

## Chapter 205: ZONING

[HISTORY: Adopted by the Township Council of the Township of Maple Shade 12-6-2000 by Ord. No. 2000-15. Amendments noted where applicable.]

### GENERAL REFERENCES

Land use procedures — See Ch. 22.  
Amusement devices — See Ch. 60.  
Uniform construction codes — See Ch. 75.  
Flood damage prevention — See Ch. 99.  
Licenses and permits — See Ch. 114.  
Poolrooms and billiard parlors — See Ch. 149.  
Property maintenance — See Ch. 152.  
Sexually oriented businesses — See Ch. 162.  
Subdivisions and site plans — See Ch. 178.

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## ARTICLE I General Provisions

### § 205-1. Purpose. [Amended 11-5-2003 by Ord. No. 2003-14]

This chapter is enacted for the purposes set forth in N.J.S.A. 40:55D-2. The purpose of the sign provisions of this chapter is to set forth guidelines for any sign erected, altered, posted, painted, maintained, used, removed or relocated in Maple Shade, balancing the legitimate needs of the business community and others for signage and the need to protect the aesthetic character and appearance of the Township as well as public health and safety. All signs shall comply with the provisions of this chapter and any and all other ordinances and regulations of the Township.

### § 205-2. Scope.

From and after the effective date of this chapter, the use of all land and every building or portion of a building erected, altered with respect to height and area, added to or relocated, and every use within a building or use accessory thereto, in Maple Shade Township shall be in conformity with the provisions of this chapter. Any existing building or structure and any existing use of a building or land not in conformity with the regulations herein prescribed shall be regarded as nonconforming but may be continued, extended, repaired, or changed subject to the special regulations herein provided with respect to nonconforming buildings or uses.

### § 205-3. Interpretation.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of this chapter impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this chapter shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this chapter, the provisions of such statute, other ordinance or regulation shall be controlling.

### § 205-4. Definitions.

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this chapter to have the meanings herein indicated. Other words and phrases shall have the meanings set forth in N.J.S.A. 40:55D-3 to 40:55D-7. The singular shall include the plural, and the plural shall include the singular. The word "used" shall include the words "arranged," "designed," or "intended to be used." The word "building" shall include the word "structure." The present tense shall include the future tense.

**ACCESSORY BUILDING** — A building subordinate to the main building on a lot and used for purposes customarily incidental to those of the main building.

**ACCESSORY USE** — A use subordinate to the main use of land or of a building on a lot and customarily

incidental thereto.

**ADULT LIVE ENTERTAINMENT** — A live performance, act, or dance, including go-go dancers, strippers, or similar entertainers.

**ALTER** — To change in any fashion, including but not limited to repainting, resurfacing, and retettering, but not including repairing or performing other maintenance. **[Added 11-5-2003 by Ord. No. 2003-14]**

**AUTOMOBILE DEALERSHIP** — A business setting new and/or used automobiles. **[Added 11-5-2003 by Ord. No. 2003-14]**

**AWNINGS** — A roof-like cover that projects from a facade of a building for the purpose of shielding a doorway or window from the elements. **[Added 11-5-2003 by Ord. No. 2003-14]**

**BANNER** — A display of any nonrigid fabric or material such as canvas, vinyl, or cloth. **[Added 11-5-2003 by Ord. No. 2003-14]**

**BARROOM/BAR** — A tavern or similar establishment whose main feature is a bar for the consumption and sale of liquor. A barroom/bar differs from a nightclub or cabaret.

**BILLBOARD** — Any sign which advertises a business, product, activity, organization, event or service located, sold, or offered at locations off-premises. **[Added 11-5-2003 by Ord. No. 2003-14]**

**BUILDING AREA** — The aggregate of the maximum horizontal cross-section areas, excluding cornices, eaves and gutters, of all buildings on a lot.

**BUILDING LINE** — The line parallel to the street line at a distance therefrom equal to the depth of the required from yard.

**CABARET** — A restaurant serving liquor and providing entertainment usually including music, and dancing, exhibitions, or other forms of amusement. A cabaret is sometimes referred to as a "nightclub."

**CANOPY** — See "awning." **[Added 11-5-2003 by Ord. No. 2003-14]**

#### DWELLING

- A. **SINGLE-FAMILY** — A building on a lot, designed and occupied exclusively as a residence for one family.
- B. **TWO-FAMILY** — A building on a lot, designed and occupied exclusively as a residence for two families.
- C. **MULTIPLE or APARTMENT** — A building on a lot, designed and occupied exclusively as a residence for three or more families.

**ELECTRICAL SUBSTATION** — An assemblage of equipment for purposes other than generation or utilization through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of the general public, provided that in residence districts an electric substation shall not include rotating equipment (except as is incidental to the operation of the substation as such), storage of materials, trucks or repair facilities, or housing of repair crews.

**ERECT** — To build, construct, attach, place, suspend or affix. **[Added 11-5-2003 by Ord. No. 2003-14]**

**EXTERNALLY ILLUMINATED** — Artificial illumination outside the display portion of a sign. **[Added 11-5-2003 by Ord. No. 2003-14]**

**FACADE** — The front, side or rear surface of a building's usable interior space measured by its width times its height. **[Added 11-5-2003 by Ord. No. 2003-14]**

**FACADE SIGN** — A sign fastened to or depicted on the facade of a building in such a manner that the facade becomes the supporting structure for the sign. **[Added 11-5-2003 by Ord. No. 2003-14]**

**FAMILY** — Any number of persons living and cooking together as a single housekeeping unit.

**FREESTANDING SIGN** — Any sign, not including a "sidewalk sign," not attached to a building, which is erected, constructed or maintained on a post or pole or other bracing or supporting device whose purpose it is to support the sign. **[Added 11-5-2003 by Ord. No. 2003-14]**

**FUEL SERVICE STATION** — A business whose primary function is the sale of fuel for motor vehicles. **[Added 11-5-2003 by Ord. No. 2003-14]**

**HEIGHT OF BUILDING** — A building's vertical measurement from the main level of the ground abutting the

building to a point midway between the highest and lowest points of the roof, provided that chimneys, spires, towers, elevator penthouses, tanks and similar projections of the building, and structures supporting utility or transmission facilities, shall not be included in calculating the height.

**INTERNALLY ILLUMINATED** — Artificial illumination contained within the display portion of a sign. **[Added 11-5-2003 by Ord. No. 2003-14]**

**LINEAR LOT WIDTH** — The distance between property side lines measured along the right-of-way of the street. **[Added 11-5-2003 by Ord. No. 2003-14]**

**MOBILE SIGN** — A sign that is not permanently attached to a building or structure or permanently affixed to a freestanding structure. **[Added 11-5-2003 by Ord. No. 2003-14]**

**MULTIPLE-OCCUPANCY SIGN** — A sign relating to a complex containing multiple occupancy and displaying the names, professions and interests of the various tenants. **[Added 11-5-2003 by Ord. No. 2003-14]**

**NIGHTCLUB** — A place of entertainment usually serving food and liquor, having a floorshow and providing music and space for dancing; differs from barrooms by use group definitions in the BOCA National Building Code.

**NONCONFORMING SIGN** — A sign that does not meet the criteria of this chapter for any reason such as, but not limited to, size, location, construction, attachment or affixture to building or ground. **[Added 11-5-2003 by Ord. No. 2003-14]**

**OFF-PREMISE SIGN** — Any sign located on a lot other than the lot occupied by the use, event or product which said sign identifies. **[Added 11-5-2003 by Ord. No. 2003-14]**

**PARKING SPACE** — An open space or a garage on a lot, used for parking motor vehicles.

**PARTIAL DESTRUCTION** — Damage or destruction resulting from fire, explosion, flood, windstorm, or act of God in which, in the opinion of the Construction Official, the cost of repair does not exceed 60% of the value of replacing the entire structure not including the cost of the foundation unless the foundation is involved in the repair.

**PERMANENT SIGN** — Any sign or sign structure which is permanently affixed or installed and is intended for long-term use. **[Added 11-5-2003 by Ord. No. 2003-14]**

**PERMITTED NONCONFORMING SIGN** — See § 205-64D(1) of this chapter. **[Added 11-5-2003 by Ord. No. 2003-14]**

**PERMITTED PERMANENT SIGN** — Any sign which was erected in conformance with the Maple Shade Sign Ordinance in effect at the time it was erected; erected pursuant to a variance; or erected before there was a Sign Ordinance in effect in the Township. **[Added 11-5-2003 by Ord. No. 2003-14]**

**PRIVATE GARAGE** — An accessory building used for the storage of not more than three motor vehicles owned and used by the owner or tenant of the premises, provided further that one motor vehicle owned and used by persons other than the owner or tenant may be stored in lieu of one of the owner/tenant vehicles. Not more than two commercially registered vehicles may be stored in a private garage.

**PUBLIC GARAGE** — A building, not a private garage, used primarily for the storage and/or repair of motor vehicles of any type or ownership.

**REAL ESTATE SIGN** — A sign erected by an owner of real property or a licensed real estate broker designating the property upon which it is situated "for sale" or "for rent." **[Added 11-5-2003 by Ord. No. 2003-14]**

**RIGHT-OF-WAY LINE** — The edge of the sidewalk, if existing, nearest the building or residence; if there is no sidewalk, 10 feet from the edge of the street nearest the building or residence. **[Added 11-5-2003 by Ord. No. 2003-14]**

**SIDEWALK SIGN** — Temporary, portable, double-sided or sandwich-type sign, rectangular in shape, the size of which may not exceed 2 1/2 feet wide by four feet high. **[Added 11-5-2003 by Ord. No. 2003-14]**

**SIGN** — Any item, device or structure containing a logo, graphics or lettering of any style intended to convey information. **[Added 11-5-2003 by Ord. No. 2003-14]**

**SINGLE AND SEPARATE OWNERSHIP** — The ownership of a lot by one or more persons, partnerships or corporations, which ownership is separate and distinct from that of any adjoining lot.

**STREET LINE** — The dividing line between a lot and the outside boundary of a public street, road or highway legally open or officially plotted by the Township or between a lot and a private street, road or way over which the owners or tenants of two or more lots held in single and separate ownership have the right-of-way.

**STRUCTURAL ALTERATION** — Any change in or addition to the supporting members of a building or structure, such as bearing wall partitions, columns, beams or girders.

**TELEPHONE CENTRAL OFFICE** — A building and its equipment erected and used for the purposes of facilitating transmission and exchange of telephone or radio-telephone messages between subscribers and other business of the telephone company, but in residence districts not to include public business facilities, storage of materials, trucking or repair facilities or housing of repair crews.

**TEMPORARY SIGN** — A sign which is not permanently attached to a building structure or permanently affixed to a freestanding structure and which is erected for a limited period of time in compliance with the provisions of this chapter. **[Added 11-5-2003 by Ord. No. 2003-14]**

**TRAILER CAMP** — A lot or premises used for occupancy by two or more trailers or any other vehicles used for living or sleeping purposes.

#### **YARDS**

- A. **FRONT** — The required open space, extending along the street line throughout the full width of the lot, exclusive of overhanging eaves, gutters, cornices and steps.
- B. **SIDE** — The required open space, extending along the sideline of the lot throughout the full depth of the lot, exclusive of overhanging eaves, gutters, cornices and steps.
- C. **REAR** — The required open space, extending along the rear of the lot throughout the full width of the lot, exclusive of overhanging eaves, gutters, cornices and steps.
- D. **IMPERVIOUS COVERAGE** — Surface coverage not permitting the infiltration of water and causing surface runoff to include buildings, structures, parking and traffic circulation areas, sidewalks, and other inorganic impermeable surfaces regardless of void ratios.

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## **ARTICLE II Classification of Districts; Zoning Map**

### **§ 205-5. Districts enumerated.**

For the purpose of this chapter, the Township of Maple Shade is hereby divided into nine classes of districts, which shall be designated as follows:

- RA Residence Districts
- R-1 Residence Districts
- R-2 Residence Districts
- DB Downtown Business Districts
- C General Commercial Districts
- BD Business Development Districts
- BD-1 Business Development District 1
- HC Highway Commercial Districts
- Limited Highway Commercial Districts\_
- PD Planned Development Districts

### **§ 205-6. Zoning Map.**

The boundaries of the districts shall be as shown on the map attached to and a part of this chapter, which map shall be known as the "Zoning Map of Maple Shade Township." Said map and all notations, references and data

shown thereon, and any subsequent amendments thereto, are hereby incorporated by reference to this chapter and shall be as much a part of this chapter as if all were fully described herein. *Editor's Note: A copy of the Zoning Map is on file in the office of the Township Clerk.*

#### **§ 205-7. District boundaries.**

The boundaries between districts are, unless otherwise indicated, either the center lines of streets or railroad rights-of-way or such line extended or lines parallel or perpendicular thereto. Where figures are shown on the Zoning Map between a street and a district boundary line, they indicate that the district boundary line runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated.

