectives of this ordinance, accepted conservation practices, and to work within the carrying capacity of existing natural resources.
4. Assist in the implementation of pertinent state laws concerning erosion and sediment control practices.
5. Conserve the natural features important to land and water resources (e.g., headwater areas, groundwater recharge zones, floodway, floodplain, springs, streams, wetlands, woodlands, prime wildlife habitats) and other features constituting high recreational value or containing amenities that exist on developed and undeveloped land.
6. Work with floodplain, steep slope, and other ordinances that regulate environmentally sensitive areas to minimize hazards to life, property, and Stream features.
7. Conserve natural, scenic, and recreation areas within and adjacent to Stream areas for the community's benefit.

B. Definitions, Establishment, & Width Determination.

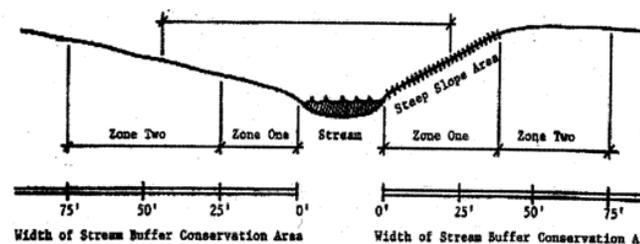
1. Definition. The Stream Buffer Overlay Zone is defined as, “areas surrounding municipally designated surface water bodies, including creeks, lakes and intermittent watercourses that intercept surface water runoff, wastewater, subsurface flow, and/or deep groundwater flows from upland sources and function to remove or buffer the effects of associated nutrients, sediment, organic matter, pesticides, or other pollutants prior to entry into surface waters. This area may also provide wildlife habitat, control water temperature, attenuate flood flow, and provide opportunities for passive recreation. This buffer area may or may not contain trees and other native vegetation at the time of ordinance enactment.”
2. Establishment.
  - a. The establishment of the Stream Buffer Overlay Zone applies to the following areas, which are identified on the municipal Stream Buffer Map:
    - i. Lands adjacent to municipally designated streams within the municipality.
    - ii. Lands adjacent to municipally designated intermittent water courses within the municipality.
    - iii. Lands at the margins of municipally designated lakes.
  - b. The measurement of the Stream Buffer Overlay Zone shall extend a minimum of seventy-five (75') feet from each defined edge of an identified watercourse or surface water body at bankfull flow or level, or shall equal the extent of the 100-year floodplain, whichever is greater. The Stream Buffer will consist of two distinct zones designated as:
    - i. Zone One.
      - (a) This zone will begin at each edge of an identified waterway, which can include wetlands and intermittent watercourses, and occupy a margin of land with a minimum width of twenty-five (25') feet measured horizontally on a line perpendicular to the edge of water at bankfull flow.
      - (b) Where steep slopes, areas in excess of twenty-five (25%) percent, are located within twenty-five (25') feet of a municipally designated watercourse, Zone One shall extend the entire distance of this sloped area. If the distance of this sloped area is greater than seventy-five (75') feet, there will be no requirement for the establishment of Zone

Two. If the distance is less than seventy-five (75') feet, the width of Zone Two will be adjusted so that the total buffer width (Zone One and Zone Two) will be seventy-five (75') feet maximum.

ii. **Zone Two.**

- (a) This zone will begin at the outer edge of Zone One and occupy a minimum width of fifty (50') feet in addition to Zone One.
- (b) Where the 100-year floodplain extends greater than seventy-five (75') feet from the waterway, Zone One shall remain a minimum of twenty-five (25') feet wide, and Zone Two shall extend from the outer edge of Zone One to the outer edge of the 100-year floodplain.

3. **Width Determination.** The developer, applicant, or designated representative shall be responsible for the initial width determination of the stream buffer and identifying this area on any plan that is submitted to the municipality for subdivision, land development, or other improvements that require plan submissions or permits. This initial determination shall be subject to review and approval by the municipal engineer, governing body, or its appointed representative.



- C. **Permitted Uses.** The following uses are permitted, either by right or after review and approval by the municipality in the Stream Buffer Overlay Zone. However, within any buffer, no construction, development, use, activity, or encroachment shall be permitted unless the activity is described in the *Cooper River Regional Stormwater Management Plan & amendments (2004, amended 2006)* and *Cherry Hill Stormwater Management Plan. (June 6, 2005; NJPED #NJG 0152374; PI ID #171635)*, as outlined in §429.H.2

1. **Zone One.**

- a. **Permitted Uses.** Open space uses that are primarily passive in character shall be permitted to extend into the area defined as Zone One, including:
  - i. Wildlife sanctuaries, nature preserves, forest preserves, fishing areas, passive areas of public and private parklands, and reforestation in compliance with the guidelines of the *Cooper River Regional Stormwater Management Plan & amendments (2004, amended 2006)* and *Cherry Hill Stormwater Management Plan.*
  - ii. Streambank stabilization in compliance with the guidelines of the *Cooper River Regional Stormwater Management Plan & amendments (2004, amended 2006)* and *Cherry Hill Stormwater Management Plan.*
- b. **Township Approval.** Buffer crossings by farm vehicles and livestock, recreational trails, roads, railroads, centralized sewer and/ or water lines, and public utility transmission lines, and public utility transmission lines provided that any disturbance is offset by buffer improvements identified in the *Cooper River Regional Stormwater Management Plan & amendments (2004, amended 2006)* and *Cherry Hill Stormwater Management Plan.*

