

Chapter 34. Zoning

34-29. B-3 HIGHWAY COMMERCIAL DISTRICT.

34-29.1. Permitted uses.

[Ord. No. 443; Ord. No. 574; 1972 Code § 130.1701; Ord. No. 748 § 1; Ord. No. 824 § 1; Ord. No. 845 § 1; Ord. No. 858 § 1; Ord. No. 1012 § 5; Ord. No. 1054 § 1; Ord. No. 1098-A § 3; Ord. No. 1199 § 3; Ord. No. 33-2003 § 1]

In the B-3 Highway Commercial Districts only those uses listed below are permitted provided the intensity of operation does not exceed the limitations imposed by the performance standards hereinafter set forth in Subsection **34-33.5**:

- a. Any use permitted in the B-1 Zone, except residential use of any kind other than single-family use, which shall be permitted. Single-family residential use shall conform to the requirements of the R-3 Zone;
- b. Offices for business, professional, executive or administrative purposes;
- c. Scientific or research laboratories;
- d. Selected industrial or manufacturing uses;
- e. Motels, hotels, tourist cabins and public swimming pools;
- f. Sales and service establishments for new cars, including used car sales as an accessory use to new car sales. Used car sales are not permitted as a separate use. Such new car dealerships shall be separated by a distance of at least 1,000 feet, measured from the nearest boundary line of the latter parcel of land so used. All displays of new or used cars shall only be at the sides of the dealership buildings.
- g. A drive-in or convenience type window shall be permitted as an accessory use to the permitted use provided there shall be a permanent canopy or portico attached to the building, covering the vehicle, and the vehicular traffic flow from such window is restricted so that there is no access to the on site parking areas and the vehicular traffic is channeled directly onto a public street. The traffic pattern for the proposed window shall be reviewed by the Planning Board and Police Department prior to the granting of approval for such window. For the purpose of this paragraph, a drive-in or convenience type window shall be deemed to be an accessory use provided that the majority of business is conducted within the confines of the building.
- h. Motor vehicle rental business subject to the following provisions:
 1. A motor vehicle rental business can be considered an accessory to another use within the B-3 Highway Commercial District where the applicant can show that it is incidental and subordinate to the main use of the premises. A motor vehicle rental business cannot be permitted as an accessory use outside of the B-3 Highway Commercial District.
 2. Any applicant desiring to use any premises for the purpose of operating a motor vehicle rental or leasing business shall make application in writing to the Planning Board of the Borough of Ramsey in accordance with the site plan requirements of Subsection **34-4.1** to Subsection 34-4.18.
 3. The Planning Board shall not order, direct or authorize the issuance of a permit to use any building, structure or premises as or for a motor vehicle rental business unless the plot plan shows the following:
 - (a) There shall be one parking space provided for each two vehicles available for rental.

