

Chapter 270, ZONING

[HISTORY: Adopted by the Mayor and Council of the Borough of Laurel Springs 12-30-1946 by Ord. No. 142EN (Ch. 82 of the 1973 Code); amended 6-25-1973. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Adult bookstores -- See Ch. 67.

Uniform construction codes -- See Ch. 101.

Dish antennas -- See Ch. 109.

Fire prevention -- See Ch. 137.

Flood damage prevention -- See Ch. 141.

Land use procedures -- See Ch. 157.

Sewers -- See Ch. 208.

Soil removal -- See Ch. 220.

Subdivision of land -- See Ch. 233.

Swimming pools -- See Ch. 237.

Tattooing and body piercing -- See Ch. 245.

Trailers -- See Ch. 256.

§ 270-1. Districts; boundaries. [Amended 4-15-1954 by Ord. No. 159]

A. For the purpose of this chapter, the Borough of Laurel Springs is hereby divided into two classes of districts, as follows:

Residence District

Business and Industry District

B. The boundaries of these districts are hereby established as shown on the Building Zone Map, dated and signed by the Mayor and Borough Clerk, which accompanies and is hereby declared to be a part of this chapter. EN In lieu of the map, the districts are herewith described:

(1) Business and Industry District: all lots facing the following thoroughfares or streets:

(a) White Horse Pike.

(b) East Atlantic Avenue, from Stratford Borough line to present Masonic Hall.

(c) West Atlantic Avenue, from Stratford Borough line to Tomlinson Avenue.

(d) Linden Avenue, from the railroad to a point opposite west of Broadway (Linden Avenue now Stone Road).

(e) The northwest side of Washington Avenue, from the corner of East Atlantic Avenue and Washington Avenue northeast 130 feet.

(f) Elm Avenue, from West Atlantic Avenue to the east side of Park Avenue (Elm Avenue now Stone Road).

(2) Residence District: all other lots except those now in use for other purposes, to be known as existing nonconforming uses, namely: Recreation Field bounded by Grand Avenue to Chestnut Avenue and Mount Vernon Avenue to Trenton Avenue.

§ 270-2. Conformity with regulations required; exceptions. [Amended 4-15-1954 by Ord. No. 159]

Except as hereinafter specified, no building, structure or premises or part thereof shall hereafter be used, constructed, reconstructed, moved, raised, extended, enlarged or substantially altered in its use or construction except in conformity with the regulations herein prescribed for the district in which it is located, except that the Planning Board, hereinafter constituted, shall have the power to permit an extension to or substitution for an existing use or construction within the lot, under such conditions as will safeguard the neighborhood.

§ 270-3. Applicability. [Amended 4-15-1954 by Ord. No. 159]

The provisions of this chapter shall not apply to any existing structure nor to the existing use of any building or premises, nor shall any change be required in the plans, construction or designated use of any building or part thereof, the construction of which shall be lawfully in progress at the time of the passage of this chapter or for which a permit shall have been issued pursuant to law or ordinance, provided that construction shall be promptly and diligently prosecuted. No nonconforming use, if once changed to a use permitted in the district in which it is located, shall ever be changed back to a nonconforming use without the approval of the governing body.

§ 270-4. Prohibited uses. [Amended 4-15-1954 by Ord. No. 159]

No trade, industry or business is permitted which, in the opinion of the Planning Board, may create corrosive, toxic or noisome fumes, gas, smoke or odors, or obnoxious dust, vapor or wastes, or offensive noise or vibration, or which, in the opinion of said Board, shall be objectionable in appearance or detrimental to the public health, safety or general welfare.

§ 270-5. Setback for structures associated with residential uses. [Added 4-4-2005 by Ord. No. 643-2005]

Wading pools, sandboxes, trellises, seasonal temporary tents, dog houses, kennel enclosures, patios, grape arbors, permanent barbecue facilities, and other structures or uses customarily associated with residential uses shall all be set back from the property line at least five feet and shall not be located in the front or side yards; provided, however, that patios may be located in any side yard. Notwithstanding anything to the contrary set forth herein, temporary structures for religious services may be located in the front, side and/or rear yards, including, but not limited to, succahs and croaches.

§ 270-6. Residence District uses. [Amended 3-30-1964 by Ord. No. 204]

In any Residence District, no building or premises shall be used, and no building shall be erected or altered which is arranged, intended or designed to be used, except for one or more of the following uses:

A. Single-family dwelling.

B. Church.

- C. School.
- D. Hospital or sanitarium.
- E. Public library.
- F. Truck garden or greenhouse, provided that the buildings in connection therewith shall not be less than 30 feet from the front line of the lot and not less than five feet from the rear line of the lot. A truck garden shall not be less than four feet from a line of the lot.
- G. Office of a doctor, dentist, teacher, lawyer, artist, musician, professional engineer, architect, real estate agent, insurance agent or notary public, when situated in the same building as the residence, subject to the provisions of § 270-7B. [Amended 9-15-2003 by Ord. No. 633-2003]
- H. Home occupations, provided said home occupation complies with the provisions of § 270-7. [Amended 9-15-2003 by Ord. No. 633-2003]
- I. Railroad and street railway station on right-of-way, not including switch, storage yard, freight yard or a siding.
- J. Central telephone exchange building, not including outside garage facilities.
- K. Private garage, if consistent with § 270-12 of this chapter.
- L. Real estate sign having a size not exceeding 18 inches by 24 inches, referring to the premises or tract on which located.
- M. Conversion of a building to a professional office of a member of a recognized profession for the conduct of activities typical of the profession, as a permitted conditional use on parcels having frontage along the east side of Laurel Avenue extending from Stone Road to Lakeview Avenue, being more particularly described as Lots 1, 2, 3, 4 and 5 of Block 38; and Lots 1, 2, 3, 3.01, 3.02, 5, 6, 7, 8, 9 and 10 of Block 54, as identified on the Borough of Laurel Springs Tax Map. This conversion option is permitted, provided there is a minimum lot area of 15,000 square feet, a minimum lot depth of 150 feet, a minimum lot frontage of 100 feet and a minimum lot width of 100 feet; further providing, the residential character of the building is maintained and there is no expansion of same except that alterations may be made which are necessary for the operation of the commercial use. [Added 12-1-2008 by Ord. No. 707-2008]
 - (1) Supplemental design standards applicable to professional office conversion:
 - (a) Traffic circulation and parking.
 - [1] On-site circulation pattern is to enable safe access to Laurel Road.
 - [2] On-site parking is to be provided in side and rear yards and is not to extend forward of the building line.
 - [3] On-site parking is to be set back a minimum of 10 feet from a mutual property line with a residential use and five feet from a mutual property line with a commercial use.
 - [4] Parking areas are to be buffered from street view and from view of adjoining properties.
 - [5] A minimum of three stalls is to be provided for every 1,000 square feet of office space, not to include storage space or space dedicated to employee convenience.
 - [6] Parking stalls are to have minimum dimensions of nine feet by 18 feet.
 - (b) Signs.
 - [1] One monument sign. A ground-mounted sign resting on the earth through the entirety of its horizontal dimension is permitted per building. Said sign is limited to a maximum area of 18 square feet and is not to exceed a vertical dimension of three feet.
 - [a] Monument signs shall be internally illuminated; no other form of illumination is permitted.
 - [b] Monument signs are to be set back a minimum of 20 feet from a property line and a minimum of 15 feet from the Laurel Avenue cartway.
 - [2] One attached sign having a maximum area of two square feet is permitted at the main entrance to each business; said sign may depict the company logo and the hours of operation.
 - (c) Buffering.
 - [1] Where required, buffering is to provide an effective year-round high and low screen consisting of evergreen trees and shrubs.
 - [2] Plant materials are to be supplemented with a solid fence to a height of six feet, at the discretion of the reviewing board, owing to the presence of a condition which would diminish the effectiveness of a natural barrier such as proximity of a building on an adjoining property to the mutual property line.
 - (d) Exterior illumination.
 - [1] Illumination levels over property lines are not to exceed 0.20 footcandles, other than at points of ingress/egress, in which case levels are not to exceed 0.50 footcandles.
 - [2] Exterior illumination is to promote a dark sky condition.
 - [3] Exterior illumination is to be provided via downlighting.
 - [4] Maximum luminaire mounting height is limited to 10 feet.
 - [5] In parking lot areas, a maximum average illumination level of 0.50 footcandles is to be provided.

§ 270-7. Home occupations. [Added 9-15-2003 by Ord. No. 633-2003]

Home occupations shall be permitted in the Residential District subject to the provisions set forth in this section.

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

HOME OCCUPATION – An occupation or activity carried out for economic gain by a resident and conducted as a customary, incidental and accessory use in the resident's dwelling unit or other structure located on the lot; in the event that one or more of the standards specified in Subsection C are not met, the home occupation shall not be considered an accessory use and shall not be permitted in any residential district.

B. Permitted accessory uses. Home occupations shall be permitted as accessory uses and shall be exempt from approval by the Planning Board or Zoning Board of Adjustment, provided that the following standards are satisfied:

- (1) The practitioner must be the owner or lessee of the residence in which the home occupation is contained.
- (2) The practitioner must reside in the home.
- (3) There is no external evidence of the home occupation.
- (4) There are no nonresidential employees working on the premises.
- (5) There are no retail sales conducted on the site, excluding sales from home demonstrations, and garage and yard sales conducted not more frequently than two times annually.
- (6) No clients will visit the site, excluding home demonstrations, and garage and yard sales.
- (7) There is no sign identifying the home occupation, and there shall be no identification of such home occupation upon any mailbox.
- (8) There are no delivery vehicles other than these associated with the residential use on site.
- (9) No equipment or process shall be used in such home occupation which creates noise, glare, fumes, odors, electrical interference, medical waste or other nuisance factors detectable to the normal senses or to radio, telephone or television equipment off the premises.
- (10) The home occupation shall be clearly incidental and subordinate to the principal use of the dwelling for residential purposes and shall be limited to not more than 25% of the gross floor area of the principal building, excluding space used for a private garage or basement, or 400 square feet, whichever is smaller.