2. **Zone Two.**

- a. Permitted Uses. The following uses which are primarily passive in character, shall be permitted by right to extend into the area defined as Zone Two:
  - i. Open space uses including wildlife sanctuaries, nature preserves, forest preserves, passive areas of public and private parklands, and recreational trails.
  - ii. Reforestation in compliance with the guidelines of the *Cooper River Regional Stormwater Management Plan* & amendments (2004, amended 2006) and *Cherry Hill Stormwater Management Plan*.
  - iii. Minimum required front, side, and rear yards on private lots, provided that no yard may extend into Zone Two more than half the distance between the outer boundaries of Zone One and Zone Two.
  - iv. Agricultural uses existing at the time of adoption of this ordinance.
- b. Township Approval.
  - i. New agricultural uses.
  - ii. Buffer crossings by farm vehicles and livestock, roads, railroads, centralized sewer and/or water lines, and public utility transmission lines provided that any disturbance is at a minimum, offset by buffer improvements identified in the *Cooper River Regional Stormwater Management Plan* & amendments (2004, amended 2006) and *Cherry Hill Stormwater Management Plan*.
  - iii. Centralized sewer and/or water lines and public utility transmission lines running along the buffer, provided that any disturbance is, at a minimum, offset by buffer improvements identified in the *Cooper River Regional Stormwater Management Plan* & amendments (2004, amended 2006) and *Cherry Hill Stormwater Management Plan*. These lines shall be located as far from Zone One as practical.
  - iv. Selective cutting of trees when removal is consistent with approved standards in the *Cooper River Regional Stormwater Management Plan* & amendments (2004, amended 2006) and *Cherry Hill Stormwater Management Plan*.
  - v. Areas such as camps, campgrounds, picnic areas and golf courses. Active recreation areas such as ball fields, playgrounds, and courts provided these uses are designed in a manner that will not permit concentrated flow.
  - vi. Naturalized stormwater basins in compliance with the guidelines in the *Cooper River Regional Stormwater Management Plan* & amendments (2004, amended 2006) and *Cherry Hill Stormwater Management Plan* and §516.H.6. The entire basin shall be located a minimum of fifty (50') feet from the defined edge of identified watercourses.
- D. Prohibited Uses. Any use or activity not authorized within §429.C shall be prohibited within the Stream Buffer Overlay Zone. By way of example, the following activities and facilities are specifically prohibited:
  - 1. Clear-cutting of trees and other vegetation.
  - 2. Selective cutting of trees and/or the clearing of other vegetation within Zone One, except where such clearing is necessary to prepare land for a use permitted under §429.C.1 and where the effects of these actions are mitigated by re-vegetation, as specified under §429.H.
  - 3. Selective cutting of trees and/or the clearing of other vegetation within Zone Two, except where such clearing is necessary to prepare land for a use permitted by §429-B.C.2. and where the effects of these actions are mitigated by re-vegetation, as specified under §429.H.

4. Removal of trees in excess of selective cutting, except where such removal is necessary as a means to eliminate dead, diseased, or hazardous tree stands that jeopardize public safety or as part of a reforestation project, provided that the removal is in compliance with the *Cooper River Regional Stormwater Management Plan & amendments (2004, amended 2006)* and *Cherry Hill Stormwater Management Plan*, approved by the municipal engineer, or appointee.
  5. Removal or disturbance of vegetation in a manner that is inconsistent with erosion control and buffer protection and §508.D.
  6. Storage of any hazardous or noxious materials.
  7. Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of prescribed industry standards or the recommendations of the Camden County Conservation District.
  8. Roads or driveways, except where permitted as buffer crossings in compliance with §429.C.1.b or §429.C.2.b.ii.
  9. Motor or wheeled vehicle traffic in any area not designed to accommodate adequately the type and volume.
  10. Parking lots.
  11. Any type of permanent structure, including fences, except structures needed for a use permitted in §429.C.
  12. Subsurface sewage disposal areas.
  13. Sod farming.
- E. Non-Conforming Structures & Uses. Non-conforming structures and uses of land within the Stream Buffer Overlay Zone shall be regulated under the provisions of §401 of the Cherry Hill Zoning Ordinance. The following additional regulations also shall apply:
1. Existing non-conforming structures or uses within Zones One or Two that are not permitted under §429-B.C. may be continued but shall not have the existing building footprint or uses expanded or enlarged.
  2. Discontinued non-conforming uses may be resumed any time within one year from such discontinuance but not thereafter when showing clear indications of abandonment. No change or resumption shall be permitted that is more detrimental to the Stream Buffer Overlay Zone, as measured against the intent and objectives under §429.A., than the existing or former non-conforming use.
  3. This one year time frame shall not apply to agricultural uses, which are following prescribed Best Management Practices for crop rotation.
- F. Boundary Interpretation & Appeals Procedure.
1. When a landowner or applicant disputes the Zone (One or Two) boundaries of the stream buffer or the defined edge of a watercourse, surface water body, the landowner or applicant shall submit evidence to the municipality that describes the boundary, presents the landowner or applicant's proposed boundary, and presents all justification for the proposed boundary change.
  2. The municipal engineer, applicable Board or appointed representative shall evaluate all material submitted and shall make a written determination within forty-five (45) days, a copy of which shall be submitted to the Township of Cherry Hill, Cherry Hill Planning or Zoning Board, and landowner or applicant.

3. Any party aggrieved by any such determination or other decision or determination under this section may appeal to the Township of Cherry Hill, under the provisions this ordinance. The party contesting the location of the zone boundary shall have the burden of proof in case of any such appeal.

G. Inspection.

1. Lands within or adjacent to an identified Stream Buffer Overlay Zone will be inspected by the municipal representative when:
  - a. A subdivision or land development plan is submitted.
  - b. A building permit is requested.
  - c. A change or resumption of non-conforming use is proposed.
2. The zone may also be inspected periodically by the municipal representatives for compliance with an approved restoration plan, excessive or potentially problematic erosion, or at any time when the presence of an unauthorized activity or structure is brought to the attention of municipal officials.