#### **§ 205-8. Lots held in single and separate ownership.**

Where a district boundary line divides a lot which was held in single and separate ownership at the time the boundary line was established, the use regulations applicable to the less restricted district shall extend over the portion of the lot in the more restricted district a distance of not more than 50 feet beyond the district boundary line.

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### **ARTICLE III RA Residence Districts**

#### **§ 205-9. Applicability.**

In RA Residence Districts, the following regulations shall apply.

#### **§ 205-10. Permitted principal uses.**

A building may be erected or used, and a lot may be used or occupied, for any of the following purposes and no other:

- A. Single-family detached dwelling.
- B. Municipal building, municipal park, municipally owned or operated recreational area, municipally owned or operated recreational building, garage for storage and repair of municipal equipment, sanitary landfill operation conducted by the Township of Maple Shade for the disposal of trash and garbage collected in the Township of Maple Shade, incineration of trash and garbage collected in the Township of Maple Shade by the Township of Maple Shade, other municipal use, noncommercial recreational area or building and public park.
- C. Telephone central office; electric substation.
- D. Home-based office businesses, which employ no employees other than family members residing in the home, provided that:
  - (1) Not more than 20% of the home be devoted to business use;
  - (2) No customers come to the home;
  - (3) There be no outside appearance of a business use;
  - (4) The volume of deliveries and size of delivery vehicles not exceed that which is normally associated with residential use in a neighborhood.
- E. Family member suite. A single family home may be altered so as to enable the incorporation of a family member suite, provided that there is no separation of utilities servicing the structure, nor introduction of a separate kitchen or kitchenette, and further provided that the suite is not internally segregated from the rest of the home such that the suite would not be accessible from the main entrance. Any addition constructed to incorporate a family member suite shall be in compliance with all bulk requirements for the zone.

#### **§ 205-11. Conditional uses.**

The below uses are permitted, provided that said uses are able to comply with the specifications and standards

as set forth herein:

- A. Public or parochial school; church; hospital.
- B. Telephone central office; electric substation.
- C. Two- or three-family dwelling on conversion only, in accordance with the additional provisions of § 205-74.
- D. Club or lodge organized for fraternal or social purposes, provided that the chief activity shall not be one that 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.
- E. Cemetery, provided that the lot area for such use shall be not less than 20 acres.
- F. Home-based office businesses which employ not more than one employee other than a family member residing in the home subject to the provisions set forth for permitted home-based office businesses, and further provided that one on-site parking space be provided for said employee in addition to the number of parking spaces required for the principal use.
- G. The following uses when located on a lot of not less than one acre:
  - (1) Convalescent home, sanatorium, or philanthropic use.
  - (2) Church.
  - (3) Hospital.
  - (4) Private educational institution.
  - (5) Public or parochial school.

#### **§ 205-12. Permitted accessory uses and structures.**

The following accessory uses and structures customarily incidental to residential use are permitted, provided that the height of buildings or structures shall not exceed a height of 15 feet.:

- A. Private garage.
- B. Swimming pool.
- C. Garden shed (one only).
- D. Gazebo.
- E. Signs when erected and maintained in accordance with the provisions of Article XIV of this chapter.
- F. Parking of commercially registered vehicles, provided said vehicles do not exceed a gross vehicle weight rating (GVWR) of 8,000 pounds.
- G. Temporary handicap access structures and ramps shall be governed by the following: **[Added 11-6-2002 by Ord. No. 2002-16]**
  - (1) Temporary handicap access structures and ramps may be installed on a residential property, within the front and side yard setback areas, for a period not to exceed six months with verification of the need for the access from a licensed physician. The zoning permit may be extended for an additional six months if the need is justified to the satisfaction of the Zoning Officer.
  - (2) Any extension of time beyond the maximum of the one-year limit provided by this section shall require the submission of an application to the reviewing board for an approval of a variance to permit the access structure and ramp to remain.
  - (3) Any temporary access structure or ramp installed or constructed under the special provisions of this section must be removed when the ownership or tenancy of the property changes.
  - (4) All application fees, variance fees, escrows and fees for property owner lists shall be waived in connection with applications made by the owner or occupant (with consent of the owner) of residential property to install handicapped ramps and other ADA accessibility improvements to the applicant's property to make the property more accessible for an occupant of the property who has a physical handicap.

**§ 205-13. Area and yard requirements.**

- A. A lot area of not less than 12,000 square feet per family shall be provided for every building hereafter erected or used in whole or in part as a dwelling, and each lot shall have a width at the building line of not less than 75 feet and a width of not less than 50 feet at the right-of-way.
- B. Building area. Not more than 30% of the area of each lot may be occupied by buildings.
- C. Yards. Front, side and rear yards shall be provided on each lot as follows:
  - (1) Front yard. One yard, not less than 35 feet in depth.
  - (2) Side yards. Two yards, not less than 30 feet in aggregate width, and neither less than 12 feet, except that, in the case of a corner lot, any yard which abuts a street shall be not less than 20 feet in width.
  - (3) Rear yard. One yard, not less than 30 feet in depth.

**§ 205-14. Height regulations.**

No building or structure shall exceed 35 feet in height measured from grade. The height of roof-mounted structures customarily incidental to residential use shall not exceed the distance from the nearest property line to the base of the structure.

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**ARTICLE IV R-1 Residence Districts****§ 205-15. Applicability.**

In R-1 Residence Districts, the following regulations shall apply.

**§ 205-16. Permitted uses.**

A building may be erected or used, and a lot may be used or occupied, for any use permitted in the RA Residence Districts and no other.

**§ 205-17. Area and yard requirements.**

- A. Lot area and width. A lot area of not less than 9,000 square feet per family shall be provided for every building hereafter erected or used in whole or in part as a dwelling, provided that, where lots are recorded at the effective date of this chapter which are less than 150 feet in depth, the lot area may be reduced to not less than 7,500 square feet. Each lot shall have a width at the building line of not less than 60 feet and a lot width of not less than 35 feet at the right-of-way.
- B. Building area. Not more than 35% of each lot may be occupied by buildings.
- C. Yards.
  - (1) Front yard. One yard not less than 30 feet in depth, subject to the provisions of § 205-76.
  - (2) Side yards. Two yards, not less than 20 feet in aggregate width, and neither less than eight feet, except that, in the case of a corner lot, any yard which abuts a street shall be not less than 15 feet in width.
  - (3) Rear yard. One yard, not less than 25 feet in depth.

**§ 205-18. Height regulations.**

No building or structure shall exceed 35 feet in height measured from grade. The height of roof-mounted structures customarily incidental to residential use shall not exceed the distance from the nearest property line to the base of the structure.

## **ARTICLE V R-2 Residence Districts**

### **§ 205-19. Applicability.**

In R-2 Residence Districts, the following regulations shall apply.

### **§ 205-20. Permitted uses.**

A building may be erected or used, and a lot may be used or occupied, for any of the following purposes and no other:

- A. Any use permitted in R-1 Residence Districts.
- B. Two-family detached dwelling.

### **§ 205-21. Area and yard requirements.**

- A. Lot area and width. A lot area of not less than 3,500 square feet per family shall be provided for every building hereafter erected or used in whole or in part as a dwelling, provided that the minimum lot area for a single-family dwelling shall be not less than 6,000 square feet. The minimum lot width at the building line shall be 50 feet for a single-family dwelling with a minimum lot width at the right-of-way of 30 feet, 70 feet for a two-family dwelling with a minimum lot width at the right-of-way of 35 feet, and 80 feet for a multiple dwelling with a minimum lot width at the right-of-way of 50 feet.
- B. Building area. Not more than 50% of the area of each lot may be occupied by buildings.
- C. Yards. Front, side, and rear yards shall be provided on each lot as follows:
  - (1) Front yard. One yard, not less than 20 feet in depth, subject to the provisions of § 205-76.
  - (2) Side yards.
    - (a) For every single-family dwelling, two yards, not less than 16 feet in aggregate width, and neither less than six feet in width, except that, in the case of a corner lot, any yard which abuts a street shall be not less than 10 feet in width.
    - (b) For every two-family or multiple dwelling, two yards, not less than 30 feet in aggregate width, and neither less than 12 feet.
  - (3) Rear yard. One yard, not less than 20 feet in depth.

### **§ 205-22. Height regulations.**

No building or structure shall exceed 35 feet in height measured from grade. The height of roof-mounted structures customarily incidental to residential use shall not exceed the distance from the nearest property line to the base of the structure.

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## **ARTICLE VI DB Downtown Business Districts**

### **§ 205-23. Applicability.**

- A. The Downtown Business District is designed to aid in the continued economic strength and revitalization of the Township's central business district by affording expanded opportunities for appropriate commercial enterprises together with adequate design controls to affect a physical aesthetic tied to the cultural and architectural fabric of the area.
- B. In the Downtown Business Districts, the following regulations shall apply.

### **§ 205-24. Permitted uses.**

- A. Single-family detached dwelling subject to the lot, bulk, and height regulations of the R-2 District.
- B. Apartments in combination with a business use for not more than six families.



- C. Retail sales, except motor vehicles.
- D. Personal grooming service, not including tattoo or body piercing parlors.
- E. Business service.
- F. Professional, medical, and business offices.
- G. Banks and other financial institutions.
- H. Government office buildings; post offices.
- I. Day-care center.
- J. Restaurants and other similar uses except drive-ins or drive-through.
- K. Bakery.
- L. Mortuary.
- M. Museum.
- N. Combinations of the above in a single building.

#### **§ 205-25. Conditional uses.**

The below uses are permitted, provided that said uses are able to comply with the specifications and standards as set forth herein:

- A. Crafts or custom operations where articles are made and sold on-site, provided that all nonretail activities shall be effectively screened from the sales/display area.
- B. Senior citizen residential. Housing restricted to senior citizens in conformance with federal or state law.
  - (1) Minimum lot size: two acres.
  - (2) Maximum density: 40 units per acre.
  - (3) Maximum building height: three stories or 40 feet.
  - (4) Maximum building cover: 40%.
  - (5) Maximum total cover: 75%.
  - (6) Building setback from any right-of-way: 40 feet.
  - (7) On-site parking shall be provided at one space per unit.

#### **§ 205-26. Area and yard requirements for nonresidential uses.**

For buildings used in whole or in part for nonresidential uses, the following area and yard requirements shall apply:

- A. Lot area. A minimum lot area of 5,000 square feet shall be provided.
- B. Not more than 70% of the area of each lot may be occupied by buildings or structures with a maximum impervious lot coverage not to exceed 85%.
- C. Yards. Front, side, and rear yards shall be provided on each lot as follows:
  - (1) Front yard. One yard, not less than 20 feet in depth, subject to the provisions of § 205-76.
  - (2) Side yards. None required for a building used for commercial purposes, except that where a lot abuts a residence district or a street on the side lot line, a side yard shall be provided which shall be not less than 20 feet in width. In any case where side yards are provided, although they are not required, each such yard shall be not less than five feet in width.
  - (3) Rear yard. There shall be a rear yard on each lot which shall not be less than 20 feet in depth, provided that, where a lot abuts a residence district on the rear lot line, each such rear yard shall be not less than 30 feet in depth.

**§ 205-27. Height regulations.**

No building or structure shall exceed 40 feet in height measured from grade. The height of roof-mounted structures shall not exceed the distance from the nearest property line to the base of the structure.

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**ARTICLE VII C General Commercial Districts****§ 205-28. Applicability.**

In C General Commercial Districts, the following regulations shall apply.

**§ 205-29. Permitted uses.**

- A. Single-family detached dwellings subject to the lot, bulk, and height regulations of the R-1 District.
- B. Home-based office businesses which employ family members residing in the home or employ not more than one employee other than a family member residing in the home, provided that one on-site parking space be provided for said employee in addition to the number of parking spaces required for the principal use, and further provided that:
  - (1) Not more than 25% of the home be devoted to business use.
  - (2) The size of vehicles making deliveries not exceed that which is normally associated with residential use in a residential neighborhood.
- C. Bakery.
- D. Banks and other financial institutions.
- E. Business service.
- F. Club or lodge.
- G. Craftsmen's or general service shop, including plumbing, heating, carpentry, welding, and similar shop.
- H. Day-care center.
- I. Dry-cleaning agency and/or automatic self-service laundry.
- J. Mortuary.
- K. Newspaper publishing, printing establishment or similar establishment.
- L. Personal grooming service, not including tattoo or body piercing parlors.
- M. Professional, medical, and business offices.
- N. Retail store not to include motor vehicle sales agency, motor vehicle repair shop, or similar use.
- O. Telephone central office; electric substation.
- P. Combinations of the above in a single building.

**§ 205-30. Area and yard requirements for nonresidential uses.**

For buildings used in whole or in part for nonresidential uses, the following area and yard requirements shall apply:

- A. Lot area. A minimum lot area of 9,000 square feet shall be provided.
- B. Not more than 70% of the area of each lot may be occupied by buildings with a maximum impervious lot coverage not to exceed 85%.
- C. Yards. Front, side, and rear yards shall be provided on each lot as follows:
  - (1) Front yard. One yard, not less than 20 feet in depth, subject to the provisions of § 205-76.
  - (2) Side yards. None required for a building used for commercial purposes, except that, where a lot abuts

a residence district or a street on the side lot line, a side yard shall be provided which shall be not less than 20 feet in width. In any case where side yards are provided, although they are not required, each such yard shall be not less than five feet in width.

