

§ 123-32. Conditional uses; special requirements.

- A. Application procedure. Before a building permit, zoning permit or certificate of occupancy shall be issued for a conditional use, as permitted by this chapter, such use shall be approved as a conditional use in the manner described in Chapter 64 of this Code. **[Amended 9-17-1996 by Ord. No. 96-12]**
- B. ¹Special requirements for barbershops, beauty parlors and laundromats. **[Added 9-17-1996 by Ord. No. 96-12]**
- (1) The above uses must be connected to a municipal public sewer.
- C. ²Special requirements for rental centers. **[Added 9-17-1996 by Ord. No. 96-12]**
- (1) With the exception of equipment which must be driven, towed or trailered to be transported, all materials shall be contained within a building or in open storage areas maintained in a side or rear yard, contiguous to the principal building.
- (2) A six-foot-high solid fence shall be located so as to screen all open storage areas from public view.
- (3) All regulations for the zoning district in which the use is to be located shall be complied with. The minimum lot area in any zone shall not be less than three acres.
- (4) Equipment for rental may be displayed in front yard areas during business hours, provided that the equipment is set back at least 25 feet from the street line (right-of-way line).
- (5) No item of equipment exceeding 8,000 pounds shall be rented.
- D. Special requirements for community centers, quasi-public clubs and social and fraternal clubs. **[Amended 9-17-1996 by Ord. No. 96-12]**
- (1) All regulations for the zoning district in which the use is to be located shall be complied with, except that the minimum lot area shall not be less than three acres. Not more than 20% of the lot area shall be covered by structures.
- (2) No building, structure or active recreation facilities shall be located within 100 feet of an adjacent residential property line.
- (3) Where parking areas are adjacent to a residential zone or use, a twenty-five-foot buffer strip, including fences and shrubs no less than six feet high, shall be provided.
- E. Special requirements for hotels and motels.
- (1) Each unit of accommodation shall contain a minimum floor area of 250 square feet. Ceilings shall be a minimum of eight feet in height.

1. Editor's Note: Former Subsection B, Special requirements for apartment and/or townhouse developments, was repealed 6-12-1985 by Ord. No. 85-10. For current provisions, see § 123-12.1.

2. Editor's Note: Former Subsection C, Special requirements for low-density townhouse developments, added 4-9-1980, was repealed 6-12-1985 by Ord. No. 85-10. For current provisions, see § 123-12.1.

- (2) Each unit of accommodation shall include a minimum of two rooms, a bedroom and a separate bathroom which afford privacy to a person within said room and which is equipped with a toilet, a wash basin and a bathtub or shower, all properly connected to water and sewer systems. There shall be no cooking facilities in any unit of accommodation.
- (3) There shall be a residency limitation on all guests of 30 days maximum. The foregoing residency limitation shall not apply to an employee living on the premises.
- (4) All of the area, yard, building coverage and height requirements of the respective zone and other applicable requirements of this chapter must be met.

F. Special requirements for public utility uses.

- (1) For purposes of this chapter, the term "public utility uses" shall include such uses as telephone, dial equipment centers, power substations and other public utility services, but shall not include service or storage yards or similar uses.
- (2) The proposed installation in a specific location must be reasonably necessary for the satisfactory provision of service by the utility to the neighborhood or areas in which the particular use is to be located.
- (3) 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 or property rights in the zone in which it is located.
- (4) Adequate fences and other safety devices must be provided as may be required. Fences, 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 Safety Code in effect at the time of construction.
- (5) Sufficient landscaping, including shrubs, trees and lawn, shall be provided and be periodically maintained.
- (6) All of the area, yard, building coverage, parking and height requirements of this respective zone and other applicable requirements of this chapter must be met.

G. Special requirements for service stations. **[Amended 3-8-1989 by Ord. No. 89-5]**

- (1) Application.
 - (a) Application for a conditional use permit for a service station shall be made to the Land Use Board by filing the same with the Secretary of the Board. Such application shall set forth the following information and shall be accompanied by such papers or documents which shall contain the following: **[Amended 3-20-2001 by Ord. No. 01-2]**

[1] A plot plan, drawn to scale, showing the location of the premises and of the building thereon; the street, entrances and exits or driveways; and the precise location of the tanks, pumps, lifts and other appurtenances.