H. Management.

1. Within any identified buffer area, no construction, development, use, activity, or encroachment shall be permitted unless the effects of such development are accompanied by implementation of an approved *Cooper River Regional Stormwater Management Plan & amendments (2004, amended 2006)* and *Cherry Hill Stormwater Management Plan*, as specified within the Zoning Ordinance.
  2. The landowner or developer shall submit to the municipal engineer, governing body, or its appointed representative, a *Cooper River Regional Stormwater Management Plan & amendments (2004, amended 2006)* and *Cherry Hill Stormwater Management Plan* prepared by a landscape architect, professional engineer or other qualified professional that fully evaluates the effects of any proposed uses on the Stream Buffer Overlay Zone. The Plan shall identify the existing conditions (vegetation, 100-year floodplain, soils, slopes, etc.), all proposed activities, and all proposed management techniques, including any measures necessary to offset disturbances to the Stream Buffer Overlay Zone. The plan shall be approved by the municipal engineer, governing body, or appointed representative as part of the subdivision and land development process.
- I. Vegetation Selection. To function properly, dominant vegetation in the *Cooper River Regional Stormwater Management Plan & amendments (2004, amended 2006)* and *Cherry Hill Stormwater Management Plan* shall be selected from a list of plants most suited to the stream buffer. Plants not included on the lists may be permitted by the municipal engineer, applicable Board, or its appointed representative when evidence is provided from qualified sources certifying their suitability. The municipality may require species suitability to be verified by qualified experts in the Camden County Conservation District, Natural Resources Conservation Service, NJ Department of Environmental Protection, the U.S. Fish and Wildlife Service, or state and federal forest agencies.
1. In Zone One, dominant vegetation shall be composed of a variety of native stream tree, shrub species, tall grasses and appropriate plantings necessary for streambank stabilization as outlined in §516.H.6.c.i.
  2. In Zone Two, dominant vegetation shall be composed of stream trees and shrubs, with an emphasis on native species and appropriate plantings necessary to stabilize the soil as outlined in §516.H.6.c.ii.
  3. Disturbed areas shall be re-vegetated with stream buffer plants, in compliance with an approved plan.

4. Areas that cannot be re-vegetated shall be restored in compliance with an approved plan.

**SECTION 431. RESIDENTIAL ZONES: ADDITIONAL USES & STRUCTURES**

Notwithstanding the permitted uses within individual zones, the following additional uses shall be permitted in any residential zones, or as limited herein, subject to their associated requirements and regulations herein below.

- A. Horse Keeping Regulations. The keeping of horses shall be permitted in only the RA zone, subject to the following standards:
  1. Stables must be built so as not to create offensive odors, fly-breeding or other nuisances.
  2. The animals shall be for the private use of the occupants of the residence. No commercial use, such as the letting of horses for hire, shall be engaged in on the property.
  3. One Horse. Not more than one horse or pony may be kept, which conforms to the following:
    - a. The subject lot must be a minimum of fifteen thousand (15,000) square feet in size, and
    - b. Enclosed in a pen or corral of at least eight hundred (800) square feet in size, and
    - c. Provide a stable under a roof of at least one hundred (100) square feet in size, and
    - d. The pen, corral, fences or similar enclosures are not closer than twenty (20') feet to the adjacent property lines and no closer than fifty (50') feet to any adjacent principal structure.
  4. Two Horses. Not more than two (2) horses or ponies may be kept, which conforms to the following:
    - a. The subject lot must be a minimum of twenty thousand (20,000) square feet in size, and
    - b. Enclosed in a pen or corral containing at least eight hundred (800) square feet per animal, and
    - c. Provide a stable under a roof of at least one hundred (100) square feet per animal, and
    - d. The pen, corral, fences or similar enclosures are not closer than twenty (20') feet to the adjacent property lines and no closer than fifty (50') feet to any adjacent principal structure.
  5. Three Horses. Not more than three (3) horses or ponies may be kept, unless conforming to the following:
    - a. The subject lot must be a minimum of one (1) acre, and
    - b. Enclosed in a pen or corral containing at least eight hundred (800) square feet for the first horse or pony and four hundred (400) square feet for each additional horse or pony, and
    - c. Provide a stable under a roof containing of at least one hundred (100) square feet per animal, and
    - b. The pen, corral, fences or similar enclosures are not closer than twenty (20') feet to the adjacent property lines and no closer than fifty (50') feet to any adjacent principal structure.
  6. Fence. Fences must be constructed of such materials and in such a manner as to prevent and preclude the escape of horses, in accordance with §506.
  7. Buffer. A planted buffer screen, in accordance with §508.F., shall be required.
  8. Manure. Manure must be collected in a sanitary manner so as to prevent offensive odors and create a nuisance. Manure from stabled horses or other livestock must be removed from a stable or a similar housing structure three (3) times each week. Manure must be stored a minimum of twenty-five (25') feet from a stable and fifty (50') feet from the nearest neighboring dwelling. Any stockpile of manure shall not exceed one hundred (100) square feet. All stockpiles of

manure shall be limed at least one every week.

- B. Home Occupations. Home occupations shall be permitted upon application and approval of a Zoning Permit certifying compliance with §431.B.1 below. This subsection shall not alleviate individuals or business establishments from obtaining any license or other permit required by municipal, county or state regulations.
1. Permitted Home Occupation. A home occupation shall meet the criteria within this subsection, as follows:
    - a. The residential character of the lot and building shall not be changed.
    - b. The use shall be conducted entirely within the primary dwelling or accessory building associated with it.
    - c. No more than twenty-five (25%) percent of the gross floor area, including any garage space, of the dwelling unit may be used for the home occupation.
    - d. No sounds emanating from the home occupation use shall be audible outside the residence.
    - e. No equipment shall be used which will cause interference with radio and television reception in neighboring dwellings nor create other nuisances by its operation.
    - f. No display of products shall be visible from the street, nor shall any article be sold or offered for sale on the premises.
    - g. No more than one client, patron, or customer may be on the premises for business or professional purposes at any one time.
    - h. The home occupation may only employ one person not resident on the premises in the performance of the occupation.
    - i. No sign identifying or advertising the minor home occupation shall be permitted.
    - j. Deliveries shall be limited to commercial package services or utilization of the owner's passenger vehicle, and conform to §431.D.
    - k. Additional off-street parking to accommodate the home occupation shall be allowed but may only occupy 40% of the area of the front yard.
    - l. The home occupation shall not be open for customers, clients or patrons before 8:00am on weekdays and 9:00am on weekends nor after 8:30pm every day.
  2. Prohibited Home Occupations. The following uses are specifically prohibited as home occupations:
    - a. Automobile repair, refurbishing or servicing.
    - b. Barber shops and beauty salons.
    - c. Bed and breakfast accommodation.
    - d. Body piercing and tattooing.
    - e. Medical and dental offices (excluding counseling, psychology, and psychiatry)
    - f. Real estate office.
    - g. Spray painting and refinishing operations.
    - h. Taxi and limousine service.
    - i. Home occupations primarily involving public assembly.
- C. Private Garages. Off-street parking, carports, and private garages for residential zones shall conform to the following requirements:
1. A private garage in a residential zone shall be permitted only when used as an accessory building to a dwelling on the same lot.