- (3) Rear yard. There shall be a rear yard on each lot which shall not be less than 20 feet in depth, provided that, where a lot abuts a residence district on the rear lot line, each such rear yard shall be not less than 30 feet in depth.

#### **§ 205-31. Height regulations.**

No building or structure shall exceed 40 feet in height measured from grade. The height of roof-mounted structures shall not exceed the distance from the nearest property line to the base of the structure.

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### **ARTICLE VIII BD and BD-1 Business Development Districts**

#### **§ 205-32. Applicability.**

- A. These districts are designed to provide for a broad range of nonresidential uses so as to take maximum economic advantage of the major highway frontage in the Township.
- B. In the Business Development Districts, the following regulations shall apply.

#### **§ 205-33. Permitted principal uses.**

- A. Banks and other financial institutions.
- B. Business service.
- C. Conference center hotel/motel complex.
- D. Laboratories devoted to research, design, and experimental operations of equipment.
- E. Light manufacturing.
- F. Motor vehicle service station.
- G. Professional, medical, and business offices.
- H. Restaurants.
- I. Retail sales of goods stored or manufactured on-site; not to include the sale of motor vehicles.
- J. Trade or business schools.
- K. Warehousing.
- L. Wholesale.
- M. Any combination of the above within a building or tract.
- N. Internet and telecommunications.
- O. Technology park for development of high-tech industries.

#### **§ 205-34. Conditional uses.**

In BD-1 only, those uses described in § 205-75F, provided that all such activities shall be located a minimum of 1,200 feet from any similar use, house of worship, school, recreation area, establishment licensed to serve alcoholic beverages, hotel, motel, or conference center or major residential subdivision.

#### **§ 205-35. Performance standards.**

No building shall be erected nor shall any use be conducted which does not conform to the following:

- A. Electricity. Electronic equipment shall be shielded so there is no interference with any radio or television reception beyond the operator's property as the result of the operation of such equipment.
- B. Glare. No use shall direct or reflect a steady or flashing light beyond its lot lines. Exterior lighting and lighting resulting from any manufacturing or assembly operations shall be shielded, buffered, and directed as approved on the site plan so that any glare, direct light, flashes or reflection will not interfere with the normal use of nearby properties, dwelling units, and streets.
- C. Heat. Sources of heat, including but not limited to steam, gases, vapors, products of combustion or chemical reaction, shall not discharge onto or directly contact structures, plant life or animal life on neighboring uses. No use, occupation, activity, operation, or device shall cause an increase in ambient temperature, as measured on the boundary between neighboring uses.
- D. Radioactivity. No use, activity, operation, or device concerned with the utilization or storage of radioactive materials shall be established, modified, constructed, or used without there having first been obtained valid permits and certificates from the Office of Radiation Protection, New Jersey Department of Environmental Protection. Proof of compliance with this requirement shall be the submission of duplicate copies of said permits and certificates. No function or operation as described in N.J.A.C. 7:28-18 shall be permitted.
- E. Vibrations.
  - (1) Standard. Ground-transmitted vibrations shall be measured with a seismograph of complement or instruments capable of recording vibration displacement and frequency in the three mutually perpendicular directions, simultaneously.
  - (2) Vibration level restrictions. Vibration levels shall not exceed a particle velocity of 0.05 inch per second in any district. During the hours of 9:00 p.m. to 7:00 a.m. in residential districts, vibration levels shall not exceed a particle velocity of 0.02 inch per second. Measurements shall be made at points of maximum vibration intensity and/or beyond adjacent lot lines or neighboring uses.
- F. Airborne emissions. In all districts, no use, activity, operation, or device shall be established, modified, constructed, or used without having obtained valid permits and certificates from the Bureau of Air Pollution Control, New Jersey Department of Environmental Protection. Specifically, no use, activity, operation, or device shall be established, modified, or constructed without a valid permit to construct. No use, activity, operation, or device shall be operated, occupied, or used without a valid certificate to operate control apparatus or equipment. Proof of compliance with this requirement shall be the submission of duplicate copies of the permit to construct and certificate to operate. In addition to the requirements of the New Jersey Department of Environmental Protection, the following shall also apply:
  - (1) Steam emissions. No visible emissions of steam, having an equivalent capacity greater than 60% and expecting direct results of combustion, shall be permitted within 500 feet of a residential district.
  - (2) Toxic matter. Emissions of chemicals, gases, components, or elements, listed as being toxic matter by the American Conference of Governmental Hygienists, the New Jersey Department of Labor and Industry, or the United States Environmental Protection Agency, shall not exceed the threshold level, as determined in accordance with ASTM D 1391. The emission of concentrations, levels or mass loadings in excess of the threshold value shall be permitted only if the emissions of said toxic matter comply with the applicable regulations of the New Jersey Department of Environmental Protection, the New Jersey Department of Labor and Industry, and the United States Environmental Protection Agency. Proof of compliance shall require the submission of duplicate copies of certifications or permits from the New Jersey Department of Environmental Protection and the New Jersey Department of Labor and Industry approving the concentrations, level or loading proposed by the applicant.
  - (3) Odorous matter. No noxious odor shall be emitted that is detectable by the human olfactory sense at or beyond an adjacent lot line.
  - (4) In addition to the above, no use shall be permitted which utilizes in process any substance listed in N.J.A.C. 7:27 Appendix 1.
- G. Noise emissions.
  - (1) Standard. Noise shall be measured with a sound level meter complying with the standards of the American National Standards Institute, American Standards Specifications for General Purpose Sound-Level Meters (ANSI S.1.4-1961 or its latest revisions). The instrument shall be set to the A-weighted response scale and the metering to the slow response. Measurement shall be conducted in

accordance with the American Standard Method for the Physical Measurement of Sound (ANSI S.1.2-1961 or its latest revision).

(2) In accordance with N.J.A.C. 7:29-1.2, no person shall cause, suffer, allow, or permit sound from any industrial, commercial, public service or community service facility that, when measured at any residential property line, is in excess of any of the following:

(a) From 7:00 a.m. to 10:00 p.m.:

- [1] Continuous airborne sound which has a sound level in excess of 65 dBA; or
- [2] Continuous airborne sound which has an octave band sound pressure level in decibels which exceeds the values listed below in one or more octave bands:

<b>Octave Band Center Frequency (Hz)</b>	<b>Octave Band Sound Pressure Level (dB)</b>
31.5	96
63	82
125	74
250	67
500	63
1,000	60
2,000	57
4,000	55
8,000	53

or

[3] Impulsive sound in air that has a peak sound pressure level in excess of 80 decibels.

(b) From 10:00 p.m. to 7:00 a.m.:

- [1] Continuous airborne sound which has a sound level in excess of 50 dBA; or
- [2] Continuous airborne sound which has an octave band sound pressure level in decibels which exceeds the values listed below in one or more octave bands:

<b>Octave Band Center Frequency (Hz)</b>	<b>Octave Band Sound Pressure Level (dB)</b>
31.5	86
63	71
125	61
250	53
500	48
1,000	45
2,000	42
4,000	40
8,000	38

or

[3] Impulsive sound in air which has a peak sound pressure level in excess of 80 decibels.

#### H. Storage and waste disposal.

- (1) In all districts permitting such an operation, use, or any activity involving the manufacture, utilization, or storage of flammable, combustible and/or explosive materials, such storage shall be conducted in accordance with the regulations promulgated by the Department of Labor and Industry of New Jersey or the Fire Code of the National Fire Protection Association, whichever is more restrictive.
- (2) All flammable, explosive and/or combustible material shall be stored in accordance with the National Fire Protection Association or the New Jersey Department of Labor and Industry Codes, whichever is more restrictive.
- (3) All outdoor storage facilities for fuel, raw materials, and products stored outdoors wherever permitted shall be enclosed by an approved safety fence and visual screen and shall conform to all-year requirements imposed upon the principal buildings in the district.
- (4) No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life or be allowed to enter any stream or watercourse.
- (5) All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers that are adequate to eliminate such hazards.
- (6) All storage facilities for deicing chemicals shall be lined to prevent leaking into the soil and shall be covered with an impermeable surface that shields the facility from precipitation.
- (7) All permanent outdoor solid waste receptacle stations shall be screened on three sides by an opaque fence or wall no less than six feet in height or one foot above the height of the receptacle, whichever is greater. The fourth side shall consist of a solid gate opening outwards. The stations shall not be located in any required yard areas or site triangles.
- (8) All uses shall conform to the requirements of N.J.A.C. 7:26-8.1.
- (9) All uses shall conform to the requirements of N.J.A.C. 7:31-2, and other appropriate NJDEP and USEPA regulations.

#### § 205-36. Area and yard requirements.

For business park and nonbusiness park development, the following area and yard requirements shall apply:

##### A. Business park development.

- (1) Track area. A minimum track area of five acres shall be provided.
- (2) Lot area. A minimum lot area of 30,000 square feet shall be provided.
- (3) Lot width. A minimum lot width of 110 feet shall be provided.
- (4) Maximum impervious lot coverage: 75%.
- (5) Yard requirements:
  - (a) Front: 40 feet.
  - (b) Side: 20 feet.
  - (c) Rear: 40 feet.
- (6) Special design requirement. No building, structure, parking facility, or any other ancillary use customarily incidental to the principal use may be located within 80 feet of any park development boundary line. Signs when erected in conformance with the provisions of Article XIV of this chapter and cartways with typical design improvement are exempt.

##### B. Nonpark development.

- (1) Lot area. A minimum lot area of one acre shall be provided.
- (2) Lot width. A minimum lot width of 125 feet shall be provided.

(3) Maximum impervious lot coverage: 75%.

(4) Yard requirements:

(a) Front: 40 feet.

(b) Side: 30 feet.

(c) Rear: 40 feet.

C. All development shall conform to Articles XIV, XVIII, XIX and other applicable design standards.

### **§ 205-37. Height regulations.**

No building or structure shall exceed 40 feet in height measured from grade. The height of roof-mounted structures shall not exceed the distance from the nearest property line to the base of the structure.

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## **ARTICLE IX HC Highway Commercial Districts**

### **§ 205-38. Applicability.**

In HC Highway Commercial Districts, the following regulations shall apply.

### **§ 205-39. Permitted uses.**

- A. Bakery.
- B. Banks and other financial institutions.
- C. Business service.
- D. Club or lodge.
- E. Craftsmen's or general service shop, including plumbing, heating, air conditioning, carpentry, welding, and similar shop.
- F. Day-care center.
- G. Dry-cleaning agency and/or automatic self-service laundry.
- H. Laboratory devoted to research and/or design.
- I. Mortuary.
- J. Motor vehicle repair shop.
- K. Motor vehicle sales and leasing dealership.
- L. Motor vehicle service station.
- M. Newspaper publishing; printing establishment.
- N. Personal grooming service, not including tattoo or body piercing parlors.
- O. Professional, medical, and business offices.
- P. Restaurant.
- Q. Retail sales.
- R. Telephone central office; electric substation.
- S. Combinations of the above in a single building.
- T. Accessory use on the same lot with and customarily incidental to any of the above permitted uses and signs when erected and maintained in accordance with the provisions of Article XIV of this chapter.

### **§ 205-40. Area and yard requirements.**

- A. Lot area. A minimum lot area of 20,000 square feet shall be provided.
- B. Lot width. A minimum lot width of 80 feet shall be provided.
- C. Not more than 65% of the area of each lot may be occupied by buildings with a maximum impervious lot coverage not to exceed 80%.
- D. Yards. Front, side, and rear yards shall be provided on each lot as follows:
  - (1) Front yard. One yard not less than 50 feet shall be provided.
  - (2) Side yards. Two side yards having a minimum width of at least 15 feet shall be provided, except that, in any case where a side yard abuts a residential zoning district or a street on the side lot line, a side yard of at least 30 feet in width shall be provided.
  - (3) Rear yard. A rear yard of at least 25 feet in depth shall be provided, except that, in any case where a rear yard abuts a residential zoning district or a street on the rear lot line, a rear yard of at least 35 feet shall be provided.

#### **§ 205-41. Height regulations.**

No building or structure shall exceed 40 feet in height measured from grade. The height of roof-mounted structures shall not exceed the distance from the nearest property line to the base of the structure.

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### **ARTICLE IXA Limited Highway Commercial Districts [Added 5-2-2001 by Ord. No. 2001-6]**

#### **§ 205-41.1. Applicability.**

In Limited Highway Commercial Districts, the following regulations shall apply:

#### **§ 205-41.2. Permitted uses.**

- A. Bakery.
- B. Banks and other financial institutions.
- C. Business service.
- D. Club or lodge.
- E. Craftsman's or general service shop, including plumbing, heating, air conditioning, carpentry, welding and similar shop.
- F. Day-care center.
- G. Dry-cleaning agency; and/or automatic self-service laundry.
- H. Mortuary.
- I. Printing establishment.
- J. Personal grooming service, excluding tattoo or body piercing parlors.
- K. Professional offices.
- L. Restaurant.
- M. Retail sales.
- N. Telephone central office; electric substation; provided, however, that any telephone central office located at the property may not include public business facilities, storage of materials, trucking to repair facilities or housing of repair crews.
- O. Combinations of the above in a single building.
- P. Accessory use on the same lot with and customarily incidental to any of the above permitted uses and signs



when erected and maintained in accordance with the provisions of Article XIV of Chapter 205 of the Maple Shade Code.