- (b) Parking spaces for automobiles shall conform to Subsection **34-6.1**. The size of the parking spaces for vehicles other than automobiles shall be appropriately designed and reasonably arranged on the site plan.
 - (c) All parking storage shall be provided on site or within 1,000 feet of the principal premises of the motor vehicle rental business.
 - (d) The Planning Board may waive the parking requirements set forth here in accordance with Subsection **34-6.1**.
 - (e) The site plans shall show the specific area reserved for the parking of rental motor vehicles, and this area shall be for their specific use. All parking stalls on the site plan shall be clearly dimensioned and indicate the type of vehicle to be parked within these spaces.
4. The applicant shall be eligible to apply to the Borough for a temporary license to operate a motor vehicle rental business after the applicant has received site plan approval. The temporary license shall be valid for six months. The applicant shall then be governed by the provisions of Section **4-6** of this Code respecting the licensing of motor vehicles rental business.
- i. Car wash or convenience lubrication station, subject to the following provisions:
- 1. The lot or portion of a lot to be used shall have direct street frontage of at least 150 feet on a state highway or county road and an average depth of at least 150 feet.
 - 2. The conditional use provision of Section 23-19, Public Garages or Service Stations, shall apply and in addition no car wash or convenience lubrication station shall be located within 300 feet of the nearest boundary line of any lot or parcel of land used or to be used for a service station, public garage, car wash, or convenience lubrication station.
 - 3. A buffer zone separation from residential zones shall be required of a minimum of 50 feet.
 - 4. Adequate provisions shall be made for stacking lanes and for parking facilities for customers and staff, without interfering with traffic patterns outside the site.
- j. Nursing homes provided there shall be a minimum lot area of three acres with a width of 200 feet at the front street line.
- k. Churches.
- l. Billboards subject to the following provisions:
[Added 1-25-2006 by Ord. No. 3-2006; 3-14-2007 by Ord. No. 8-2007]
- 1. There shall be a minimum lot area of two acres.
 - 2. Construction is not permitted on a lot that has a building greater than 1,500 square feet.
 - 3. Billboards may not be attached to a building.
 - 4. All setbacks and bulk requirements of the B-3 Zone must be complied with.
 - 5. The maximum height of the billboard shall be measured from the center-line grade of the road it fronts on to the top of the billboard. This height shall not exceed 35 feet.
 - 6. Maximum square footage: 400 square feet.
 - 7. There shall be no more than one billboard on a parcel; provided, however, that the billboard may be double-faced.
 - 8. No billboard shall be located within 200 feet of a residential zone district.
 - 9. Landscaping shall be required around the base of the billboard and may be required elsewhere on the lot where the billboard is located if deemed necessary by the Planning Board and the Shade Tree Commission.

10. Billboards shall be designed and constructed to confine their line of sight to Route 17.
11. Billboards shall utilize stealth coloring of their supporting members and framework as approved by the Planning Board.
12. Site plan review shall be required for all billboard applications.

34-29.2. Outdoor storage.

[Ord. No. 443; Ord. No. 574; 1972 Code § 130.1702; amended 10-25-2006 by Ord. No. 38-2006; 6-27-2007 by Ord. No. 18-2007]

Outdoor storage is permitted in this district; provided, however, that all outdoor storage must be screened by special planting and/or a fence six feet in height, as required by the Shade Tree Commission and Planning Board. All reasonable and practical efforts must be made to eliminate the visibility of outdoor storage from the R-1, R-2, R-3, R-4, R-5, R-5A, T3, T6 and PUD Residential Districts. For the purposes of this subsection, the visibility will be determined from any point measured 25 feet horizontally, from the residence zone boundary line, and six feet vertically, above the ground surface. Such outdoor storage as permitted herein is only permitted in the side and rear yards.

34-29.3. Site plan approval.

[Ord. No. 574; 1972 Code § 130.1702]

Before the issuance of a building permit or certificate of occupancy, the Planning Board shall review and approve the site development plan of the proposed use and shall ascertain that all the requirements hereinafter set forth are complied with. Applications for any building permit or certificate of occupancy in this district shall be in accordance with the provisions of Subsections **34-33.4** and 34-4.13.

34-29.4. Required conditions.

[Ord. No. 443; Ord. No. 458; 1972 Code § 130.1704; Ord. No. 824 § 2; Ord. No. 841 § 3; Ord. No. 1017A §§ 5-7; Ord. No. 1030 § 5; Ord. No. 1017-B § 2; Ord. No. 1017-C § 1; Ord. No. 1233 § 2]

The following conditions are required for all uses, except single-family residential use, which shall comply in all respects with the requirements of the R-3 Zone.