2. Only one private garage per residentially used lot shall be permitted.
3. No accessory dwelling unit shall be part of any garage.
4. A private garage may be either a separate building or it may be attached to as an integral part of the dwelling.
5. Attached garages shall be even with or behind the front building facade of a proposed principal structure.
6. The area of land occupied by the private garage shall not exceed that of the principal building.
7. A detached private garage shall be single story and shall not exceed eight hundred (800) square feet in floor area and store more than four (4) vehicles.
8. Garages shall meet the following setbacks, in Table 4.3:

<b>TABLE 4.3. GARAGE SETBACKS</b>	
<b>Setback Requirements</b>	<b>Garage</b>
Front Yard (ft)	30'
Secondary Front Yard (ft)	25'
Side Yard (ft)	10'
Aggregate Side Yard (ft)	20'
Rear Yard (ft)	10'

9. A driveway shall not be located closer than three (3') feet to a side or rear property line, except in the event that a driveway is shared among two individual properties in accordance with §505.
10. No curb cut to a single family or two-family dwelling shall exceed twenty-two (22') feet in width at the right-of-way line.

**D. Commercial Trucks & Buses in Residential Zones.**

1. No trucks or buses shall be parked in any residential zone, except one commercial truck or bus of a rated capacity not exceeding five (5) tons (10,000 lbs.) gross vehicle weight, which shall be permitted to be regularly parked or garaged on a residential lot that meets the following requirements:
  - a. The vehicle is owned or used by a resident on the premises, that also contains the primary residence of the owner, or
  - b. On a residential lot that is contiguous to and owned by a resident of the primary dwelling.
2. If not garaged, such truck or bus shall be parked on a surface that has been improved for parking.
3. Commercial vehicles and/or vehicles with body types known as stake body, cube body, walk-in body, flat-bed, and/or vehicles of this nature are strictly prohibited in any residential zone.
4. Exemptions. The following are exemptions from this ordinance:
  - a. No limit to the number of vehicles used in the operation of a farm,
  - b. No limit to the number of vehicles and/or construction equipment in active use during the time of construction on a lot approved for development,
  - c. Parking of a commercial vehicle in a residential zone for the purpose of installing, maintaining, or performing public utility services, or
  - d. Parking of a commercial vehicle in a residential zone purpose of making pick-ups or deliveries

in the regular course of business to the residents of such areas.

- E. Recreational Vehicles in Residential Zones. All recreational vehicles, trailers, motor homes, off-road vehicles, and boats that are parked or stored in residential zones shall conform to the following regulations:
1. The occupation of such recreational vehicles for residential purposes is prohibited.
  2. No such uses shall be hooked up to utility services.
  3. Recreational vehicles shall not be permitted in common areas and/or parking lots of multi-residential communities.
  4. Such vehicles shall not be permitted in non-residential zones, excluding Institutional (IN), unless on a site that has received site plan approval that specifically designates an area for the storage of boats and/or trailers.
  5. Recreational vehicles that are required by law to bear a commercial license plate are not permitted in residential zones.
  6. If not garaged, recreational vehicles must be parked on a paved, graveled, or similar hard surface.
  7. Location.
    - a. Must be located in the rear or side yard of homes.
    - b. Must be located behind the front wall of the dwelling or the applicable front yard setback of that zone, whichever is further from the street right-of-way. Corner properties must meet this restriction for both primary and secondary front yards
    - c. A minimum of three (3') feet from the side property line and ten (10') feet from the rear property line.
- F. Motor Vehicle Storage. The storage of motor vehicles in any residential zone shall comply with the Township Property Maintenance Ordinance 95-36, §15-16.8, as well as the following requirements:
1. A vehicle is deemed stored if it is dismantled, inoperable, uninspected, uninsured, unlicensed, and/or unregistered vehicle in any residential zone beyond thirty (30) consecutive days.
  2. Beyond thirty (30) days of storage, a Zoning Permit is required for the exterior storage of dismantled, inoperable, uninspected, uninsured, unlicensed, and/or unregistered motor vehicle for a maximum of ninety (90) days. Further approvals must be obtained from the Zoning Board.
  3. If not garaged, motor vehicles must be parked on a paved, graveled, or similar hard surface that is a minimum of three (3') feet from the side property line and ten (10') feet from the rear property line.
  4. No motor vehicle that is on blocks, car ramps, or any type of lifting device shall be left unattended, unless housed within a secure garage or secured in a fenced area with approved Zoning Permit(s).
- G. Swimming Pools & Cabanas. The following requirements apply to private residential swimming pools and accessory cabanas:
1. Applicability. In-ground, above-ground, and on-ground swimming pools, as well as spas, Jacuzzi, hot tubs, whirlpools, and other similar structures shall be considered residential swimming pools under the regulations herein.
    - a. Any constructed pool which is used or intended to be used as a swimming pool in connection with a single-family residence and available only to the subject lot's household and their

private guests shall be classified as private swimming pool.

