

§ 250-60. Multiple Residence (RMA) District. [Amended 5-7-2002 by Ord. No. 02-06]

- A. Purpose. The purpose of this chapter with respect to the Multiple Residence (RMA) District is to provide for medium-density residential housing which is limited in height, density, and floor area ratio, compatible with the suburban character of the City of Englewood, with adequate open space provisions, and to permit uses which are also permitted in one-family residential districts, as well as limited office uses, all subject to specific conditions and limitations as set out in this chapter.
- B. Permitted uses. Within the Multiple Residence (RMA) District, no land or building shall be used, nor shall any building be constructed, altered, or designed to be used, for any purpose other than the following:
 - (1) A one-family dwelling, subject to all of the conditions and limitations set out in § 250-59 of this chapter pertaining to such one-family dwelling, as well as all of the applicable provisions of this § 250-60, provided that, in the event of a conflict or inconsistency between the provisions of the said two sections, the more restrictive provisions shall apply.
 - (2) Multifamily dwellings and townhouses as hereinafter defined and limited.
 - (3) Accessory uses and accessory buildings and structures as hereinafter defined and limited.
 - (4) Municipal purposes.
 - (5) Parks and playgrounds.
 - (6) Nature preserve and nature study area.
 - (7) Places of worship, including accessory religious instructional facilities as conditional uses subject to the requirements of Subsection E hereof.
 - (8) Offices or studios within a building primarily for multifamily dwelling purposes, limited to professional offices or studios of architects, artists, clergypersons, dentists, engineers, land surveyors, lawyers, musicians, physicians, planners, psychologists, sculptors, tutors, or similar professions, and studios for dancing or music instruction, subject to the following restrictions and limitations:
 - (a) Such office or studio shall be located on the street floor of the premises, with direct access from the exterior rather than through a public hall.
 - (b) No more than one such office or studio (other than a professional office or studio located within a dwelling unit and constituting a permitted accessory use thereto as permitted and limited by Subsection C) shall be permitted for each 25 dwelling units.
 - (c) No such office or studio shall exceed 1,200 square feet in floor area.
 - (d) No person shall conduct, nor utilize any premises for the purpose of conducting, a sexually oriented business, as that term is defined herein.

(9) Public schools and private nonprofit day schools accredited by the New Jersey State Department of Education, for grades not above high school, and day-care centers licensed by the State of New Jersey, as conditional uses, subject to the conditions and limitations set out in Subsection E hereof.

C. Accessory uses within a principal building.

(1) Within the Multiple Residence (RMA) District, the following accessory uses shall be permitted within a principal multifamily dwelling building:

(a) Laundry rooms, recreational rooms and other similar accessory uses which are for the common benefit of all residents of the multifamily dwelling.

(2) Within the Multiple Residence (RMA) District, the following accessory uses shall be permitted within a dwelling unit in a multifamily dwelling, subject to the conditions and limitations set out in Subsection C(3) hereof:

(a) The professional office or studio of an architect, artist, clergyperson, dentist, engineer, land surveyor, lawyer, musician, physician, planner, psychologist, sculptor, tutor, or similar profession.

(b) A studio for dancing or music instruction.

(3) The accessory uses permitted by Subsection C(2) hereof shall be subject to the following conditions and limitations:

(a) The professional office or studio shall be operated by a person whose principal residence is within the dwelling unit in which the studio or office is located.

(b) Not more than three persons, including the resident-operator or resident-operators, shall be employed or engaged in the operation of the office or studio at any one time.

(c) Not more than three clients, patients, customers, students or other persons shall be served at any one time.

(d) The office or studio shall not exceed 400 square feet in floor area or 20% of the aggregate floor area of the dwelling in which it is located, whichever is smaller.

(e) Not more than two music or dancing concerts or recitals shall be conducted during any one calendar year.

(f) No advertisement or sign shall be displayed on the exterior of the building or on the premises outside of the building, other than a nameplate not exceeding one square foot in area.

(g) Any such accessory use shall comply with all applicable off-street parking requirements for such a use.

D. Permitted accessory structures and buildings.

(1) Within the Multiple Residence (RMA) District, the following accessory buildings and

structures incident to the primary use of the main structure on the premises shall be permitted, subject to the conditions and limitations hereinafter set forth:

- (a) Garden house, toolhouse, bathhouse, playhouse, greenhouse, and similar buildings customarily incidental to residential use.
- (b) Swimming pool, wading pool, tennis court.
- (c) Garage or carport.
- (d) Fences, garden walls and other landscape features, including decorative pools, fountains, statuary, terraces, steps, benches and playground equipment.

(2) Any such accessory building or structure shall be subject to the following conditions and limitations:

- (a) No such building or structure shall contain any permanent cooking facilities, provided that this provision shall not be deemed to prohibit a barbecue pit or picnic fireplace.
- (b) No such accessory structure or building shall contain sleeping facilities.