### **§ 205-41.3. Area and yard requirements; height regulations.**

The area and yard requirements and height regulations shall be as set forth in §§ 205-40 and 205-41.

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## **ARTICLE X PD Planned Development Districts**

### **§ 205-42. Applicability.**

PD Planned Development Districts are designed to make special provision for the requirements of a broad range of modern, well-planned forms of development which are appropriate in selected suburban locations. Among other things, PD Districts provide for the establishment of compact retail shopping centers in suitable locations and, on larger tract sizes, for an expanded range of compatible uses, including office buildings, research laboratories, and light industrial uses which, when subject to high design standards, are harmonious with surrounding areas. In PD Planned Development Districts, the following regulations shall apply.

### **§ 205-43. Permitted uses.**

A building or combination of buildings may be erected or used, and a lot or tract of land may be used or occupied, for any one or combination of the following purposes:

- A. A planned retail center, including as an integral part of such center:
  - (1) Retail stores or personal grooming service shops not to include tattoo or body piercing parlors, or motor vehicle sales agency.
  - (2) Bakery.
  - (3) Banks, professional, medical, and business offices.
  - (4) Community center.
  - (5) Day-care center.
  - (6) Dry-cleaning agency and/or automatic self-service laundry.
  - (7) Governmental or regulated public utility use.
  - (8) Restaurant not to include drive-through.
- B. Business service.
- C. Laboratory devoted to research or design.
- D. Motor vehicle service station, motor vehicle sales agency.
- E. Newspaper publishing; printing establishment.
- F. Restaurant to include drive-through.
- G. Combinations of the above in a single building.
- H. The following additional uses on a tract of not less than 10 acres in size for any use or combination of uses permitted in the district, provided that the uses and their proposed locations are consistent with the plan or overall development of the district:
  - (1) Central office building.
  - (2) Frozen food locker.
  - (3) General hospital. Medical or health center.
  - (4) Golf course.

- (5) Indoor place of amusement, recreation, or assembly, including theater or bowling alley.
  - (6) Light industrial processes.
  - (7) Living quarters for watchmen or similar employees as an accessory use on the same lot with and customarily incidental to the principal use.
  - (8) Motel or hotel.
- I. Internet and telecommunications.
  - J. Technology park for development of high-tech industries.

#### **§ 205-44. Area and yard requirements.**

- A. Lot area. A minimum lot area of three acres shall be provided except as is otherwise provided for the uses set forth in § 205-43H.
- B. Lot width. A minimum lot width of 100 feet shall be provided.
- C. Not more than 40% of the area of each lot may be occupied by buildings with a maximum impervious lot coverage not to exceed 75%.
- D. Yards. Front, side, and rear yards shall be provided as follows:
  - (1) Front yard. One yard not less than 40 feet in depth shall be provided.
  - (2) Side yards. Two side yards having a minimum width each of 30 feet shall be provided.
  - (3) Rear yard. A rear yard of at least 30 feet in depth shall be provided.

#### **§ 205-45. Height regulations.**

No building or structure shall exceed 40 feet in height measured from grade. The height of roof-mounted structures shall not exceed the distance from the nearest property line to the base of the structure.

#### **§ 205-46. Special design requirements.**

In any case, where there is more than one building on a single lot, the following requirements shall apply:

- A. The proposed development shall be designed as or as part of a single architectural project or unit in accordance with an overall plan.
- B. Any group of buildings as a whole shall comply with the area, yard, and height requirements of the zoning district.
- C. The distance at the closest point between any two buildings shall be not less than the height of the taller building and in no case less than 15 feet.
- D. Outdoor storage of materials, equipment, or goods shall be screened so as not to be visible from any street or property line.
- E. No building or lot may be utilized for any use that is noxious, offensive, or hazardous as defined in § 205-75.

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### **ARTICLE XI Fences** Editor's Note: See also § 205-57, pertaining to fences around swimming pools.

#### **§ 205-47. Definitions.**

The following words shall have the following definitions when used in this article:

FENCE — See-through and solid fences and walls composed of nonliving materials.

SCREENS — Any arrangement of trees, plants, bushes, or other plantings, whether used as a hedge or other obstruction of vision, and composed of living materials.

SEE-THROUGH FENCE — A fence which has at least a two-inch spacing between its interior components. Said see-through fence shall include, but not be limited to, chain link, post, rail, or picket.

SOLID FENCE — Any fence or wall which is not a see-through fence.

**§ 205-48. Permitted use; exceptions.**

- A. Fences and screens shall be a permitted use in any zone of the Township subject to the requirements of this article. No person shall erect a fence or a screen that is not in conformance with the provisions of this article.
- B. This article shall not apply to prohibit the erection of a wall or screen or fence for the purpose of retaining earth.
- C. The following uses are exempted from the provisions of this article: municipal buildings, parks, recreational areas and other properties, municipal water and sewage treatment facilities, school property, and public utilities.

**§ 205-49. Permits; appealing denial of permit.**

- A. No fence shall be erected absent the issuance of a zoning permit by the administrative officer charged with zoning oversight. The request for the zoning permit shall be accompanied by a plot plan or survey indicating the proposed location and setback from the property lines, and additionally information detailing the type and design of the proposed fence.
- B. The denial of the aforementioned zoning permit by the administrative officer may be appealed to the Zoning Board of Adjustment, and a property owner without applying for a permit may apply to the Zoning Board of Adjustment for approval of a fence or screen not in conformity with the provisions of this article. Said appeals shall be filed in accordance with applicable provisions of N.J.S.A. 40:55D-1 et seq.

**§ 205-50. Location.**

- A. Location generally. Fences and screens may be located anywhere on a property, except that no fence or screen shall be placed nearer than three inches to any property line and except that a fence may be erected on a common property line upon mutual consent of the adjoining property owners.
- B. Residences abutting nonresidential property. On residential property which abuts a nonresidential zoning district, or a parcel upon which is located a nonresidential use, a fence or screen in said residential rear or side yard may be erected or located to a height of 6 1/2 feet for the purpose of screening the nonresidential activities from the view of the abutting residences.

**§ 205-51. Regulations.**

- A. See-through fences. See-through fences shall not exceed six feet in height when erected in the rear and side yards to the front building line of the existing building. When erected from the front building line of the existing building toward the front property line, such fence shall not exceed four feet in height.
- B. Solid fences. No solid fence shall exceed six feet in height and shall not be permitted past the front building line of any existing building.
- C. The use of barbed wire, razor ribbon, or any other similar type of barbed or pointed wire, whether attached to any fence or strung separately, shall not be permitted.
- D. Corner properties. For the purposes of this chapter, corner properties shall be considered to have a front yard along the street on which the house fronts. A solid or see-through fence not to exceed six feet in height shall be permitted along the front building line, side property lines, and rear property line of corner properties, provided that:
  - (1) The fence shall not extend beyond the front building line or closer than 20 feet to the right-of-way, whichever measures greater from the right-of-way.
  - (2) The fence shall be set back at least seven feet from the existing edge of paving of the street abutting a side yard, and shall be located no closer than eight feet to the existing edge of paving when a driveway is located on either side of a shared property line.
  - (3) A see-through fence only not to exceed four feet in height shall be permitted from the front building line

toward the front property line and along the front property line, provided that the fence does not create a sight distance problem at driveways or along the adjacent roadways.

#### **§ 205-52. Screens.**

No screen shall be located in excess of four feet in height along any intersecting streets. No obstruction to vision shall exist in the triangle area abutting intersecting streets formed by the abutting property lines and a line joining a point 25 feet distant from said intersection of abutting lines along said street lines. In all other areas along boundary lines, screens shall be permitted to a height of four feet. Said height of four feet shall be measured from the level of the public sidewalk abutting the property.

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## **ARTICLE XII Swimming Pools**

#### **§ 205-53. Definitions.**

The following words shall have the following definitions when used in this article:

**ABOVEGROUND POOL** — Any pool, as defined below, all sides of which shall extend to a height of four feet or greater above ground.

**POOL** — Any pool, tank or plunge of a permanent, temporary or portable nature, having a water surface area in excess of 100 square feet or capable of being filled to a water depth in excess of 24 inches and used, designed, operated or maintained for swimming, bathing or wading purposes within the Township. "Pool" includes all appurtenances thereto, typically decks and raised walkways, and includes every such existing pool, even though abandoned or no longer in use, but does not include a natural body of water.

**PORTABLE POOL** — Any pool, as defined above, prefabricated construction and not permanently installed or attached to the ground or other structure.

#### **§ 205-54. Scope and application.**

The application of the provisions herein to a permanently installed swimming or bathing pool constructed prior to the passage of this chapter shall be as follows:

- A. Such pools shall not be subject to the requirements under § 205-56 hereof, pertaining to distances of pools from boundary lines, etc., unless an enlargement of facilities is sought.
- B. Such pools shall be exempt from the requirements under § 205-55 herein, pertaining to permits, unless an enlargement of facilities is sought. Such pools, however, shall be subject to all the provisions and regulations relating to the safety considerations relating to the construction and maintenance of fencing set forth in § 205-57.

#### **§ 205-55. Permit required.**

Generally. No person shall construct, install or maintain a private pool without first obtaining a construction permit from the Construction Official. All applications for permits shall be filed on such form or forms as may be required by the Construction Official.

#### **§ 205-56. Location.**

- A. No pool shall be constructed or installed within 10 feet of any property line except as provided in Subsection B.
- B. In lots having a width of less than 80 feet at the building line, upon which an existing dwelling is located, no pool shall be installed within five feet of any property line.
- C. No pool shall be installed within 30 feet of any street line or closer to the street than the existing building setback line, whichever is greater.
- D. No private swimming pool shall be constructed or installed on any lot unless the applicant's residence

building is also maintained on that lot or an adjacent lot.

- E. No swimming pool shall be constructed within 12 feet of the foundation wall of any dwelling, whether such dwelling shall be on the same premises on which the swimming pool is to be constructed or on an adjacent premises.

#### **§ 205-57. Fences.**

- A. Generally. Every below-ground pool shall, at all times, be fully surrounded by a substantial fence, wall or other enclosing structure (or barrier of thick set hedge approved by the Construction Official) not less than 48 inches in height and grade, so constructed as to prevent effectively unauthorized access by children. Said structure shall not have openings, holes or gaps larger than two inches measured horizontally, except for doors and gates. The doors and gates shall also be of substantial construction and not less than 48 inches in height and grade, and shall be equipped with self-closing, self latching locking devices, capable of keeping such doors and gates closed and locked at all times. Such doors and gates shall be kept locked except when the pool is in authorized use.
- B. Aboveground pools. All access points to aboveground pools shall be completely enclosed by a fence of at least 48 inches in height and grade meeting the specifications set forth in Subsection A.

#### **§ 205-58. Lighting.**

Lights used to illuminate any pool shall be so situated so as not to create any adverse off-site glare condition or excessive illumination levels for adjoining properties.

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### **ARTICLE XIII Satellite Antennas**

#### **§ 205-59. Definitions.**

The following words shall have the following definitions when used in this article:

SATELLITE ANTENNA — Any apparatus that is designed for the purpose of receiving television, radio, microwave satellite or similar signals, with the exception of conditional and conventional television antennas.

#### **§ 205-60. Permit required.**

No satellite earth station antenna, including its mount, shall be built, erected or modified unless a construction permit is issued by the Construction Official. Any person (which shall include corporations, partnerships, associations or any other legal entity) applying for such a permit shall furnish to the Construction Official such plans, drawings and specifications as he may reasonably require as to the satellite earth station antenna to be constructed, erected or modified.

#### **§ 205-61. Accessory buildings.**

All satellite earth station antennas shall be deemed accessory buildings, as said term is defined in the development regulations of the Township of Maple Shade, and shall be subject to all regulations set forth in said development regulations governing the location and height of accessory structures. Any inconsistencies between this section and the other sections of the zoning code will be resolved in favor of this chapter.

#### **§ 205-62. Conditional use.**

The satellite earth station, commonly known as a "satellite dish," is permitted in all zones as a conditional use after the following requirements are met:

- A. A dish antenna is only permitted as an accessory use on a lot that contains a principal structure.
- B. A dish antenna is not permitted beyond the front building line of any parcel.
- C. A dish antenna is permitted on the roof of a structure, provided that the top of the dish antenna does not

exceed 10 feet from the highest part of the roof and is not on that part of the roof that faces any street and is effectively screened with mesh covering the parabolic dish.