- b. Any swimming pool other than a private residential swimming pool shall be classified as a public or semi-public swimming pool.
- c. No private residential swimming pool shall be constructed, installed, or located on any lot unless a residential dwelling is also located thereon.

2. Lot & Yard Requirements.

- a. Pools and cabanas shall be considered impervious surface, which shall not exceed the impervious surface ratio of the zone (when included with other impervious surfaces).
- b. Pools shall be located in rear or side yard areas only. No swimming pool shall be nearer to any street line upon which the residence fronts than the existing setback line of said residence building, but in no case, regardless of the building setback line, shall a swimming pool be located less than thirty-five (35') feet from a street right-of-way, excepting the rear yards of reverse frontage lots.
- c. No swimming pool shall be closer than ten (10') feet to any rear or side lot line, measured from the pool apron or deck, whichever is closest to the adjacent lot line.
- d. A swimming pool must be a minimum of twelve (12') feet from the foundation of any principal structure, measured from the edge of the pool's surface.
- e. The following swimming pools shall have no minimum setback requirement from a dwelling, accessory building, or property line, as defined in §202:
  - i. those containing less than twenty-four (24") inches or less in depth, or
  - ii. those containing less than two hundred and fifty (250) square feet of surface area.

3. Cabanas. Cabanas shall be permitted in conjunction with a swimming pool, which conforms the following requirements:

- a. Cabanas shall not exceed one hundred sixty-eight (168) square feet in area.
- b. Any cabana shall be located in the rear yard, no closer than ten (10') feet to any lot line.

4. Decks. Decks that are accessory to a residential structure, including those that are attached to pools, and other accessory buildings shall adhere to §431.H. of the Ordinance.

5. Fencing. Private residential swimming pools must be enclosed with a fence that is a minimum height of four (4') feet with self-locking gates that open out or located at the top of the pool, in accordance with the Uniform Construction Code (UCC).

6. Pool effluent which is the result of draining, cleaning, filter, flushing or other pool maintenance operation shall not be permitted to flow overland across adjacent property lines.

7. All in-ground and above-ground swimming pools shall be so constructed, installed and maintained as to provide the necessary equipment for the chlorination and other disinfection and filtering of water to comply with approved bacteriological standards as may be promulgated by the *Camden County Board of Health* and the *New Jersey Department of Health & Senior Services*.

H. Decks & Patios. Decks and patios are permitted accessory structures in residential zones, contingent on the following:

- 1. Decks or patios are not permitted within any drainage, sewer, or other easement.
- 2. Patios shall be considered impervious surface, which shall not exceed the impervious surface ratio of the zone (when included with other impervious surfaces).

- 3. Decks and patios that are thirty (30") inches in height or less without a roof cover, measured from grade to the top of the deck (exclusive of the handrail), must meet the following minimum setback requirements of Table 4.4..

<b>TABLE 4.4. DECK &amp; PATIO SETBACKS</b>		
<b>Setback Requirements</b>	<b>Decks</b>	<b>Patios</b>
Front Yard (ft)	35'	30'
Secondary Front Yard (ft)	25'	25'
Side Yard (ft)	10'	5'
Aggregate Side Yard (ft)	20'	20'
Rear Yard (ft)	15'	15'

- 4. Privacy screens of up to six (6') feet shall be permitted to be attached to the deck, so long as the total height (deck height and screen height) does not exceed six (6') feet in height.
- 5. The following decks and patios must meet minimum zoning setback requirements that apply for that property:
  - a. Decks that exceed thirty (30") inches in height measured from grade to the top of the deck (exclusive of the handrail), or
  - b. Decks with privacy screens that exceed the maximum height of six (6') in height (deck height and screen height), or
  - c. Patios with a roof cover, screen room, or sunroom.
- I. Protruding Features. Cantilevered balconies, chimneys, eaves, and awnings are permitted accessory structures in residential zones, contingent on the following:
  - 1. May project up to three (3') feet into the front, side, or rear yard.
  - 2. Balconies, eaves, or awnings that are supported by posts or project beyond three (3') feet from the principal structure must meet the minimum setback requirements in effect for that property.
- J. Residential Storage Sheds. Private free-standing storage sheds are permitted accessory uses in all single-family residential zones and where explicitly permitted. Said sheds shall comply with the following regulations:
  - 1. Sheds are not to be used for human or animal habitation.
  - 2. No more than one storage shed shall be permitted per lot.
  - 3. Sheds are only permitted in the rear yard of a lot.
  - 4. A floor area of one hundred and sixty eight (168) square feet or less must be a minimum of five (5') feet from any side and rear property line. Sheds that exceed one hundred and sixty eight (168) square feet must be a minimum of ten (10') feet from a side and rear property line.
  - 5. Sheds shall not exceed twelve (12') feet in height.
- K. Playground & Recreation Equipment. Playground and recreational equipment for private use are permitted accessory structures in all residential zones.
  - 1. Playground Equipment. Swing sets, including attached playhouses, with or without roofs or covers attached, and other similar playground equipment shall adhere to the minimum yard setbacks in Table 4.5.