- a. Height.
[Amended 6-27-2007 by Ord. No. 19-2007]
 1. No building shall exceed a maximum of three stories or 35 feet in height, whichever is the lesser.
 2. Parapets may extend up to two feet above the maximum building height as set forth above and may extend around all sides of the building.
 3. A turret shall be limited in size to 20% of the length of the wall on which the turret shall be placed in a continuous manner. Turrets shall be limited to no more than two sides of the building. The height of a turret may exceed the height of a parapet by no more than two feet.
[Amended 3-9-2011 by Ord. No. 05-2011]
- b. Front yard. There shall be a front yard setback of 60 feet from any state highway, and parking areas shall be set back no less than 20 feet from the state highway. Within the boundaries of this district, property not fronting on a state highway shall have a front yard setback of 40 feet from the street line. Structures erected on a corner lot shall be set back from the side street at least 30 feet from the right-of-way. Parking areas as required shall be permitted in the front yard, provided the area is at no point closer than 10 feet from any adjoining street right-of-way line. No parking area shall be nearer than 10 feet to any building excepting residential buildings.

- c. Side yard. There shall be two side yards, and no side yard shall be less than 20 feet. Parking as required shall be permitted in the side yard, provided the area is at no point closer than 10 feet to any adjoining street right-of-way. No parking area shall be nearer than 10 feet to any building excepting residential buildings nor five feet to any other property line; provided, however, that a parking area as herein permitted is allowed up to the side property line if it abuts a parking area on the adjacent lot. Adjoining a residence zone boundary line, the minimum parking lot separation shall be 20 feet and such separation area shall constitute a buffer zone.
- d. Rear yard. There shall be a rear yard of at least 40 feet. Parking as required may be permitted in the rear yard, provided no parking area is closer than 20 feet to any adjacent residence zone boundary line. The aforesaid separation area between the parking area and any adjoining residence boundary line shall constitute a buffer zone.
- e. Landscaping. Those portions of all front, rear and side yards that are not used for off-street parking or sidewalks shall be attractively planted with trees, shrubs, plants and grass lawns as required by the Planning Board and Shade Tree Commission.
- f. Minimum lot area. There shall be a minimum lot area of 30,000 square feet, with a width of 100 feet at the street line.
- g. Minimum open landscaped area. Minimum open landscaped area on the site shall be 30%.

34-30. P.U.D. PLANNED UNIT DEVELOPMENT DISTRICT.

[Added 9-25-2002 by Ord. No. 22-2002]

34-30.1. Permitted highway-oriented uses.

In the P.U.D. Planned Unit Development District, one or more of the following uses are permitted on properties fronting on a state highway or on an existing or proposed public street directly accessing a state highway, provided that such properties do not extend more than 600 feet from a state highway:

- a. Offices for business, professional, executive or administrative purposes;
- b. Banks and other financial institutions including drive-in or convenience-type window facilities;
- c. Restaurants and related uses excluding any drive-in or convenience-type window facilities and excluding any fast-food establishment.
- d. Sales and service establishments for new cars, including used car sales as an accessory use to new car sales, provided that used car sales are not permitted as a separate use.
- e. Parking, signs and other uses and structures accessory to the above principal uses.
- f. One sign oriented to Route 17 and referencing an adult community developed within the P.U.D. District, provided that such sign shall be a ground sign with a sign panel having a maximum area of 24 square feet. Such sign may be mounted no higher than eight feet and may be illuminated by direct lighting. Prior to the construction of a permanent ground sign, one temporary pylon sign oriented to Route 17 shall be permitted in accordance with Subsection 34-7.4b of Chapter 34, Zoning, of the Revised General Ordinances of the Borough of Ramsey, 1997, as amended and supplemented.

34-30.2. Other permitted uses.