- D. No lot may contain more than one dish antenna as heretofore regulated.
- E. No dish antenna placed anywhere on any lot shall exceed a height of 10 feet.
- F. Any satellite dish to be placed in a side or rear yard shall be located so as to comply with the minimum setback requirements of the prevailing zone.

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## ARTICLE XIV Signs

### § 205-63. Definitions.

The following words shall have the following definitions when used in this article:

**ATTACHED SIGN** — Any sign erected, constructed or maintained on a building with the principal support of said sign being the building.

**BILLBOARD** — Any sign which directs attention to a business, product, activity, organization, event or service located, sold, or offered at locations off-premises or other than the lot on which the sign is located. Billboards, also known as "signboards" and "off-premises outdoor advertising signs or devices," include any nonpoint of sale lettered or pictorial advertising, including any device, structure or placard erected or maintained for such advertising.

**DEVELOPMENT SIGN** — A sign designating the name of a subdivision of residential homes, whether single-family or multifamily, attached or detached or an apartment complex, or of a commercial or industrial district.

**EXTERNALLY LIGHTED** — Any sign whose sole source of artificial illumination is outside the display portion of the sign.

**FACADE** — An outside continuous structure of a building that encloses a heated finished area.

**FREESTANDING SIGN** — Any sign not attached to a building, erected, constructed or maintained on a post or pole, or other bracing or supporting device, being to support the sign.

**FRONTAGE** — The distance between property lines of any property measured along the right-of-way line of the street or road.

**INTERNALLY LIGHTED** — Any sign whose sole source of artificial illumination is contained within the display portion of the sign.

**MOBILE SIGN** — A sign which is not permanently attached to a building or not placed in the ground in such a fashion as to be permanent in a manner conforming to the Uniform Construction Code *Editor's Note: See Ch. 75, Construction Codes, Uniform.* or which is located or attached to a trailer, on wheels, or other similar attachment such that the sign may be moved from place to place, either within the lot or to another location.

**MULTIPLE OCCUPANCY AND TENANT'S SIGN** — A single sign relating to a use or facility, such as a shopping center, industrial park or office complex, where there is more than one occupancy and/or tenancy of uses, where said multiple occupancy and tenancy use a common parking facility and/or a common private drive or roadway and where the names and professions or business names of the various tenants and/or occupants are displayed.

**OFFICIAL SIGN** — Any sign, symbol or device, erected, constructed or maintained by the federal, state, county or local government, or any agency thereof, for the purpose of informing or guiding the public or for the protection of the public health, safety and welfare.

**PRIMARY ENTRANCE** — Main entrance customarily used by the public for the conduct of business that normally faces the front property line.

**REAL ESTATE SIGN** — A sign of an owner of real property or of a licensed real estate broker designating a property "for sale" or "for rent."

**ROOF SIGN** — An attached sign erected, constructed or maintained upon or over the roof of any building, where the principal support of said sign is the roof structure.

**SECONDARY ENTRANCE** — Entrance other than the main entrance customarily used by the public for the conduct of business.

**SIGN** — A visible, external representation delineating and giving evidence of an idea or use through decoration, emblem, symbol, trademark, or graphic presentation, not including projections, pictures, photographs or life-like images.

**SIGN HEIGHT** — In the case of a freestanding sign, the sign height is the distance computed from grade level to the greatest height at any one point in the sign.

**TEMPORARY SIGN** — A sign which is not permanently attached to a building structure or permanently affixed to a freestanding structure and which may be erected for a limited period of time in compliance with the provisions of this chapter.

**WARNING SIGN** — A sign indicating no trespassing or no fishing and/or hunting or an existing danger where a warning is legally required.

**WINDOW SIGN** — Any sign erected, constructed or maintained in or on a window of a building, visible from the outside of the building, whether illuminated or nonilluminated.

#### § 205-64. General regulations.

- A. All signs within the Township of Maple Shade shall be erected, constructed and maintained in accordance with the provisions of this chapter and the Uniform Construction Code. *Editor's Note: See Ch. 75, Construction Codes, Uniform.*
- B. No sign shall be erected, enlarged, rebuilt, structurally altered or relocated until a zoning permit has been issued by the Zoning Officer and a construction permit has been issued by the Construction Official except as hereinafter permitted. The issuance of a zoning permit and construction permit shall not relieve the owner or lessee of the premises from the duty of maintaining such structures in a safe condition. Applications for permits to erect, hang or place a sign shall be submitted on such forms as required by the Construction Official. Each application shall be accompanied by plans showing the area of the sign; the size and characters; the method of illumination, if any; the exact location proposed for such sign and, in the case of a projecting sign, the proposed method of fastening said sign to the building structure; the vertical distance between such sign and the finished grade and the horizontal distance between such sign and the curb and also between such sign and the right-of-way line; and such other information as may be requested.
- C. Billboards, as defined herein, are prohibited in all zoning districts of Maple Shade Township except for the BD Business Development Zoning District where one off-premises sign structure or device for commercial or noncommercial advertising is permitted per lot.
- D. Nonconforming signs. **[Added 11-5-2003 by Ord. No. 2003-14]**
  - (1) Legality of nonconforming signs. It is the intent of this article that, as expeditiously as possible, all existing signs not conforming to the provisions of this article be eliminated or brought into conformance with this article; provided, however, that any permitted permanent sign located within the Township of Maple Shade, existing as of the effective date of this article, which does not meet the requirements of this article shall be considered a permitted nonconforming sign.
  - (2) Loss of permitted nonconforming sign status. In the event a pre-existing permitted nonconforming sign or other nonconforming sign is altered after the effective date of this article, such sign must be brought to conform with this article or removed immediately. An alteration will include:
    - (a) Change in use of property. All permitted nonconforming signs or other nonconforming signs shall be removed in the event of a change in use, new certificate of occupancy, change of business license, or change of tenancy on the premises.
    - (b) Removal or abandonment of the sign.
- E. Removal of certain signs. In the event a business ceases operation for a period of time in excess of 60 days, the sign owner or lessee, or property owner, shall immediately remove any sign identifying or advertising said business or any product sold thereby. Upon failure to comply with this section, the Code Enforcement Officer shall issue a written notice to the sign owner or any lessee and to the property owner stating that such sign shall be removed within the following time period: sign face, 60 days; posts, columns and supporting structures, one year. If the sign owner or lessee or property owner fails to comply with such

written notice to remove, the Code Enforcement Officer is hereby authorized to cause removal of such sign, and any expenses incidental to such removal shall be charged to the owner of the property upon which the sign is located and shall constitute a lien upon the property. For the purposes of this section the word "remove" shall include the removal from the property of posts, columns or supports for freestanding signs and supporting structures for roof or wall signs. **[Added 11-5-2003 by Ord. No. 2003-14; amended 7-20-2004 by Ord. No. 2005-5]**

- F. Computing a sign's size. The size of any sign shall be computed by multiplying its greatest height by its greatest length, except that in the case of an irregularly shaped sign, the size of the sign shall be its total usable square footage. Signs with two faces shall be measured by using the surface area of one side of the sign only. **[Added 11-5-2003 by Ord. No. 2003-14]**
- G. Sign location. No sign may be located so as to obscure sight lines at intersections. **[Added 11-5-2003 by Ord. No. 2003-14]**
- H. Signs allowed. All signs erected in the Township require the issuance of a permit unless specifically exempted under § 205-65. **[Added 11-5-2003 by Ord. No. 2003-14]**

#### **§ 205-65. Exempt signs. [Amended 11-5-2003 by Ord. No. 2003-14]**

The following signs may be erected, constructed, placed and maintained without a sign permit in all zones. Said signs shall comply with the general provisions of this Article and with the Uniform Construction Code. **Editor's Note: See Ch. 75, Construction Codes, Uniform.** Said signs are as follows:

- A. Official traffic signs.
- B. Real estate signs, provided that:
  - (1) They are not illuminated.
  - (2) They pertain only to the lease or sale of a property upon which they are placed.
  - (3) They do not exceed 12 square feet in area except in residential zones, in which case they shall not exceed six square feet in area.
  - (4) They are removed within seven days after closing, settlement, or execution of a lease.
- C. Temporary construction signs and artisans' signs. Said signs may be erected on the site during the period of construction to announce the name of the owner or developer, contractor, architect, landscape architect, engineer, mechanic, painter, or other artisan. Such a sign shall not exceed 12 square feet in area except in residential zones, in which case it shall not exceed six square feet in area. Said signs shall be removed within one week of completion of the work, or six months after the sign is erected, whichever is earliest. No certificate of occupancy or approval shall be issued until all such signs are removed.
- D. Legal process. Signs incident to the legal process of law, such as building permits, quarantines, condemnations, legal notices and the like.
- E. Warning and no trespassing signs. Said signs and signs indicating the private nature of a driveway or property, provided that the size of the sign does not exceed three square feet and provided that the sign is not illuminated and is maintained in a proper condition.
- F. Identification signs. Identification signs for schools, churches, hospitals, clubs, lodges or similar uses, provided that the area of any such sign shall not exceed 12 square feet. Identification signs located on residential properties shall not exceed one square foot, and only one identification sign per lot is allowed, whether freestanding or facade.
- G. Temporary window signs.
  - (1) Sales events. Signs advertising or describing sales or special merchandise are permitted, provided that the same sign does not remain in the window for a period longer than 30 days and that all of the signs collectively, including temporary and permanent signs, do not exceed 40% of all available window space of any window.
- H. Political signs. Political signs or posters shall be allowed one month prior to a scheduled election and must be removed within seven days following the election and shall not exceed 16 square feet. Only one such sign is allowed per lot, except that two signs shall be permitted on any corner lot.



I. Temporary special event signs.

- (1) Street-wide banners. Town Council must approve the hanging of all street-wide banners, which may only be hung from Township owned banner poles.
- (2) Garage sales. Signs advertising garage or yard sales shall not exceed one square foot in area. Such signs are allowed one week prior to the event advertised and must be removed the day following the event.
- (3) Other. Signs advertising events such as fairs, bazaars, auctions, or other special activities are allowed one month prior to the event being advertised and must be removed within seven days following the conclusion of the event and shall not exceed twelve square feet. Only one such sign is allowed per lot at any given time.

**§ 205-66. Prohibited signs. [Amended 11-5-2003 by Ord. No. 2003-14]**

The following signs shall be prohibited in all zones.

- A. Advertising signs attached to or painted on trees, fences, utility poles, rocks, water towers, benches, or bridges; provided, however, that signs located on fences at Township athletic fields are not prohibited.
- B. Painted wall signs or murals.
- C. Any sign which, applying contemporary community standards, has a dominant theme or purpose of appealing to prurient interests.
- D. Banners, except as permitted in §§ 205-65I(1), 205-66.2B(2)(e), and 205-66.2G.
- E. Pennants, streamers, or balloons, except as permitted in § 205-66.2D(2).
- F. Signs on regularly parked or located vehicles in such a way as to be used or considered as a sign.
- G. Signs on roofs.
- H. Signs containing flashers, animators, movable reflectors, mechanical movements, or contrivances; provided, however, that signs displaying nonflashing time and/or temperatures are permitted.
- I. Off-premises signs, except temporary special event signs as provided in § 205-64I and billboards as provided in § 205-66.2D(3) of this article.
- J. Outdoor portable or mobile signs advertising the sale of products or services, except for sidewalk signs, as defined in § 205-4.

**§ 205-66.1. Sign construction and maintenance. [Added 11-5-2003 by Ord. No. 2003-14]**

- A. Construction. All signs within the Township of Maple Shade shall be erected, constructed and maintained in accordance with the provisions of this article and the Uniform Construction Code.
- B. Maintenance. The property and business owners shall be responsible for maintaining all signs erected on such owner's property. This maintenance shall include repainting, repairing and cleaning, as necessary. No sign shall be permitted to exhibit:
  - (1) Chipped or peeling paint or lettering;
  - (2) Damaged or broken lettering or signboard;
  - (3) Illegible material due to fading, obliteration, or other condition; or
  - (4) A dirty, torn, broken, or otherwise damaged awning, canopy, projecting sign, or other sign-support structure.
- C. Sidewalk signs. All sidewalk signs shall be constructed with a built-in ten-pound-weighted stabilizing base to prevent accidental collapse.

**§ 205-66.2. Sign provisions for each zone. [Added 11-5-2003 by Ord. No. 2003-14]**

- A. Residential zones. Signs shall not exceed one square foot and may be externally illuminated. Said signs may be attached to the facade or freestanding, provided that any freestanding sign is in the front yard and

adjacent to the driveway or front walk and at the right-of-way line or between the right-of-way line and the structure.