<b>TABLE 4.5. PLAYGROUND &amp; COURTS SETBACKS</b>			
<b>Setback Requirements</b>	<b>Playground Equipment</b>	<b>Basketball Courts</b>	<b>Tennis Courts</b>
Front Yard (ft)	30'	35'	35'

Secondary Front Yard (ft)	25'	25'	25'
Side Yard (ft)	5'	10'	10'
Aggregate Side Yard (ft)	5'	15'	20'
Rear Yard (ft)	5'	10'	10'

## 2. Basketball Courts.

- a. Only one basketball court is permitted per lot. The lot must not include a tennis court.
- b. Basketball backboards and/or hoops or poles shall not be permitted to encumber or encroach over or upon any street, avenue, highway, road, lane sidewalk, walkway, or right-of-way subject to public use, with the exception of cul-de-sacs.
- c. Basketball hoops may be constructed on driveways located within the front yard, in addition to driveways in the side or rear yards, which shall be exempt from the requirements of §431.K.2.
- d. Private basketball courts must meet the minimum yard setbacks established in Table 4.5.
- e. Fencing shall be permitted, in accordance with §506.A.1.d.ii, which cannot exceed twelve (12') feet in height.
- f. Said courts shall not be illuminated.
- g. Basketball courts shall be considered impervious surface, which shall not exceed the impervious surface ratio of the zone (when included with other impervious surfaces).
- h. A landscaped buffer shall be provided along the rear and side(s) property lines, in accordance with §508.F.

## 3. Tennis Courts.

- a. Only one tennis court is permitted per lot. The lot must not include a basketball court.
- b. Private tennis courts must meet the minimum yard setbacks established in Table 4.5.
- c. Fencing shall be permitted, in accordance with §506.A.1.d.ii, which cannot exceed twelve (12') feet in height.
- d. Said courts shall not be illuminated.
- e. Tennis courts shall be considered impervious surface, which shall not exceed the impervious surface ratio of the zone (when included with other impervious surfaces).
- f. A landscaped buffer shall be provided along the rear and side(s) property lines, in accordance with §508.F.

- L. Satellite Dish, Television, & Cable Receiving Antennae. Personal satellite dish systems for the reception of television and radio signals in residential zones or for businesses not engaged in telecommunications reception and broadcasting shall conform to the following requirements:
  1. To the greatest extent feasible, consistent with the unimpeded reception of broadcasts, antennae are to be located in a rear yard or the rear slope of a roof.
  2. An antenna that is in excess of thirty-six (36") inches in size shall conform to the setback requirements for accessory uses and structures in the zone in which it is located.

3. An antenna that is in excess of thirty-six (36") inches in size shall be located in the rear yard.
4. The Administrative Officer shall have the power to waive the enforcement of this subsection upon certification from a qualified installer that conformance with these requirements will materially limit the reception of broadcasts from communications satellites.
5. Any and all Federal Communications Commission (FCC) regulations shall supersede this Ordinance.

**SECTION 432. ADDITIONAL USES & STRUCTURES PERMITTED.**

Notwithstanding the permitted uses within individual zones, the following additional uses shall be permitted in any zone or non-residential zone as the case may be, subject to their associated requirements and regulations herein below:

- A. Child Care Centers. Child care centers shall be permitted in any non-residential zone. In those zones combining residential and non-residential areas under a unified plan for development, the child care center shall be permitted only in the non-residential area. Any child care center shall be duly licensed pursuant to *N.J.S. 30:5B-1 et seq.* A child care center functionally integrated within a non-residential development owned or operated for the benefit of their employees, their tenant's employees, or employees within an office or business park or research and development complex shall not be required to provide additional off-street parking for the use. In the calculation of any floor area ratio applicable to an office or business park or research and development complex, the area occupied by a child care center shall not be included.
- B. Awnings & Canopies. Awnings and canopies on the same lot and customarily incidental to the permitted uses shall conform to the following requirements:
  1. Awnings or canopies may be no greater than thirty five (35%) percent of the principal building facade.
  2. Size.
    - a. Single User Structure. Entrance canopies that project a maximum of five (5') feet or less from single user structures (one to three users) and a maximum of eight (8') feet
    - b. Multiple User Structure. Entrance canopies that project a maximum of eight (8') feet from multiple user structures (four or more users) and twelve (12') feet in width.
  3. Support structures for awnings may not obstruct any driveway or parking lot aisle, or any other vehicular or pedestrian way.
  4. Canopies or awnings must meet the setback requirements of the applicable zone.
  5. They shall only be permitted to be attached to the principal structure on each street frontage.
  6. Internal illumination of awnings and canopies shall be permitted.
- C. Solar Energy.
  1. General Requirements.
    - a. The solar energy system shall provide power for the principal use of the property whereon said system is to be located and shall not be for the generation of power for commercial purposes, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time from a wind or solar energy system designed to meet the energy needs of the principal use.
    - b. Ground-mounted solar systems shall not be considered impervious coverage.
    - c. In accordance with §502.E, the installation of solar panels shall not create glare that is a nuisance or poses a danger to surrounding properties and the general public.

- d. Permits for solar energy systems shall receive preference Zoning Permit review.
- 2. Roof Mounted. Roof-mounted systems shall meet the following standards:
  - a. Such system on the principal building shall not be more than three (3') feet higher than the finished roof to which it is mounted.
  - b. In no instance shall any part of the system extend beyond the edge or pitch of the roof.
- 3. Ground Mounted. Ground-mounted systems shall meet the following standards:
  - a. Such systems shall be not less than ten (10') feet from any side or rear property line.
  - b. Solar energy systems are prohibited in front yards, and shall not be located past the front wall of the principal building.
  - c. Height of ground mounted solar energy systems and systems included on accessory buildings shall not exceed twelve (12') feet in height.
  - d. No more than twenty (20%) percent of a lot may be covered with a solar energy system.
  - e. The equipment shall be adequately screened from view of residential neighbors by appropriate low-level vegetative screening or solid fencing.
- D. Telecommunication Towers or Antennae. Telecommunication towers or antennae for commercial purposes are permitted as an accessory use in the Institutional (IN), Highway Business (B2), Shopping Center Business (B3), Regional Business (B4), and Industrial (IR) zones, in accordance with the following requirements:
  - 1. Bulk Requirements.
    - a. The minimum lot size shall be two (2) acres.
    - b. The maximum height of a telecommunication tower, excluding antenna(s), shall not exceed one hundred (100') feet from grade.
    - c. There shall be no more than one communications tower or antenna in excess of fifty (50') feet in height per lot.
    - d. Setbacks. The telecommunication tower and/or antenna(s) shall maintain the following minimum setbacks:
      - a. A distance equal to 1.5 times the total height of the structure from all property boundaries of the site containing the telecommunication tower or antenna(s).
      - b. A distance equal to double the total height of the structure from any contiguous property boundary containing either a residential use or a residential zone.
  - 2. Co-Location. Co-location shall be the preferred method for establishing new telecommunications facilities. Every effort shall be made to co-locate the proposed facility on existing telecommunications facilities or other similar facilities or alternative support structures.
    - a. Any applicant requesting permission to install a new telecommunications tower shall provide evidence of written contact with all wireless service providers and other owners of the telecommunications towers within two (2) miles of the proposed facility.
    - b. The applicant shall inquire in writing about potential co-location opportunities at all technically feasible locations.
    - c. The contacted providers/owners shall be requested to respond in writing to the inquiry within thirty (30) days. The applicant's letter(s) as well as response(s) shall be presented to the department as a means of demonstrating the need for a new tower. Supporting evidence of the need for a new tower may consist of any of the following conditions:

- i. No existing towers or alternative support structures are located within the geographic area required to meet the applicant's engineering requirements.
  - ii. Existing towers or alternative support structures are not of sufficient height to meet the applicant's engineering requirements.
  - iii. Existing towers or alternative support structures do not have sufficient strength to support the applicant's proposed antenna and related equipment.
  - iv. The applicant's proposed system would cause electromagnetic interference with the system on the existing tower or alternative support structure, or the system on the existing tower or alternative support structure would cause electromagnetic interference with the applicant's proposed system.
  - v. The fees, cost or contractual provisions required by the owner to share an existing tower or alternative support structure or to adapt an existing tower or alternative support structure for co-location are unreasonable. Costs are considered reasonable if they conform to contractual terms standard in the industry within the southern New Jersey/greater Philadelphia area or do not exceed the cost of new tower development.
  - vi. The applicant demonstrates that there are other limiting factors that render existing towers or alternative support structures unsuitable.
- d. Telecommunications facility structures permitted under this Ordinance shall allow other users to lease space on the structure up to the maximum number of users allowed by permit. The owner/operator of the facility shall make space available at market rates and with contractual terms standard in the industry within the southern New Jersey/greater Philadelphia area. The owner/operator may refuse to lease space on the telecommunications facility structure if the proposed system would cause electromagnetic interference with the system(s) on the existing telecommunications facility structure, or the system(s) on the siting telecommunications facility structure would cause interference with the proposed system, subject to verification by the department.
- e. The response of the owner(s)/operator(s) of existing telecommunications facilities to requests for co-location will be considered during the review process. Unreasonable responses to requests for co-location shall be grounds for revocation of a conditional use permit.
- f. County and local government agencies shall have the right to reserve space upon any new tower or upon any tower being substantially modified. Reservation of the accommodation upon the structure shall be acquired during the permit approval process through good faith negotiations with the applicant.
3. Design Requirements.
- a. New towers shall be designed structurally and electrically to accommodate the applicant's antennas and comparable antennas for at least three (3) additional users. Towers must also be designed to allow for future rearrangement of antennas on the tower and to accept antennas mounted at different heights.
  - b. Antennas must be enclosed, camouflaged, screened, obscured or otherwise not readily apparent to a casual observer. All telecommunications towers, antennas and their support structures shall be designed to blend into the surrounding environment through the use of color camouflaging, architectural design, and other alternative design tower structures as well as by minimal disruption of existing vegetation. Materials used for the exterior of any structure

shall be of a type, color and location so as to minimize glare and the impact on any scenic or historic areas, public vantage points or abutting properties.

- c. Lattice towers are discouraged. Monopole structures are encouraged.
  - d. Camouflaged towers are encouraged, which is a telecommunications tower that due to design or appearance hides, obscures, or conceals the presence of the tower and antennas. Camouflaging may be accomplished by a suitable combination of the following examples: lack of lighting, low tower height, non-contrasting colors, screening and landscaping, and others.
  - e. Stealth towers are encouraged, which is when the telecommunications is integrated as an architectural feature of a structure so that the purpose of the Facility for providing wireless services is not readily apparent to a casual observer. Such structures may include, but are not limited to, flagpoles, bell towers, clock towers, crosses, monuments, smoke stacks, parapets, and steeples. Flagpoles shall be limited to three flagpoles.
4. Performance Standards.
- a. Security. All telecommunications facilities shall be reasonably protected against unauthorized access. A telecommunication tower shall be enclosed by a fence or masonry wall with locked access, a maximum of eight (8') feet in height, so as to deter any trespassing onto such. Barbed wire is not permitted.
  - b. Signs. No sign of any kind shall be placed upon the antenna or telecommunication tower, with the exception of incidental signs indicating "warning", "no trespassing" or similar admonition. Such incidental sign shall be placed on the fence or wall enclosing the tower, which may be placed at the base of the structure. No part of the structure, and fixtures or instruments attached thereto, shall have any written copy, design, corporate logo, or the like, that could be construed as an advertisement, be painted, attached, or affixed onto such.
  - c. Lighting. No lighting of the principal telecommunications facility structure shall be allowed unless required by the Federal Aviation Administration (FAA) or Federal Communications Commission (FCC).
  - d. Landscaping. A twenty-five (25') foot buffer shall be planted around the facility, except where accessed, in accordance with §508.F.
  - e. Access Drive. Access shall be provided by a discreet access drive, not to exceed fifteen (15') feet in width, utilizing pervious material outlined in §505, with the exception of §505.3.
5. Site Plan. A site plan shall be required for the construction of a new telecommunications tower and/or antennae or co-location of an additional antennae or equipment on an existing tower or structure. In addition to the requirements of Article VIII, the following shall be required, when applicable:
- a. Map. A tabular and map inventory of all of the applicant's existing telecommunications facilities located within two (2) miles of the Township boundary.
  - b. FCC. Federal Communication Commission (FCC) license numbers and registration numbers, if applicable.
  - c. FONSI. Two copies of Finding of No Significant Impacts (FONSI) statement from the Federal Communication Commission (FCC), if applicable.
  - d. FAA. Two copies of the determination of no hazard from the Federal Aviation Administration (FAA), if applicable.