In the P.U.D. Planned Unit Development District, the following uses are permitted on properties fronting on an existing or proposed public through street other than a state highway, provided such properties are located more than 200 feet from a state highway:

- a. Adult community.
 - 1. A residential development designed to meet the housing needs of an age-restricted segment of the population limited to persons of the age of 55 years or over; provided, however, that:
 - (a) A person of the age of 55 years or over may occupy such dwelling unit with such person's husband or wife or companion, regardless of age, and/or with children 19 years of age and over who are not enrolled in secondary school;
 - (b) Any person who is permitted to and did occupy a dwelling unit with an age-qualified person may continue to occupy the dwelling unit after the death of such age-qualified person; and
 - (c) Any person, regardless of age, may occupy the dwelling unit if such person provides physical support to an occupant otherwise permitted to occupy a dwelling unit in accordance with the restrictions herein but said individual shall not be enrolled in secondary school.
 - 2. Notwithstanding any of the foregoing, no person under the age of 19 years shall reside in any dwelling unit.
- b. Parks. Public parks and playgrounds, private outdoor recreation uses and privately owned deed-restricted open space.
- c. Accessory buildings and uses. Accessory buildings and uses, including, but not limited to, gatehouses, clubhouses, swimming pools, tennis courts, putting greens, bocce courts, mail boxes, and refuse storage areas.
- d. Parking. Parking, signs and other uses and structures accessory to the above principal use.

34-30.3. Required conditions for highway-oriented uses.

The following conditions are required for all uses permitted in accordance with Subsection **34-30.1**:

- a. Height. No building shall exceed a maximum of three stories or 35 feet in height, whichever is the lesser.
- b. Front yard. There shall be a minimum front yard setback of 60 feet from any state highway.
- c. Side yard. There shall be a minimum side yard of 20 feet. Structures, excluding parking areas and drive aisles, erected on a corner lot shall be setback from the side street at least 30 feet from the right-of-way.
- d. Rear yard. There shall be a minimum rear yard of 40 feet, except that one-story buildings or portions of buildings which are used for office or bank purposes shall be permitted a minimum rear yard of 20 feet.
- e. Parking setbacks. Parking areas and drive aisles shall be set back no less than 20 feet from all property lines, except that where such areas abut a B-3 Zone a ten-foot minimum setback shall be required. Parking areas for the sales and service of cars shall be set back a minimum of 40 feet from any state highway. Additionally, no parking of any type shall be permitted along a state highway where such parking would be located in front of any building for the sales or service of cars for a distance of 500 feet from the center line of Williams Drive. No parking area shall be nearer than 10 feet to any building, excepting residential buildings.
- f. Minimum lot area. There shall be a minimum lot area of 30,000 square feet, with a width of 100 feet at the street line.
- g. Minimum open landscaped area. The minimum open landscaped area shall be 30% of the lot area. Those portions of all front, rear and side yards that are not used for off-street parking or sidewalks shall be attractively planted with trees, shrubs, plants and grass lawns as required by the Planning Board with the advice of the Shade Tree Commission.
- h. Signage. All signage shall be in accordance with the requirements of Subsection **34-7.6** of Chapter **34**, Zoning, of the Revised General Ordinances of the Borough of Ramsey, 1997, as amended and supplemented.

34-30.5. Application process and Planning Board findings.

Applications for development in the P.U.D. Planned Unit Development District shall be processed by the Borough Planning Board in a manner identical to any other application for development, except that:

- a. A general development plan may be submitted to the Planning Board in accordance with N.J.S.A. 40:55D-45 et seq.; and
- b. Prior to approval of such development, the Planning Board shall find the following facts and conclusions in accordance with N.J.S.A. 40:55D-45:
 1. That departures by proposed development from P.U.D. regulations applicable to the subject property conform generally to other municipal zoning ordinance standards;
 2. That for any adult community housing development, the proposals for common open space are reliable, and the amount, location and purpose of the common open space are adequate.
 3. That the physical design of the proposed adult community housing development adequately addresses access to public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation and visual enjoyment.
 4. That the proposed P.U.D. will not have an unreasonably adverse impact upon the area in which it is proposed to be established.
 5. In the case of a proposed development which contemplates construction over a period of years, that the terms and conditions of any approval are adequate to protect the interests of the public and of the residents, occupants and owners of the proposed development to ensure completion of development.