B. Downtown Business District.

- (1) The Downtown Business District is designed to contribute to the continued economic strength and revitalization of the Township's business community by affording expanded opportunities for appropriate commercial enterprises together with adequate design controls to effect a physical aesthetic tied to the cultural and architectural fabric of the area. Signs in the Downtown Business District must therefore conform to the appearance standards adopted by the Township of Maple Shade Appearance Committee from time to time.
- (2) Primary entrance. All businesses shall be permitted up to four signs at the primary entrance to the building, one of which may extend outward in a perpendicular fashion, and all of which shall adhere to the following standards:
  - (a) For building facades containing up to 20 linear feet in width, facade signs with a combined area not to exceed 24 square feet are permitted. For each linear foot of the building facade over 20 feet, an additional 1/2 square foot of signage is permitted up to a maximum sign area of 40 square feet. Facade signs may not project more than one foot from the facade.
  - (b) Any perpendicular sign must be erected in such a way that it does not extend outward from the building in excess of three feet and the lowest section of the sign is a minimum of eight feet above the sidewalk.
  - (c) Exterior signs may be externally or internally illuminated but may not be constructed of uncovered neon tubing. Externally illuminated signs shall be arranged to reflect glare away from adjoining lots and streets.
  - (d) Canopies, awnings, or similar devices, regardless of whether or not they are designed to communicate a message, shall not extend outward from the building more than six feet. Awnings shall be required to have stop locks to prevent them from sagging or being lowered to a point closer than seven feet to the sidewalk.
  - (e) Each business may display, during business hours only, one decorative flag, which decorative flag may contain no advertising message. Any such decorative flag may not extend out from the facade of the building more than four feet. The lowest point of the decorative flag shall not be less than seven feet from the ground.
  - (f) In lieu of a facade sign or signs, one freestanding sign is permitted of not more than 16 square feet in area and not more than five feet in height. Any such sign must be placed at least 15 feet from the street, five feet from any property line, and 10 feet from any building.
  - (g) There shall be permitted one window sign per five linear feet of the building facade. Signs in windows, whether temporary or permanent, may not cover more than 40% of the area of the window. Window signs may be illuminated, but the total area of all illuminated signs in any window may not exceed eight square feet.
  - (h) Signs on door glass and in sidelite panels to doors may not cover more than 25% of the area of such glass and sidelites and shall be located in such a manner that they do not present a safety hazard.
  - (i) There shall be permitted one sidewalk sign, as defined in § 205-4 and constructed in accordance with § 205-66.1. Such signs may be displayed during business hours only and situated on the sidewalk within three feet of the curb and shall be removed during nonbusiness hours. Such signs shall not be located so as to hinder pedestrian traffic.
- (3) Secondary entrances.
  - (a) One sign may be located at each secondary entrance, mounted flat against the building facade, not to exceed 12 square feet in size. Signs located at secondary entrances may be illuminated but may not be constructed of uncovered neon tubing.
  - (b) Canopies, awnings, or similar devices may be erected at secondary entrances, provided that the criteria set forth in § 205-66.2B(2)(d) above is met.
  - (c) There shall be permitted one window sign per five linear feet of the building facade at secondary

entrances, but such signs may not cover more than 20% of the gross area of the window. Such signs may be illuminated and may be constructed of neon, but the total area of all illuminated signs in any window at a secondary entrance may not exceed eight square feet in area.

- (4) Businesses fronting on two streets. Businesses fronting on two streets may have one facade sign on the side of the building not containing the main entrance. Such sign shall not exceed 12 square feet in size.

C. General Commercial District.

- (1) Permitted signs. Signs permitted in the General Commercial District shall be the same as are permitted in the Downtown Business District, except that signs proposed to be erected in the General Commercial District shall not be subject to the provisions of § 205-66.2B(1).

D. Business Development District.

- (1) Permitted signs.

- (a) One business or use on the lot:

- [1] Up to four attached facade signs to be placed either on the wall at which the main entrance is located or on any wall fronting a street, provided that said signs shall not exceed 10% of the wall surface area upon which the signs are to be located. If the building fronts more than one street, an additional facade sign, subject to the aforementioned 10% restriction, may be placed on one of the other walls fronting a street. If the building has no street frontage, the attached facade signs shall be placed on the wall at which the main entrance is located. Facade signs may not project more than one foot from the facade.
- [2] One sign mounted flush against the building facade, not to exceed three square feet in size, located at the main entrance, stating only the name of the business or use, including, if desired, its business hours.
  - [a] Such signs shall not project more than 12 inches from the building facade to which they are attached; provided, however, that, where a sign extends more than three inches from the face of said wall, the bottom of said sign shall not be closer than eight feet to the ground level.
  - [b] Such signs shall not project above the roof, cornice, parapet, wall or roofline, nor beyond the ends of the building.
- [3] One freestanding sign of a size not exceeding 1/2 square foot for each foot of linear lot width of the lot containing the structure to which the sign relates, provided that said freestanding sign shall not exceed an area of 50 square feet nor exceed a height of 20 feet above the ground.
- [4] Exterior signs may be externally or internally illuminated but may not be constructed of uncovered neon tubing.

- (b) More than one business or use on the lot.

- [1] One sign per use mounted flat against the building facade, not to exceed three square feet in size, located at the main entrance, stating only the name of the business or use, including, if desired, its business hours.
- [2] One facade sign per use, provided that the combined size of all signs for all uses shall not exceed 10% of the wall surface area upon which the signs are to be located. If the building fronts more than one street, an additional facade sign, subject to the aforementioned 10% restriction, may be placed on one of the other walls fronting a street. Facade signs may not project more than one foot from the facade.
- [3] If more than one business or use is located in a particular building or buildings, where said businesses or uses use a common parking facility and/or a common driveway or roadway, no freestanding signs shall be permitted, and instead there shall be one multiple-occupancy- and-tenancy (MOT) sign located at the subject entrance. The size of said MOT sign shall not exceed 1/2 square foot for each foot of linear lot width along the primary street, with a maximum size of 50 square feet, and a height not exceeding 20 feet. Multiple

occupancy and tenancy signs may be internally or externally illuminated and may not be constructed of uncovered neon tubing.

- [4] Canopies, awnings, or similar devices, regardless of whether or not they are designed to communicate a message, shall not extend outward from the building more than six feet. Awnings shall be required to have stop locks to prevent them from sagging or being lowered to a point closer than seven feet to the sidewalk.
  - [5] There shall be permitted one sidewalk sign, as defined in § 205-4, which may be displayed during business hours only and situated on the sidewalk within three feet of the curb and which shall be removed during nonbusiness hours.
- (c) At the primary entrance to the premises, there shall be permitted one window sign per five linear feet of the building facade. Such signs, whether temporary or permanent, may not cover more than 40% of the area of the window. Window signs may be illuminated, but the total area of all illuminated signs in any window may not exceed eight square feet.
- (2) Pennants, streamers, or balloons. Pennants, streamers, or balloons are prohibited except upon occasion of the opening of a new business use. On such occasions, such pennants, streamers, or balloons may be used for a period not to exceed 14 days to announce the opening of said business. Such devices or displays may also be used for a period not to exceed 14 days a maximum of two separate times per calendar year for the purpose of advertising special sales or promotions. Authorization for such business opening or special sale or promotion shall be by special permit issued by the Township Zoning Office and obtained at least two weeks prior to the event. All such pennants, streamers, or balloons as are permitted under the special permit shall be removed immediately upon expiration of the fourteen-day period as authorized and specified by the permit.
- (3) Billboards.
- (a) The size of the billboard sign or device shall not exceed an area of one square foot for each one foot of lot width measured at the right-of-way along which the billboard is directed. The maximum area of the billboard shall not exceed 200 square feet in area.
  - (b) The billboard must face oncoming traffic proceeding along the nearest traffic lane to the billboard. Under no circumstances shall the billboard be two-sided or so designed to face traffic approaching from two directions.
  - (c) Only one billboard is permitted per lot.
  - (d) The lot on which the billboard is to be located shall have no other use and shall be initially assessed without the billboard as either vacant or farm qualified.
  - (e) The billboard shall be located at least 200 feet from any residential use or zone.
  - (f) Billboards shall not be located or interfere with sight distance or sight triangles as hereinafter set forth. The billboard shall be no closer than 40 feet to any side or rear property line, unless further restricted by sight distance or sight triangle regulations as prescribed by the New Jersey Department of Transportation.
  - (g) The highest point of the billboard shall be no higher than 25 feet measured from existing grade.
  - (h) Billboards shall not exhibit any flashing, waving, blinking, twinkling, animating, moving, raised or projected elements or illusions of movement.
  - (i) No vehicle or movable structure shall be regularly parked, stopped or located in such a manner as to be used as or considered a billboard.
  - (j) Billboards shall not emit smoke, steam, visible vapors, particles, or sound.
  - (k) Billboards shall not be of such design or location that they interfere with, compete for attention with, or may be mistaken for a traffic signal. This shall include the use of an arrow, the words "stop" or "yield" or the use of the colors red, yellow or green in direct illumination or in high reflection by the use of special preparations such as fluorescent paint or glass.
  - (l) Billboards may be illuminated but shall be arranged so that no light or glare is directed or reflected to adjoining lots, or streets, or into residential windows. No external beam shall be

directed downward. All illumination must be shielded to prevent spillage off the lot. Billboards shall not exhibit exposed incandescent bulbs, neon tubes, or mirrors.

- (m) Billboards shall not exhibit or imply a message which is inconsistent with the Township goals of promoting the health, safety, morals, and welfare of Maple Shade residents as referenced in the Maple Shade Township Comprehensive Master Plan and Zoning Ordinance.
- (n) Billboards shall not use movable, changeable, or removable letters.
- (o) Billboards shall be of sound construction and shall be permanently affixed to the ground in a manner conforming to the New Jersey Construction Code.
- (p) Billboards shall be periodically maintained by the owner, including painting, repairing, and cleaning as necessary. Any billboard that, because of improper maintenance, is deemed to be in a state of disrepair shall be repaired by the owner of said sign within 14 days of a notice requiring repair. Otherwise, the sign shall be considered as debris and subject to the remedial regulations of Chapter 152, Property Maintenance, with respect to brush, weed, and debris.
- (q) All billboard messages shall be under current contract with the billboard owner; otherwise, the message or images, including graffiti, shall be removed.
- (r) No billboard may be erected within 200 feet of another billboard.

E. Planned Development District.

- (1) Permitted signs. Signs permitted in the Planned Development District shall be the same as are permitted in the Business Development District, except that billboards are not permitted. In addition, if there is more than one business or use on a lot and if the businesses or uses use a common parking facility and/or a common driveway or roadway, the facade signs for the uses or businesses shall be uniform in size, scale, and design.

F. Highway Commercial District.

- (1) Permitted signs. Signs permitted in the Highway Commercial District shall be the same as are permitted in the BD Business Development District, except that billboards are not permitted.

G. All districts where permitted:

- (1) Automobile dealerships. Automobile dealerships shall be permitted to display banners subject to the following conditions and regulations:
  - (a) One banner is permitted for the first 200 feet of principal street or road frontage. One banner shall be permitted for each additional full 200 feet of principal street or road frontage for the commercial use. (Example: Two banners are not permitted unless the use has at least 400 feet of principal street or road frontage.)
  - (b) The maximum permitted size of an individual banner shall be 45 inches by 66 inches.
  - (c) All permitted banners shall be rectangular in shape and shall be displayed in a fixed and supported position.
  - (d) Banners shall be permitted only on existing light poles in locations as approved under the site plan or on permanently installed poles located on site in a position which will not interfere with internal traffic flow.
  - (e) All banners shall be displayed at a height of 15 feet measured from the ground level to the bottom of the banner.
  - (f) Banners permitted under this chapter shall not display or contain any advertising content nor any symbols or logos.
  - (g) Banners shall not be permitted which have iridescent, fluorescent, day-glo, or glow-in-the-dark colors or characteristics.
- (2) Fuel service stations. Fuel service stations located in zones where they are expressly permitted by the Zoning Code may display the following signs, which are deemed customary and necessary for their respective businesses:

- (a) One freestanding sign advertising the name of the station or garage and the principal products sold on the premises, including any special company or brand name, insignia, emblem, or logo, provided that such sign shall not exceed 40 square feet in area per side and shall be no closer than 15 feet to the property line. The bottom of the sign shall not be less than 10 feet above the ground, and the top shall not exceed 25 feet.
  - (b) The size of a freestanding sign may be increased by 12 square feet for the listing of product and/or pricing information. In the alternative, one temporary sign may be located inside the property line along each street frontage, provided that said sign does not exceed 20 square feet in area on one side and shall be placed no closer than 10 feet to the property line.
  - (c) If a pump island is covered by a canopy, the company name and logo may appear on any or all sides of the fascia, but in no event may such name and logo exceed 10 square feet.
  - (d) One identification sign advertising the name of the proprietor may be mounted flush against the building facade at the primary entrance and may not exceed three square feet in size.
- (3) United States flag. One United States flag may be displayed at a business site, subject to a maximum size of 60 square feet. Such flag shall be lowered between sunset and sunrise. A construction permit must be obtained before the installation of any freestanding flagpole or for the installation of any flagpole in a nonresidential zone.
  - (4) Historical signs. Signs identifying structures of historic significance are permitted. Such signs must be mounted on the structure and may not exceed six square feet in size.