- e. Photos. Photo simulations of the proposed facilities from points of interest or a “balloon test”, if applicable.
  - f. Structural Analysis Report certifying the structural design of the tower and its ability to accommodate at least three (3) additional antennas, prepared by a New Jersey Licensed Professional Engineer (P.E.)
  - g. Proof of Liability Coverage. Cherry Hill Township shall be a certificate holder in this policy.
  - h. An alternatives analysis, prepared and signed by a radio frequency engineer, identifying all reasonable, technically feasible, alternative locations or facilities that could provide the proposed telecommunications service within two (2) miles of the proposed site. The analysis shall include:
    - i. Propagation maps showing the existing and proposed signal of the carrier or service provider within at least two (2) miles of the Township. Propagation maps shall include areas served through roaming agreements with other service providers if applicable.
    - ii. An explanation of the feasibility of co-locating the proposed telecommunication service on all existing facilities within a two (2) mile radius.
    - iii. An explanation of the feasibility of locating the proposed telecommunication service on an alternative support structure within a two (2) mile radius.
    - iv. An explanation of the rationale for the site that was selected in view of the relative merits of any of the feasible alternatives.
  - j. Monitoring. The applicant shall monitor the telecommunications facility to ensure full compliance with *Federal Communication Commission (FCC)* regulations. A report shall be submitted to the department within one month of activation of the facility.
6. Removal. Telecommunications facilities shall be removed and their sites restored to their pre-construction state once they are no longer in use and not a functional part of providing telecommunications service, in accordance with the following:
- a. Removal and restoration of such facilities is the responsibility of the owner of the facility. The property owner shall be responsible for the removal and restoration of such facilities in the event that the owner of the facilities fails to complete the removal and restoration of the facilities.
  - b. The telecommunications facility shall be removed when use of the facility has been discontinued or the facility is not used for its permitted purpose for twelve (12) consecutive months. Mere intent to continue use of the facility shall not constitute use. The applicant/owner shall demonstrate through facility lease(s) or other similar instruments that the use will be continued without a lapse of more than twelve (12) consecutive months to constitute actual use. If the applicant cannot demonstrate actual use, the facility shall be considered abandoned and shall be removed.
  - c. The applicant or owner of the telecommunications facility shall provide a bond, irrevocable letter of credit or other suitable financial guarantee as determined by the applicable Board to ensure the removal of the facility and restoration of the site to its pre-construction state when use of the facility has been discontinued. The amount of financial guarantee shall be no less than \$30,000 dollars. Cherry Hill Township shall be the certificate holder of the financial guarantee.
- E. Utility Facilities. Distribution facilities for public utilities, local utilities and cable television companies shall be permitted in any zone, but shall not include utility yards for the storage of vehicles,

equipment and supplies, nor for maintaining and extending distribution networks, power generation, or facilities requiring a *New Jersey Pollution Discharge Elimination System* permit (NJPDDES), provided that:

1. The proposed installation in a specific location must be reasonably necessary for the satisfactory provision of service by the utility to the neighborhood or area in which the particular use is to be located.
  2. The design of any building in connection with such facilities must conform to the general character of the area and not adversely affect the safe, comfortable enjoyment of property rights in the zone in which it is located.
  3. Adequate enclosures of a wall or fencing and other safety devices must be provided as may be required. Enclosures, when used to enclose public utility facilities such as electrical power substations, shall be built in accordance with the applicable requirements of the *New Jersey Board of Public Utility Commissioners* and the *National Electrical Code* in effect at the time of construction.
  4. A landscape buffer, in accordance with §508.F, shall be provided and maintained around the utility complex.
  5. All of the other area, yard, height, and building coverage requirements of the respective zone and any other applicable requirements of this Ordinance shall be met.
- F. Temporary Construction Trailers. Temporary construction trailers at work sites shall be permitted in all zones for office use and the storage of equipment and supplies during active construction activities. The installation of such trailers shall conform to the following requirements:
1. No construction trailer shall be installed at a work site prior to the issuance of a construction permit.
  2. All such construction trailers shall be removed within two (2) weeks from the work site upon the issuance of a temporary or permanent certificate of occupancy to which the use of the trailer relates.
  3. No construction trailer shall remain at a work site where active construction activity has ceased for a period of more than ninety (90) days.
  4. No construction trailer shall be located within twenty-five (25') feet of a lot line or right-of-way. Such trailers shall be temporarily screened from public view by a combination of opaque fencing and/or landscaping.
  5. In the event that the development of a site or subdivision requires the use of more than four (4) temporary construction trailers, a site plan shall first be submitted and approved by the Planning Board indicating the location, access, and appropriate buffering from public view.
- G. Portable Temporary Storage Units. Temporary portable storage units, commonly known as "PODs", for non-disposable items shall be permitted as an accessory use in all zones. Such portable storage units are subject to the following limitations:
1. The placement of a portable temporary storage unit is permitted for temporary use by the occupant of the dwelling, with a proper Zoning Permit.
  2. Shall not exceed a period of thirty (30) days or the time period for which there is an active building permit open on the property, not to exceed one hundred and ninety (190) days.
  3. Only one (1) portable storage container shall be permitted on a lot
  4. A portable storage container shall be placed on concrete, asphalt or other impervious surface, and not upon a lawn or yard.

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5. No portable storage container shall be placed or located closer than ten (10') feet from any side or rear lot line.
6. If the container is located in the front driveway, it shall be no closer than ten (10') feet from the right-of-way, not obstructing any sidewalk or access.
7. PODs shall not be permitted in the street or right-of-way.