- [2] The width of the street or streets upon which said premises abut.
- [3] The location, type or kind of structure and present use, if known, of all buildings within 200 feet of the boundary lines of the premises.
- (b) Where the applicant is a person other than the owner of the premises, the written consent of such owner or owners authorizing the filing of the application.
- (2) The Land Use Board must find after a hearing that: **[Amended 9-17-1996 by Ord. No. 96-12 ; 7-20-1999 by Ord. No. 99-9 ; 11-15-1999 by Ord. No. 99-12 ; 3-20-2001 by Ord. No. 01-2]**
 - (a) The entrance and exit driveway or driveways are at least 20 feet wide but not more than 30 feet wide and 20 feet from the adjoining lot line and at least 75 feet from the corner of intersecting streets.
 - (b) Floor drains shall not be connected to any public sanitary sewer system.
 - (c) Areas susceptible to fuel spills, including the areas surrounding fill pipes for storage tanks and fuel pump islands, shall incorporate spill containment features to contain the maximum probable spill so as to prevent accidental spills from entering the stormwater drainage system and traveling off-site.
 - (d) The nearest boundary line of the lot is at least 300 feet from any boundary line of the property which is used as or upon which is erected:
 - [1] A public or private school.
 - [2] A church or other place of worship.
 - [3] A hospital.
 - [4] A public library, public art museum or other public building.
 - [5] A theater or other building or structure used or intended to be used for motion picture, theatrical or operatic productions or public entertainment.
 - [6] A public playground or civic center.
 - [7] A firehouse or fire station.
 - (e) Repair work, oil changes and lubrication, other than occasional incidental minor repairs, shall take place entirely within the building, and all repair or service apparatus or equipment shall be located entirely within the building.
 - (f) A service station shall comply with the yard requirements for the district in which it is located with respect to the location of tanks, pumps, lift, filing, greasing or other device, appliance or apparatus.
 - (g) Outdoor displays of products for sale or rental shall not be permitted with the exception of oil, windshield washer fluid, coolant, tires, wheels, wiper blades and products in vending machines. Outdoor displays of products shall be set back at

least 25 feet from the street line (right-of-way line).

- (h) A maximum of five motor vehicles awaiting repair may be parked overnight on the premises, exclusive of vehicles parked inside the building.
- (i) The use and parking of tow trucks shall be limited to three per service station.
- (j) Accessory uses.
 - [1] The sale or rental of cars, trucks, trailers, boats or any other vehicles on the premises of a service station shall be prohibited.
 - [2] The storage of cars, trucks, trailers, boats or any other vehicles not being serviced or repaired on the premises of a service station facility shall be prohibited.
 - [3] The storage of inoperable vehicles classified as junk cars, or those of a type which can be registered, but are not currently registered with any jurisdiction shall not be permitted.
- (k) All of the area, yard, building coverage and height requirements of the respective zone and other applicable requirements of this chapter must be met, with the exception that minimum lot area requirements for service stations in the HC zone shall be 1.50 acres.
- (l) Truck stops and/or what is commonly referred to as travel centers (which usually include overnight parking, a diner/restaurant, showers and full-service over-the-road truck maintenance garage) shall be prohibited. **[Amended 12-18-2007 by Ord. No. 2007-22 ; 11-19-2018 by Ord. No. 2018-10 ; 4-16-2019 by Ord. No. 2019-05]**
- (m) Service stations may be operated 24 hours per day in the HC and GC Zones, provided they have obtained an approved lighting plan from the Township Land Use Board. **[Amended 12-18-2007 by Ord. No. 2007-22 ; 4-14-2008 by Ord. No. 2008-07]**
- (n) There shall be no multiple principal uses on the property on which the service station is situated.

H. Special requirements for nursing homes.

- (1) Nursing homes and other buildings, to the extent required by the State of New Jersey, shall conform to the Manual of Standards for Nursing Homes issued by the Department of Institutions and Agencies of the State.
- (2) The minimum lot area for a nursing home shall be five acres. The minimum lot width, at the front building line, shall be 300 feet. The minimum front yard shall be 75 feet. There shall be two side yards no less than 100 feet in aggregate width and neither yard less than 50 feet. There shall be a rear yard with a depth of not less than 50 feet.
- (3) Not more than 20% of the area of each lot may be occupied by buildings. No building

shall exceed a height of 35 feet or 2 1/2 stories.