**§ 205-66.3. Sign permit process. [Added 11-5-2003 by Ord. No. 2003-14]**

A. Permits required.

- (1) No sign (except for signs allowed without a permit as provided in § 205-64D(1) of this article) may be constructed, erected, remodeled, relocated, or expanded unless a sign permit for such sign has been obtained. No permit shall be required for repainting or rewording a sign.
- (2) No permit for any sign shall be issued unless the sign complies with all regulations of this article and those set forth in the Uniform Construction Code.
- (3) All applications for sign permits shall be made to the Zoning Officer.
- (4) All new businesses shall be required to apply for a sign permit for all new and existing signs. Sign permits shall be applied for whether or not an existing sign is to be changed. The Zoning Officer shall make a determination as to whether a permit is required under this article.
- (5) Applications for sign permits shall be submitted to the Zoning Officer for review. If approved and a permit issued, the Zoning Officer shall, if appropriate, refer the applicant to the Construction Official for the issuance of a building permit.
- (6) Each application shall be accompanied by plans showing the area of the sign; the size and characters; the method of illumination, if any; the exact location proposed for such sign and, in the case of a projecting sign, the proposed method of fastening said sign to the building structure; the vertical distance between such sign and the finished grade and the horizontal distance between such sign and the curb and also between such sign and the right-of-way line; and such other information as may be requested. Architectural plans signed and sealed by an architect licensed by the State of New Jersey may be required at the discretion of the Township Building Inspector.
- (7) There shall be an application fee as shall be determined by the Township payable for every sign permit requested.

- B. Denial of permit. If an applicant is denied a permit, such applicant may apply to the appropriate Township board for a variance from the sign ordinance section in accordance with appropriate law.

**§ 205-66.4. Enforcement; penalties for offenses. [Added 11-5-2003 by Ord. No. 2003-14]**

- A. Upon the discovery of a violation of this article, the Zoning Officer shall give written notice to the owner of the sign and to the owner of record of the tax block and lot that the sign is in violation of this article and that the sign must be brought into conformance with this article, or removed, within 10 days of the notice. Upon

receipt of said notice of violation, the sign owner may apply for a sign variance.

- B. In the event that any sign continues to be in violation 10 days after notice as provided in § 205-66.4A above, and no sign permit has been applied for, the Zoning Officer on behalf of the Township may file a municipal court complaint against the owner of the sign and the owner of record of the tax lot and take such other action as may be permitted by law.
- C. Any person who directly, or indirectly by his/her agent or representative, permits a violation of § 205-66.4A above for 10 days after notice to said person to remove the same shall be subject to a fine not exceeding \$150 per day and shall be charged with all costs of removal, if the Township decides, in its sole discretion, to remove the sign. The erection, posting and placing of each individual sign shall constitute a separate offense.

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## ARTICLE XV Off-Street Parking and Loading

### § 205-67. Off-street parking.

- A. Minimum number of required spaces. The following number of off-street parking spaces shall be provided as set forth below. Unless otherwise specified herein, the parking requirement shall be based upon the gross floor area devoted to the individual component uses. The approving body, at its discretion, may require more than the number listed below.

Land Use	Minimum Number of Off-Street Parking Spaces Required
Automobile or truck sales	1 for each 400 square feet of showroom area, plus 1 per employee, plus 1 per inventory; where a showroom is not used, 1 per employee, plus a minimum of 10 for customers, plus 1 per inventory
Automobile service and repair	5 per service bay
Banks or other financial establishments	1 for each 200 square feet of floor area
Bowling alley	4 per alley
Car wash	8 per lane
Church or similar place of worship	1 for every 3 seats, plus 1 per church worship official or employee; if the number of seats is unknown, 1 for every 50 square feet of floor area
Club, lodge or fraternal organization	1 for every 3 seats
Convenience store	6 for each 1,000 square feet of floor area, but not less than 10
Day-care center	1 for each 600 square feet of floor area, plus 1 per employee; adequate maneuvering, stacking and drop-off/pick-up area shall also be provided
Funeral home	1 for every 3 seats devoted to assembly room purposes, but not less than 30
Home occupation	1 per employee not residing in the home
Hospital or nursing home	1 1/2 per bed
Hotel, motel, rooming or boarding home	1 per room, plus 1 per employee
Industrial, research or warehouse	1 per employee of largest shift; however, if reasonable employment data is not available, then not less than 1 for each 750 square feet of floor area
Laundromat	1 for every 3 machines
Lumber or contractor's yard	1 for every 5,000 square feet of yard area

Medical/dental office or clinic	1 for every 150 square feet of clinic floor area, but not less than 10
Office (general or professional)	1 for every 250 square feet of professional floor area
Off-site service business	1 per employee, plus 1 per business vehicle, plus 2, but not less than 5
Personal grooming service	1 for every 200 square feet of floor area
Residential <b>[Amended 10-2-2002 by Ord. No. 2002-13]</b>	2 per unit (efficiency apartment) or 2 per unit (all other dwellings)
Restaurant	1 for every 3 seats, plus 1 for every 2 employees
Restaurant with bar or nightclub	1 for every 50 square feet of restaurant, plus 1 for every 30 square feet of bar or nightclub area
Retail store	5 for every 1,000 square feet of floor area, but not less than 5
Schools	Grade school: 1 per employee (staff and teachers), plus 10 High school: 1 per employee, plus 1 for every 5 students
Self-service storage facility	1 for every 10,000 square feet of floor area devoted to storage, plus 1 for every on-site employee, but not less than 5
Shopping center, supermarket, department store	6 for every 1,000 square feet of gross floor area
Theater, auditorium, stadium, or community center	1 for every 3 seats or 1 for every 50 square feet of floor area if fixed seats will not be used
Veterinarian hospital/office	6 for each exam room
All other commercial uses not specified above	6 for every 1,000 square feet of gross floor area

## NOTES:

1. Adequate queuing space shall be provided for drive-up windows so that lines will not form in aisles or onto public streets.
  2. If seating is provided by benches, bleachers or pews, one seat shall be considered as 24 inches.
  3. In all cases where the number of employees is used as a basis, it will be constructed as the number of employees on the maximum shift.
  4. Where a proposed site contains more than one use, the total parking requirements shall be the sum of the component parts.
- B. The off-street parking spaces shall be a minimum of 10 feet wide and 20 feet in length (25 feet when parallel spaces are used), except that no more than 50% of the total spaces provided may be nine feet wide and 18 feet in length (25 feet when parallel spaces are used) if allowed by the approving body.
- C. Parking for the handicapped shall be provided in accordance with the barrier-free design regulations adopted by the New Jersey Department of Community Affairs. This shall include all necessary signs, pavement markings, and appropriate barrier-free access to any building.
- D. Access to off-street parking shall be by on-site aisles to permit each vehicle to proceed to and from each space without moving another vehicle. Parking spaces shall not be an extension of any street right-of-way.
- E. Minimum aisle widths shall be as follows:



Angle of Parking Space	One-Way Aisle Width (feet)	Two-Way Aisle Width (feet)
90°	N/A	25
60°	18	N/A
Parallel	15	20

F. Areas which will experience heavy traffic (e.g., loading and maneuvering areas, major driveways or any other area used frequently by heavy vehicles) shall be constructed with a minimum of five inches of bituminous stabilized base course and two inches of bituminous surface course (FABC-1) on a compacted subbase. Areas subject to light traffic shall be constructed with a minimum of six inches of quarry blend base course and two inches of bituminous surface course (FABC) on a compacted subbase. Where subbase conditions are wet or otherwise unsuitable, it shall be excavated to a depth of at least 12 inches below the subgrade and filled with a suitable material as determined by the Municipal Engineer. All parking, loading, and traffic circulation areas shall have concrete curbing around the perimeter for drainage control and traffic circulation unless waived by the approving body.

G. Buffers.

- (1) Buffer areas and screening shall be required along all lot lines and street lines which separate a nonresidential parking lot or loading zone from either an existing residential use or a residential zoning district. Buffer areas shall be developed in an aesthetic manner for the primary purposes of screening views and reducing noise beyond the lot. No structure, activity, storage of materials or parking of vehicles shall be permitted in a buffer area.
- (2) Buffers shall be a minimum of 15 feet wide when adjacent to street lines and a minimum of 10 feet wide when adjacent to property lines.
- (3) Buffers may consist of solid fencing or wall screening in a landscaped area, evergreen tree or shrubbery screening in a landscaped area or a landscaped berm having maximum side slopes of 3:1. All buffer areas shall be planted and maintained with either grass or ground cover together with a suitable screen. Preservation of all natural wooded areas is encouraged and may be utilized as part of the required buffer, provided that the growth is of a density and the area has sufficient width to serve the purpose of a buffer.
- (4) Parking and loading areas shall be set back from street lines and property lines so that they will not encroach into any required buffer area. Where a proposed use is not adjacent to an existing residential use or residential zoning district, parking and loading areas shall be set back a minimum of five feet.

H. Sufficient lighting shall be provided for parking, loading and pedestrian areas to ensure safe movement of persons and vehicles and for security purposes. Parking lots or other areas of nighttime use shall be provided with suitable lighting fixtures such that a minimum illumination of 1.0 footcandle is maintained. The height of light standards shall be limited to the maximum height of structures permitted in the particular zoning district where they are located or 30 feet, whichever is less. Where lighting fixtures are proposed adjacent to an existing residential use or residential zoning district, shielding shall be provided to ensure that there will be no light spillage onto adjacent properties. No lighting may shine directly or reflect into windows or onto streets and driveways in such a manner as to interfere with driver vision.

**§ 205-68. Off-street loading and unloading.**

A. Minimum number of required spaces. Adequate off-street loading and maneuvering space shall be provided as set forth below. The approving body, at its discretion, may require more than the number listed below:

Land Use	Minimum Number of Off-Street Loading Spaces Required
Auto or truck sales; industrial, research or warehouse; lumber or contractor's yard; supermarket or department store	0 to 10,000 square feet: 1 10,000 to 25,000 square feet: 1 Each additional 25,000 square feet or fraction: 1
Auto service or repair, car wash; day-	None specifically required

care center; laundromat; off-site  
 service business; residential; school;  
 self-service storage facility; theater,  
 auditorium, stadium or community  
 center

All other uses listed in § 205-67A

0 to 10,000 square feet: 1  
 10,000 to 100,000 square feet: 1  
 Each additional 100,00 square feet or fraction: 1

- B. Off-street loading spaces shall be a minimum of 12 feet wide and 60 feet in length, with 15 feet of vertical clearance.

## ARTICLE XVI Buffer Requirements

### § 205-69. Buffer strips.

In order to promote a desirable visual environment and maintain the development character, and quality of the Township, a natural or planted buffer shall be provided, as set forth below, in all cases where proposed business, commercial, industrial, or cemetery development is located adjacent to or across the street from land that is either zoned for residential use or upon which is located a residential use.

- A. Buffer strip width and function. In addition to the bulk yard requirements of this chapter, a natural or planted buffer of at least 25 feet in width shall be provided along any side or rear property line that is adjacent to or across the street from a residential zone or residential use so as to effectively screen the development activities set forth above from residential zones or uses.
- B. Buffer strip plantings. In conjunction with the submission of a site plan for proposed development, a landscape plan specifying the types of plantings and location of the buffer strip shall be provided. The buffer strip plantings may consist of shrubbery, deciduous trees, and evergreens, but must be of such a planting mix so as to provide an effective, verdant year-round screen with said plantings reaching a height to perform the screening function within a reasonable amount of time.

## ARTICLE XVII Amusement Arcades, Games and Devices Editor's Note: See also Ch. 60, Amusement Devices.

### § 205-70. Definitions.

The following words shall have the following meanings, when used in this chapter:

AMUSEMENT ARCADE — A place, building, or location that is primarily used for or devoted to the playing or use of amusement games or devices by the public.

AMUSEMENT DEVICE — A coin-operated machine or device, not including amusement games, which provides a ride, sensation, electronic reading or weight, photograph, lamination, or item of merchandise provided at random among other items of merchandise for use by and to the amusement of the public.

AMUSEMENT GAME — A coin-operated machine or device which, whether mechanical, electrical, or electronic, shall be ready for play by the insertion of a coin and which may be operated by the public for use as a game, entertainment or amusement, the object of which is to achieve either a high or low score which, by comparison to the score of other players, whether playing concurrently or not, demonstrates relative skill or competence or indicates in any other way competitive advantage of one player or team over another regardless of skill or competence. The definition shall include devices such as pinball machines or any device which utilizes a video tube to reproduce symbolic figures and lines intended to be representative of real games or activities.

#### § 205-70.1. Arcades prohibited.

Amusement arcades are prohibited in all zones.

**§ 205-70.2. Games and devices permitted as accessory uses.**

Amusement games or devices are permitted as accessory uses in the General Commercial, Highway Commercial, Business Development, and Business Development 1 Districts or Zones, provided that no more than 20% of the floor area of the building is used as a location for amusement games or devices or any combination thereof.

**§ 205-70.3. Location of games and devices restricted.**

- A. Amusement games and devices shall not be located to obstruct ingress or egress or interfere with the health or safety of the public using the premises.
- B. Between machines and between the side of the machine and any fixture or wall there shall be an amount of space equal to the width of the machine. Furthermore, between the front of a machine and the side or front of any other machine or wall or fixture there shall be a distance equal to the depth of the machine.

