

§ 134-33. Low density residential (R-30) district.

§ 134-33.1. Permitted uses.

In addition to those uses listed in § 134-29 and 134-30, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

- A. Detached dwellings, provided there is not more than one dwelling unit per lot. **[Amended 6-19-2013 by Ord. No. 22-2013]**
- B. Municipal uses.
- C. Accessory uses and accessory structures customarily incidental to the above uses and located on the same lot as the principal use to which they are accessory.
- D. Home occupations or professions. **[Amended 10-17-2012 by Ord. No. 48-2012]**
 - (1) The office of an accountant, architect, dentist, engineer, insurance broker, lawyer, physician, planner, real estate agent, computer professional, marketing agent, public relations professional, literary agent, author or other similar type professions;
 - (2) An artist's studio, a craft-person's shop, a tailor/seamstress/dressmaker's shop, a baker's shop, or similar artisans' shops or studios where such products are made on premises. Instruction for these occupations is permitted for a maximum of one student at a time. Sale of the products is permitted provided that the sale of the products is not open to the general public and does not occur at the residence.
 - (3) Musical instrument or voice instructors. Instruction for these occupations is permitted for a maximum of one student at a time;
 - (4) The administrative office of a tradesman whose field of activity is entirely away from the dwelling unit;
 - (5) The marketing and sales of home good products provided that retail sales is not open to the general public.
 - (6) Location and size. The office or studio shall be located in the basement or on the first or street level floor of the dwelling and the area thereof shall be limited to not more than 50% of the first floor area. Storage of related materials or products for sale incidental to permitted home occupation is permitted but shall be included within the 50% floor area limitation and location restrictions provided for herein.
 - (7) The home occupation or profession shall be carried on wholly within the principal dwelling unit.
 - (8) The home occupation or profession shall employ not more than three persons, one of whom may be a person who does not reside at the subject dwelling unit.
 - (9) Permitted sign. One customary professional or announcement sign, as follows:
 - (a) Maximum size of 2 square feet in area, if attached to the main wall of the dwelling. Said sign shall not be illuminated by internal or external source; or

- (b) Maximum size of 1 square foot in area if mounted on a post, provided that such post is set back from the front property line 5 or more feet.
- (c) No portion of the sign shall have an electronic message center or a changeable copy sign. **[Amended 2-15-2012 by Ord. No. 6-2012]**
- (10) The home occupation or profession may have off-street parking on the premises for customer or client use, provided there are no more than two such spaces.
- (11) Prohibited uses and activities associated with the home occupation or profession.
 - (a) Exterior display or exterior storage of materials or commercial vehicles.
 - (b) Exterior indication of the home occupation or profession other than the parking and sign permitted by this section.
 - (c) Visible variation from the residential character of the principal building resulting from the home occupation use.
 - (d) Offensive noise, vibration, smoke, dust, odors, heat or glare.
 - (e) Home occupation or profession shall not include or be deemed to include the office of a person professionally engaged in the purchase, manufacture or sale of goods kept or displayed on the premises; tearooms; tourist lodges; boarding- or lodging-houses; beauty parlors; barbershops; nails salons; restaurants; commercial stables and kennels; veterinarian offices; convalescent homes; mortuary establishments; the assembly of or meeting place for employees of one or more persons; stores; trades or hobby shops; or businesses of any kind not herein excepted. Notwithstanding anything to the contrary in this chapter, the home professional office of a physician shall not include a biological or other medical testing laboratory.

E. Any senior citizen who is the owner of a single-family dwelling, which is his primary residence, may rent or lease a room or rooms within that building together with general use associated with that dwelling to one person. For purposes of this paragraph, a "senior citizen" is any person who has attained the age of 62 years on the effective date of this paragraph or the spouse of that person, or surviving spouse of that person, if the surviving spouse is 55 years of age or older. **[Added 2-15-2012 by Ord. No. 6-2012]**

§ 134-33.2. Area and bulk regulations, detached dwellings. [Amended 6-19-2013 by Ord. No. 22-2013]

- A. Minimum lot area: 30,000 square feet.
- B. Minimum lot width: 150 feet.
- C. Minimum lot depth: 200 feet.
- D. Setback standards for principal structure: **[Amended 6-19-2013 by Ord. No. 22-2013]**
 - (1) Minimum front yard setback (exclusive of an open porch, landings, steps, overhanging

eaves, cornices, chimneys, bay windows) for lots with frontage on one or more Passaic County road: 75 feet.

(2) Minimum front yard setback (exclusive of an open porch, landings, steps, overhanging eaves, cornices, chimneys, bay windows) with respect to the frontage on roads other than those owned by Passaic County:

(a) For interior lots that are not adjacent to a corner lot:

- [1] No structure or part of a structure shall extend nearer to a street line than the average front yard setback of 200 feet, as average front yard setback is defined, herein.
- [2] When no average front yard setback is possible because there are no structures within 200 feet, the front yard setback shall be 65 feet.