- (4) Each nursing home shall be served by public water supply and sanitary sewer facilities.
 - (5) The maximum number of beds shall be 10 for the first 1 1/2 acres of lot area and five beds for each additional acre of lot area.
 - (6) Such homes shall not be primarily used for the care of patients suffering from communicable disease and shall not be used for the cure of patients who are mentally incompetent or insane and who, by reason of such mental condition, constitute a danger to the public.
 - (7) Such use shall not be conducted on the same lot with other principal uses, except farm uses and necessary residence and facilities for persons and their families employed in such nursing or convalescent homes.³
- I. Special requirements for riding academies. No area used for housing riding animals shall be closer than 150 feet to any lot line.
- J. Special requirements for contractors equipment and machinery sales and contractors storage yards. **[Added 4-18-1995 by Ord. No. 95-14 ; amended 9-17-1996 by Ord. No. 96-12]**
- (1) No equipment shall be stored or parked in front yard areas with the exception of machinery for sale at an authorized sales dealer. Any equipment parked in front yard areas shall be set back at least 25 feet from the street line (right-of-way line).
 - (2) Repair work and oil changes and lubrication, other than occasional incidental minor repairs, shall take place entirely within the building and all repair or service apparatus or equipment shall be located entirely within the building.
 - (3) The storage of inoperable vehicles or those of a type which can be registered, but are not currently registered with any jurisdiction, shall not be permitted.
 - (4) A minimum landscaped area 20 feet wide shall be provided along all side and rear property lines. Contractors storage yards shall also provide a minimum landscaped area 25 feet wide adjacent to the property line abutting public streets, except where curb cuts are located. The landscaped area shall be increased to 50 feet adjacent to residential property lines. All buffers and landscaped areas shall be protected from adjacent parking areas by curbs, or concrete or wood bumpers, at least six inches in height and securely anchored into the ground.
 - (5) A six-foot-high solid fence shall be located so as to screen all open storage areas from public view.
- K. Special requirements for auto body shops, auto repair shops and oil change shops. **[Added 4-9-1980 ; amended 4-18-1995 by Ord. No. 95-14 ; 9-17-1996 by Ord. No. 96-12]**
- (1) Repair work and oil changes and lubrication, other than occasional incidental minor

3. Editor's Note: Original Subsection H, which immediately followed this subsection and pertained to campgrounds, was deleted and repealed 6-8-1977.

repairs, shall take place entirely within the building and all repair or service apparatus or equipment shall be located entirely within the building.

- (2) Outdoor displays of products for sale or rental shall not be permitted, with the exception of oil, windshield washer fluid, coolant, tires, wheels, wiper blades and products in vending machines. Outdoor displays of products shall be set back at least 25 feet from the street line (right-of-way line).
 - (3) The maximum number of motor vehicles awaiting repair parked overnight on the premises, exclusive of vehicles parked inside the building, shall be as follows:
 - (a) Oil change shop: five vehicles.
 - (b) Auto repair shop: eight vehicles.
 - (c) Auto body shop: 20 vehicles.
 - (4) When parking for more than eight vehicles awaiting repair is provided, the parking area shall be screened from the public street and adjacent properties by a six-foot-high solid fence or landscaping which accomplishes the same degree of screening as a six-foot-high fence.
 - (5) All of the area, yard, building coverage and height requirements of the respective zone and other applicable requirements of this chapter must be met, with the exception that minimum lot area requirements for oil change shops and auto repair shops in the HC zone shall be 1.50 acres.
- L. Special requirements for auditoriums and assembly halls. **[Added 9-17-1996 by Ord. No. 96-12]**
- (1) The above uses must be connected to a municipal public sewer.
 - (2) No building shall be located within 100 feet of an adjacent residential property line.
 - (3) Where parking areas are adjacent to a residential zone or use, a twenty-five-foot buffer strip, including fences and shrubs, no less than six feet high shall be provided.
 - (4) All regulations for the zoning district in which the use is to be located shall be complied with, except that the minimum lot area shall be not less than five acres. Not more than 20% of the lot area shall be covered by structures.
- M. Special requirements for automobile sales. **[Added 9-17-1996 by Ord. No. 96-12]**
- (1) The minimum lot area shall be five acres.
 - (2) The minimum lot frontage shall be 300 feet.
 - (3) The minimum lot depth shall be 300 feet.
 - (4) There shall be a building on the lot in conjunction with the use which shall contain no less than 15,000 square feet of usable floor area. At least 25% of said floor area shall be devoted to new or used car display purposes.

- (5) The area devoted to outside display of new and used cars shall not exceed 60% of the total lot area.
- (6) Display lighting shall be shielded and shall be so located and maintained as not to constitute a hazard or nuisance to the public using the highway or to neighbors. In particular, so-called "string lights" shall be permitted.
- (7) A minimum buffer area of 50 feet in width shall be provided along a lot line abutting a residential district or use.
- (8) Outdoor displays of vehicles for sale shall be set back at least 25 feet from the street line (right-of-way line).
- (9) All other regulations regarding setbacks, yard area, impervious coverage, building coverage and floor area ratio for the zoning district in which the use is to be located shall be complied with.

N. Special requirements for retail nurseries. [**Added 9-17-1996 by Ord. No. 96-12**]

- (1) With the exception of the landscape plants, shrubs and trees, all materials for sale shall be contained within a building, except that open storage and sales areas may be maintained in a side or rear yard, provided that such open storage and sales areas are contiguous to the building and are screened by a six-foot-high solid fence so designed as to screen all materials and supplies, except plant materials, from public view.
- (2) Plant materials may be displayed openly in any yard. When displayed in the front yard, a twenty-five-foot setback from the street line (right-of-way line) must be maintained.
- (3) All regulations for the zoning district in which the use is to be located shall be complied with, except that the minimum lot area shall be not less than three acres.