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**ARTICLE XVIII General Regulations****§ 205-71. Nonconforming buildings, structures or uses.**

- A. Continuation. Any lawful use of a building or land existing at the effective date of this chapter may be continued although such use does not conform to the provisions of this chapter.
- B. Extension. A nonconforming use of a building or land may not be extended or enlarged unless the Board of Adjustment approves said extension or enlargement pursuant to N.J.S.A. 40:55D-70d. Said extension or enlargement shall be immediately adjacent to the existing nonconforming use and shall conform to the area and height regulations of the district in which it is situated.
- C. Changes. A nonconforming use of a building or land may be changed to a nonconforming use of the same or more restricted classification, subject to Zoning Board approval. Whenever a nonconforming use of a building or land has been changed to a use of a more restricted classification or to a conforming use, such use shall not thereafter be changed to a use of a less restricted classification.
- D. Restoration. Any nonconforming building, structure or use that has been condemned or damaged by fire, explosion, flood, windstorm or Act of God shall be examined by the Construction Official. If, in the opinion of the Construction Official, the cost of repair is greater than 60% 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 60% of the value of replacing the entire structure, it may be rebuilt and used for the same purpose as before, provided that it is rebuilt within one year 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.
- E. Abandonment. A nonconforming use shall be presumed abandoned if it is terminated by the owner or if a nonconforming use involving a structure is discontinued for 12 consecutive months or if a nonconforming use of land ceases for a period of 12 months. The subsequent use of the abandoned building, structure and/or land shall be in conformance with this chapter.
- F. Repairs and maintenance. Minor work and ordinary repairs as defined in and regulated by the Uniform Construction Code *Editor's Note: See Ch. 75, Construction Codes, Uniform.* may be made to a nonconforming use, structure or lot, provided that the work does not change the use, expand the building or the functional use of the building, increase the area of a lot used for a nonconforming purpose or increase the nonconforming purpose or increase the nonconformity in any manner.

**§ 205-72. Nonconforming lots.**

A building may be erected on any lot held in single and separate ownership at the effective date of this chapter which is not of the required minimum area or width when approved by the Board of Adjustment in accordance with law, provided that adequate sanitation provisions shall be made.

**§ 205-73. Reduction of lot area.**

No lot area shall be so reduced that the area of the lot or the dimensions of the open spaces shall be smaller than herein prescribed.

**§ 205-74. Conversion of dwelling to two- or three-family use.**

The Planning Board may approve as a conditional use the conversion of any dwelling existing at the effective date of this chapter into a dwelling for not more than three families, subject to the following requirements:

- A. The lot area per family, yards and building area shall not be reduced to less than the requirements for the district.
- B. Off-street parking stalls in the size and number as set forth in Article XV of this chapter shall be provided.
- C. No structural alteration of the building exterior shall be made except as may be necessary for the purpose of sanitation or safety.
- D. Such conversion shall be authorized only for a large building that has relatively little economic value or usefulness as a single family or other conforming use.
- E. The Board of Adjustment may prescribe such further conditions with respect to the conversion and use of such building as it deems appropriate in accordance with § 205-78.

**§ 205-75. Prohibited uses; adult activities.**

- A. No building may be erected, altered or used and no lot or premises may be used in a residence or commercial district for any use which is noxious or offensive by reason of odor, dust, vibration, illumination or noise or which constitutes a public hazard whether by fire, explosion or otherwise in the immediately surrounding area. In the BD Business Development District, no use that shall create a noxious, offensive or hazardous condition beyond a manufacturing district boundary line shall be permitted. In determining whether a proposed manufacturing use is noxious, hazardous or offensive, the standards set forth in § 205-35 shall apply.
  - (1) The applicant for a use which is subject to review by the Board of Adjustment shall demonstrate, as a condition of approval, that adequate provisions will be made to reduce and minimize any objectionable elements to the degree necessary to ensure that the proposed use will not be noxious, hazardous or offensive as defined above. In order to determine that adequate safeguards are provided, the Zoning Officer or the Board of Adjustment may:
    - (a) Require that the applicant submit necessary information, plans, impartial expert judgment and written assurances.
    - (b) Obtain the expert advice of official agencies or of private experts or consultants.
    - (c) Make such reasonable tests as are deemed necessary.
- B. Attached (row) or semidetached buildings used exclusively as dwellings shall not be permitted in any district.
- C. No lot or premises may be used for a trailer camp.
- D. The excavation or removal of sand, gravel, topsoil or similar materials shall not be permitted for sale or for use other than on the premises from which the same shall be taken, except in connection with the construction or alteration of a building on such premises and excavation or grading incidental thereto.
- E. Rooming houses shall be prohibited in all zoning districts.
- F. The following adult activities as described herein are expressly prohibited in all zoning districts except as may be permitted and regulated in accordance with § 205-34: *Editor's Note: See also Ch. 162, Sexually Oriented Businesses.*
  - (1) Adult activities, including but not limited to uses commonly referred to as "adult bookstores," "adult movies," "adult live entertainment" and "massage parlors."
    - (a) For purposes of the following subsections, the following phrases shall have the following definitions:

**SPECIFIED ANATOMICAL AREAS** — Less than completely and opaquely covered human genitals, pubic region, buttock and/or female breast below a point immediately above the top of the areola, and human male genitals in a discernibly turgid state, even if completely or opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES** — Human genitals in a state of sexual stimulation or arousal; or acts of human masturbation, sexual intercourse or sodomy; or fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

- (2) Adult bookstore. No person, firm or corporation, or other entity shall establish a bookstore, newsstand or book department in which more than 10% of the floor area devoted to public viewing is used to display books, magazines and/or other written and/or pictorial matter which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified anatomical areas or specified sexual activities as defined herein.
  - (3) Adult movies. No person, firm, corporation or other entity shall offer for viewing through coin-operated motion-picture devices any movie or live performance or other form of display, or offer at a charge or fee any video, movie, live performance, or other form of display which has substantial or significant displays of specified anatomical areas or specified sexual activities as defined herein.
  - (4) Adult live entertainment. No person, firm, corporation or other entity shall use, feature, permit or offer for view dancers, strippers, nude or seminude entertainers or other persons engaging in showing or exhibiting specified anatomical areas or specified sexual activities as defined herein.
  - (5) Massage parlors. No person, firm, corporation or other entity shall use, feature or permit massages or the rubbing down of persons by members of either sex where the massage includes specified anatomical areas or specified sexual activities as defined herein; provided, however, that nothing herein shall be deemed to prohibit the use or giving of massages at a business or building where the use or business of the massage is an accessory use to a primary use permitted by this chapter.
  - (6) Adult activities generally. Any use not defined in Subsection F(1) above that demonstrates, uses, exhibits or otherwise involves specified anatomical areas or specified sexual activities as defined above.
- G. No person shall have or keep in his possession any goats, sheep, cattle, swine or horses within the limits of the Township. No person shall have or keep in his possession any live chickens, pigeons or other fowl nor shall any person have or keep in his possession any animal for the purpose of breeding or permitting the breeding or raising of animals on any property which such person shall own or otherwise control. This subsection shall not apply to cats or dogs which are governed by other sections of the Township Code. **[Added 4-18-2001 by Ord. No. 2001-5]**
- H. The placing, abandonment, leaving, parking, storing or maintaining of any uninspected, unregistered, unlicensed, disabled, dismantled or inoperable motor vehicle, boat, camper, machinery or mechanical equipment out of doors or on any private or public lands in the Township of Maple Shade is hereby prohibited. **[Added 4-18-2001 by Ord. No. 2001-5]**

#### **§ 205-76. Yard exceptions.**

- A. Front yard exceptions. In R-1 and R-2 Residence Districts, DB Downtown Business Districts, C General Commercial Districts and HC Highway Commercial Districts, the front yard of a proposed building may be decreased in depth to the average alignment of existing buildings within 100 feet on each side of the proposed building and within the same block if such alignment of existing buildings is less than the front yard requirement for the district.
- B. Yard exception for private garage; accessory building. A private garage or other accessory building which is not an integral structural part of a main building may be located in the required side and/or rear yard but not less than three feet from any property line. The provisions of this section shall not apply to a side or rear yard that abuts a street. Nothing in this section shall be construed to prohibit the erection of a common or joint garage that is not an integral structural part of a main building on an adjoining lot.

#### **§ 205-77. Vision obstructions.**

On any corner lot, no wall, fence or other structure shall be erected or altered, and no hedge, tree, shrub or other

growth shall be maintained, which may cause danger to traffic on a street or public road by obscuring the view.

**§ 205-78. Standards for review of proposed variance.**

In any instance where the Board of Adjustment is required to consider an exception or variance in this chapter or Zoning Map in accordance with the provisions of this chapter, the Board of Adjustment shall, among other things:

- A. Assure itself that the proposed change is consistent with the spirit, purpose and intent of this chapter.
- B. Determine that the proposed change will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.
- C. Determine that the proposed change will serve the best interests of the Township, the convenience of the community, where applicable, and the public welfare.
- D. Consider the effect of the proposed change upon the logical, efficient and economical extension of public services and facilities, such as public water, sewers, police and fire protection and public schools.
- E. Be guided in its study, review and recommendation by sound standards of subdivision practice where applicable.
- F. Impose such conditions, in addition to those required, as are necessary to assure that the intent of this chapter is complied with, which conditions may include but are not limited to harmonious design of buildings, plantings and maintenance thereof as a sight or sound screen, the minimizing of noxious, offensive or hazardous elements and adequate standards of parking and sanitation.

**§ 205-79. Public utility corporations.**

This chapter shall not apply to existing property or to buildings or structures used or to be used by public utilities in furnishing service if, upon petition of the public entity, the Board of Public Utility Commissioners shall, after a hearing of which the Township Council shall have notice, decide that the present or proposed situation of the building or structure in question is reasonably necessary for the service, convenience or welfare of the public.

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**ARTICLE XIX Administration and Enforcement**

**§ 205-80. Enforcement officer designated; duties.**

The Township Council shall appoint a Zoning Officer to enforce the provisions of this chapter. It shall be his duty to examine all applications for permits; issue permits only for construction and uses which are in accordance with the requirements of this chapter; record and file for public record all applications for permits with any accompanying plans and documents and make such as the Township Council may require. Permits for construction and uses that require a variance from the provisions of this chapter shall be issued only upon order of the Board of Adjustment. Nothing herein contained shall require any change in plans or construction of a lawful use for which a permit has been issued before the effective date of this chapter and which is completed within one year of the effective date of this chapter.

**§ 205-81. Zoning permit required.**

A zoning permit shall be required prior to the erection of any fence, and prior to the erection or structural alteration of any building, structure or portion thereof, prior to the use or change in use of a building or land and prior to the change or extension of a nonconforming use. Applications for permits shall be made in writing to the Zoning Officer on such forms as may be furnished by the Township. Such application shall contain all information necessary for the Zoning Officer to ascertain whether the proposed erection, alteration, use or change in use complies with the provisions of this chapter. In the case of uses or buildings that require approval of the New Jersey Department of Labor, copies of the application and plans furnished to such agency shall meet the terms of this section.

**§ 205-82. Issuance of zoning permits.**

Zoning permits shall be granted or refused within 10 days after the written application has been filed with the Zoning Officer. Upon completion of the erection or alteration of any building or portion thereof authorized by any permit, and prior to occupancy or use, the holder of such permit shall notify the Zoning Officer of such completion. No permit shall be considered complete or permanently effective until the Zoning Officer has certified that the work has been inspected and approved as being in conformity with the provisions of this chapter and other applicable ordinances.

#### **§ 205-83. Fees.**

Fees for zoning permits shall be paid in accordance with a fee schedule to be adopted by the Township Council, and all such fees shall be paid into the Township treasury. Each applicant for an appeal, interpretation, or variance shall, at the time of making application, pay a fee in accordance with the aforementioned fee schedule.

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## **ARTICLE XX Remedies and Penalties**

#### **§ 205-84. Remedies.**

In case any building or structure is erected, constructed, altered, repaired, converted or maintained or any building or structure is used in violation of this chapter or any regulations made pursuant thereto, the proper Township authorities, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

#### **§ 205-85. Violations and penalties.**

Any person who shall violate this chapter or do any act or thing prohibited or refuse or fail to do any act or thing required to be done or refuse or fail to comply with an order of the Zoning Officer or an order of the Board of Adjustment shall, upon conviction thereof before any judicial officer authorized to hear and determine the matter, forfeit and pay such fine not exceeding the sum of \$1,000 as shall be imposed by such judicial officer in his discretion or, if the party so convicted is a natural person, such judicial officer shall have the power, in his discretion, to impose sentence of both fine and imprisonment not exceeding the maximum limits hereinbefore fixed. Whenever such person shall have been officially notified by the Zoning Officer or by service of a summons in a prosecution, or in any other official manner, that he is committing a violation, each day's continuance of such violation after such notification shall constitute a separate offense punishable by a like fine or penalty.