E. Conditional uses. The conditional uses described in Subsection B(7) shall be permitted in the Multiple Residence (RMA) District only in the locations hereinafter described, and subject to the following conditions and limitations:

- (1) Such use shall be permitted only on premises which front on any of the following streets: Broad Avenue, Engle Street, Forest Avenue, Grand Avenue, Knickerbocker Road, Lafayette Place, Tenafly Road.
- (2) Such use shall be permitted only if the premises and the improvements constructed or to be constructed thereon comply with all applicable provisions of this chapter respecting the Multiple Residence (RMA) District, together with the following additional limitations, conditions, and restrictions, and in the event of any inconsistency between the provisions of this section and any other section of this chapter, the more restrictive shall apply:
 - (a) The front yard of such premises shall conform to the required front yard setback prescribed in this chapter for the Multiple Residence (RMA) District.
 - (b) The minimum required side yard and minimum rear yard of such premises shall be not less than 25 feet greater than the required minimum set out in this § 250-60 respecting the Multiple Residence (RMA) District.¹
 - (c) The buildings, including accessory buildings, on such premises shall not cover more than 20% of the total area of the premises if the primary building is a one-story building, nor more than 15% of the total area of the premises if the primary building exceeds one story in height.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (d) The width of such premises shall be not less than 200 feet.
- (e) Any premises to be used for a public school or a private nonprofit day school accredited by the New Jersey State Department of Education shall have a total area of not less than two acres.
- (f) No such premises may be used for residential or sleeping purposes, except that one dwelling unit for a custodian may be provided.
- (g) No building on any such premises, including an accessory building, shall be located:
 - [1] Less than 90 feet from an existing residential building on any adjacent property.
 - [2] Less than 90 feet from an existing residential building on any adjacent property with respect to public or private nonprofit accredited day schools.
 - [3] Less than 45 feet from an existing residential building on any adjacent property with respect to places of worship.
- (3) Such use shall require site plan approval.
- (4) Application for approval of the use of premises in a Multiple Residence (RMA) District for any conditional use described in Subsection B shall be made to the Planning Board, and the Planning Board, in acting thereon, shall be governed by the conditions, specifications, and standards hereinabove set out.

F. Minimum lot size requirements.

- (1) Within the Multiple Residence (RMA) District, no one-family house shall be constructed on any lot with less than the minimum area, width and depth prescribed in § 250-59H of this chapter with respect to the one-family residence district nearest to the premises, and in the event that more than one one-family residence district is equally distant from the premises, then the requirements of the more restrictive district shall apply.
- (2) Within the Multiple Residence (RMA) District, no two-family house shall be constructed on any lot containing less than 7,500 square feet in area or having a street frontage of less than 75 feet.
- (3) Within the Multiple Residence (RMA) District, no three-family or four-family house shall be constructed on any lot containing less than 15,000 square feet in area or having a street frontage of less than 100 feet.
- (4) Within the Multiple Residence (RMA) District, no building or structure, other than a one-family, two-family, three-family or four-family house, shall be constructed on any lot containing less than 40,000 square feet in area or having a street frontage of less than 150 feet.

G. Dwelling unit density and floor area ratio. **[Amended 5-16-2006 by Ord. No. 06-07]**

- (1) Townhouse development shall be limited to one dwelling unit for each 7,260 square feet of lot area (6 units per acre).
- (2) All other multifamily residences shall be limited to one dwelling unit for each 3,630 square feet of lot area (12 units per acre) and a maximum floor area ratio of 33%.

H. Lot coverage.

- (1) For townhouse development, the sum of the area of all principal and accessory buildings shall not exceed 27%.
- (2) For all other multifamily residences, the sum of the area of all principal and accessory buildings shall not exceed 22% of the area of the lot.

I. Yard requirements.

- (1) Except where more extensive requirements are set out respecting particular uses, premises in a Multiple Residence (RMA) District shall comply with the following requirements respecting minimum front yards (setback), side yards, and rear yards:

Minimum Required Yard (feet)		
Front Yard (setback)	Side Yard	Rear Yard
30	35	40

- (2) In the case of a corner lot, each yard which abuts a street shall be considered a front yard, and the lot shall comply with front yard setback requirements and all other front yard requirements and limitations set out in this chapter respecting each of such streets.
- (3) Decks and patios may encroach into side yards up to a maximum of eight feet.

J. A planting area, which, except as otherwise permitted by Subsection J, shall consist entirely of grass or other living plants, shall be provided within all of the following described areas adjacent to each side lot line and the rear lot line of each lot:

- (1) When adjacent to property used or zoned for residential purposes: 15 feet.
- (2) When adjacent to property used for nonresidence purposes: eight feet.

K. Impervious surface coverage. The maximum impervious surface coverage for both townhouse and other multiple-family uses shall be 67% of the lot area.

L. Usable open space.

- (1) Any premises used for multifamily dwelling purposes shall contain usable open space in an amount equal to 400 square feet times the number of dwelling units on the premises.
- (2) Except as provided below with respect to townhouse development, required usable open space shall not be divided into portions consisting of less than 4,000 square feet each,

nor shall any usable open space have a depth or width of less than 40 feet.