(b) For corner lots:

- [1] The prevailing front yard setback, as prevailing front yard setback is defined herein, shall apply.
- [2] When there is no prevailing front yard setback because there is no principal structure on the adjacent lot facing the same street, the front yard setback shall be 65 feet.
- [3] The secondary front yard setback, as secondary front yard setback is defined herein, shall apply.
- [4] In the case of a corner lot where the side street does not include interior lots and where the side façades of both the subject principal structure and its adjacent corner lot face said side street, no structure or part of a structure shall be closer than 50 feet to the side street.

(c) For interior lots that are adjacent to corner lots:

- [1] The prevailing front yard setback shall apply, as prevailing front yard setback is defined, herein.
- [2] When there is no prevailing front yard setback because there is no principal structure on the adjacent lot facing the same street, the front yard setback shall be 65 feet.

(3) Minimum rear yard (exclusive of landings, steps, overhanging eaves, cornices, chimneys, bay windows): 60 feet.

(4) Minimum side yards (exclusive of an open porch, landings, steps, overhanging eaves, cornices, chimneys, bay windows):

- (a) There shall be 2 side yards with a total width of not less than 30% of the width of the lot at the front street setback line.
- (b) The width of the narrower side yard shall not be less than 10% of the width of the

lot at the front street setback line or 15 feet, whichever is greater.

- (c) In the case of a corner lot, the side yard setback of the principal structure falling within that portion of the side yard that is between, 1) lines drawn to extend the side walls of the principal structure (extending to the side property line facing the rear wall of the principal structure) and 2) the side property line that is parallel to, and the length of, the rear of the principal structure, shall not be less than 25 feet.
- (5) Where there is a proposed widening of the right-of-way of any street as shown on the Master Plan of the Township of Wayne, the front yard setback requirement shall be measured from the proposed right-of-way line as shown on said Master Plan rather than from the existing front street line.
- (6) Building setbacks may be increased by the Planning Board incidental to plat map approval.
- (7) No temporary structure as defined by this chapter may be placed within the required front yard. Nothing contained herein shall prohibit the placement of a temporary trailer in the front yard for use as a temporary dwelling while the primary residence is reconstructed due to substantial damage resulting from a fire and/or natural disaster.

E. Setbacks and height for accessory structures, except fences: **[Ord. No. 20-2015 § 6]**

- (1) Side yard: 15 feet minimum, except that accessory structures 100 square feet or less in size shall have a minimum setback of 5 feet.
- (2) Rear yard: 15 feet minimum, except that accessory structures 100 square feet or less in size shall have a minimum setback of 5 feet.
- (3) Height: 15 feet maximum to the top of the ridge of a pitched roof, measured from the finished floor, or 12 feet to the top of a flat roof measured from the finished floor.
- (4) Compliance with the provisions of § 134-62, Accessory Buildings, Structures and Uses.

F. Maximum building height: 35 feet and 2 1/2 stories as measured from the average finished grade. The measurement shall be taken at the centerline of the length of the building on all 4 sides.

G. Maximum floor area ratio (FAR)

- (1) For standard lots: 0.24
- (2) For substandard lots:
 - (a) For lots less than 30,000 but greater than 10,000 square feet, the applicable FAR shall be 0.26.
 - (b) For lots 10,000 square feet the applicable FAR shall be 0.28.
 - (c) For lots less than 10,000 square feet but greater than 7,500 square feet the applicable FAR shall be 0.29.

(d) For lots less than or equal to 7,500 square feet but greater than 6,500 square feet the applicable FAR shall be 0.31.

(e) For lots 6,500 square feet or less the applicable FAR shall be 0.33.

H. Maximum impervious coverage: 40% **[Amended 6-19-2013 by Ord. No. 22-2013]**

I. Impervious coverage area within the required front yard shall not exceed 35% of the total front yard area. For lots with more than one front yard, the total front yard areas shall not be combined for the purposes of calculating this provision.

J. In conjunction with Section 134-61.2, paragraph A of this ordinance, the reconstruction of any nonconforming structure shall be permitted without the need for lot width, lot depth or lot area variance relief, provided that all other applicable bulk criteria and floor area ratio criteria are otherwise met. **[Amended 6-19-2013 by Ord. No. 22-2013]**

§ 134-33.3. Conditional uses.

- A. Child care centers, subject to the requirements of § 134-63.
- B. Places of worship, subject to the requirements of § 134-63.
- C. Lodges, subject to the requirements of § 134-63.