- (3) With respect to townhouse development, required usable open space may be assigned to individual contiguous dwelling units as private yard areas of not less than 400 square feet each.
- (4) Required usable open space shall be easily accessible to the occupants of all of the dwelling units on the premises, except that, with respect to townhouse development, open space which is allocated to individual dwelling units, as hereinabove provided, shall be easily accessible to the occupants of the units to which such space is allocated.
- (5) No portion of any required front yard or any required planting area shall be used for required usable open space.
- (6) No portion of any required usable open space shall be used for driveways or parking spaces.
- (7) No structure of any kind shall be permitted within any required usable open space, except for swimming pools and other outdoor sport structures, provided that not more than 25% of any structure shall be covered by a roof.
- (8) Required usable open space shall be subject to site plan review as to design and layout, shall be attractively landscaped and shall not exceed a grade of 5% and shall be of a design to accommodate the needs of the occupants or contemplated occupants of the dwelling units it is designed to serve.
- (9) Roof space on accessory buildings or structures, including roof space on parking facilities, may be used as required usable open space, provided that:
 - (a) Such space shall be accessible to occupants of the dwelling units it is designed to serve, by pedestrian means of access other than stairs.
 - (b) Such space shall, on at least one side, be at the same grade as the land abutting it.
 - (c) Such space shall, on all sides, be not more than 12 feet above the grade of the land abutting it.
 - (d) Such space shall contain railings, fencing or similar treatment to make it safe and suitable for recreational use.

M. Regulations concerning yards, planting areas, fences, etc.

- (1) Within a required front yard, except for the projections permitted by Subsection M(3) hereof, no accessory building or structure shall be permitted, except for walls or fences not more than 4 1/2 feet high.
- (2) No paved terrace, steps, walk or similar improvement (other than those used for access to the premises or to a building on the premises) shall be constructed or located within the required planting areas required by Subsection J, except for fences or walls not exceeding 6 1/2 feet in height, and statuary, ornamental benches and similar ornamental devices.

- (3) Notwithstanding any of the foregoing restrictions:
 - (a) Cornices and cantilevered roofs may project into any required yard a distance of not more than 24 inches.
 - (b) Belt courses, windowsills and similar ornamental features may project into any required yard a distance of not more than 12 inches, and chimneys may so project a distance of not more than 18 inches.
 - (c) A required open fire escape or fireproof stairway may project into any required yard a distance of not more than eight feet.
- (4) Retaining walls or open chain-link fences, not more than eight feet in height, may be erected on any premises used for public park or public or school playground purposes, or on any premises used for cemetery or stadium purposes (provided that such cemetery or stadium use shall be a lawfully permitted nonconforming use), without complying with the foregoing yard or planting area restrictions.
- (5) Chain-link material used for any fence within a multiple-residence district shall be of dark-colored material, and the posts and other framework forming part of such fence shall be the same color as the chain-link material.
- (6) Accessory buildings and structures may be erected in side or rear yards, provided that they do not encroach on any required planting area.
- (7) Any fence which is designed or constructed so as to have a front side and a rear side shall be erected so that the front side faces abutting streets or abutting premises and the rear side faces the premises on which the fence is erected.
- (8) Except as otherwise permitted by this chapter, no fence or wall in a multiple-residence district shall exceed 6 1/2 feet in height.

N. Height limitations. [Amended 5-16-2006 by Ord. No. 06-07]

- (1) No principal building shall be erected to a height in excess of 35 feet, as measured from the average grade to the highest point of the roof, provided that no principal building shall exceed three stories, inclusive of at-grade parking.
- (2) No accessory building shall exceed a height of 12 feet.
- (3) Chimneys, flues, towers, bulkheads, spires, and similar decorative features may exceed the aforesaid height limitations if the total area of all such features on any one building does not exceed 20% of the area of the roof of such building.
- (4) Receiving and transmitting antennas may exceed the aforesaid height limitations but shall not exceed a height of 45 feet above the ground.

O. Length of buildings.

- (1) No building used or to be used as a multifamily dwelling shall exceed 160 feet in length.
- (2) No building used or to be used as a multifamily dwelling shall contain more than two

dwelling units in a straight, unbroken row, and the exterior wall of each such building shall include a setback or break with a depth of not less than six feet after every two dwelling units.

P. Distances between buildings; windows.

- (1) No buildings on any single lot shall be located closer to each other than the following distances:
 - (a) Between two accessory buildings: 10 feet.
 - (b) Between a principal building, other than a one-family dwelling, and a one-story accessory building: 20 feet.
 - (c) Between any two other buildings: 25 feet.
- (2) No window, other than a bathroom or kitchen window, shall be located within 25 feet of any other window on any other building or on the same building if one such window shall be visible from the other, unless the planes of the walls in which such windows are located intersect (or would intersect if extended) at an angle of 90° or more.

Q. Prohibited uses. On any premises in a multiple-residence district where there exists, as a nonconforming use, a use which is not a permitted use in a multiple-residence district, no arcade game shall be installed, operated or made available for use by customers or the public, except as an accessory use to a tavern, restaurant or bar having a plenary retail consumption license; provided, however, that this prohibition shall not be deemed to prohibit the display of such devices for the purpose of sale.