C. Accessory uses requiring a variance. Home occupations may be permitted as an accessory use and shall require a variance from the Planning Board, provided the following standards are satisfied:

- (1) The practitioner must be the owner or lessee of the residence in which the home occupation is contained.
- (2) Said practitioner must reside in the home.
- (3) Said practitioner shall not engage the services of more than two office employees. Use of the office by groups of other persons shall not be permitted.
- (4) The home occupation shall not occupy more than 50% of the gross floor area of the principal building, excluding space used for a private garage or basement, or 900 square feet, whichever is smaller.
- (5) No clients shall, in such relationship, remain on the premises overnight.
- (6) The residential character of the neighborhood and the premises shall not be subordinated to the home occupation use.
- (7) Adequate parking spaces shall be provided so that no parking related to the home occupation shall occur on the street.
- (8) Safe and efficient vehicular and pedestrian circulation, parking and loading in the vicinity of the home occupation shall not be impaired.
- (9) No retail sales shall be conducted on the site, excluding home demonstrations.
- (10) No more than two business visitors shall be permitted at any one time, unless for a home demonstration party.
- (11) No sign identifying the home occupation shall be permitted, and there shall be no identification of such home occupation upon any mailbox.
- (12) No equipment or process shall be used in such home occupation which creates noise, glare, fumes, odors, electrical interference, medical waste or other nuisance factors detectable to the normal senses or to radio, telephone or television equipment off the premises.

D. Administration and enforcement. Responsibility for the administration and enforcement of the provisions of this section are assigned to the Zoning Officer.

- (1) An application for a permit, amendment, renewal, or extension thereof shall be upon a form prescribed by the Zoning Officer and accompanied by a fee of as provided in the Annual Fee Ordinance. If the Zoning Officer shall find the application in order and the home occupation and premises to be in conformity with the provisions of this section, the Zoning Officer shall forthwith issue a special permit therefor.
- (2) The Zoning Officer in the exercise of reasonable discretion may inspect the premises, if such Officer deems it necessary in light of the documentation submitted or other information received, but is not required to inspect the premises for every application. If the Zoning Officer should determine that such application is questionable or that it should be denied because the requirements of this section have not been met, such Officer shall deny the application and provide the applicant with a statement of reasons for such denial.
- (3) The issuance of a permit under the provisions of this section shall not constitute a commitment or assurance that the permit will be renewed or extended or that any renewal or extension will be on the same terms and conditions as the original permit.
- (4) The issuance of a special permit for home occupations, as provided herein, shall not be construed as permitting or authorizing any construction or site plan revision.
- (5) When the Zoning Officer has reasonable cause to believe that any holder of a special permit for home occupations may be in violation of the terms of the provisions of this section or of the terms of such special permit for home occupations, the Zoning Officer shall conduct such investigation as may be warranted by the circumstances, including an inspection of the premises, and, upon finding of a violation, may direct that the violations be corrected within a period of 30 days. If such violations remain uncorrected upon the expiration of that 30 days, the Zoning Officer may revoke any such permit.
- (6) Within 30 days of the denial of a permit or of the revocation of a permit, the applicant may appeal the Zoning Officer's decision to the Board of Adjustment, which may conduct such hearing as it may deem appropriate and affirm or reverse the decision of the Zoning Officer.
- (7) Upon reasonable cause to believe that any person is in violation of the terms of this section by conducting a home occupation without a valid permit, the Zoning Officer shall issue a warning citation to the person and, if such violations shall be uncorrected for a period of 30 days thereafter, shall file a complaint to be prosecuted by the Municipal Prosecutor in the Municipal Court.

(8) The Zoning Officer and the Board of Adjustment shall report quarterly to the Borough Council on all activities within the scope of this section and shall, from time to time as necessary, recommend any changes that may be appropriate to the section to accomplish its purposes.

(9) Any person aggrieved by the issuance of a home occupation permit may appeal the Zoning Officer's determination to the Planning Board.

E. Penalties. Any person, firm or corporation who shall violate any of the provisions of this section shall, upon conviction thereof in a court of competent jurisdiction, be subject to the penalties in § 270-22 of this chapter, and each violation of any of the provisions of this section and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

[Amended 5-8-2006 by Ord. No. 674-2006]

§ 270-8. Business and Industry District uses. [Amended 3-30-1964 by Ord. No. 204]

A. In the Business and Industry District, buildings or premises may be used in any part for any purpose permitted in the Residence District, and also for an office, store, display room and salesroom or other structures where goods, articles, appliances or vehicles are sold; bowling alley, theater, dance hall, skating rink, restaurant, bank and post office. [Amended 10-1-2001 by Ord. No. 610-2001]

B. Storage shall be limited to a reasonable supply within a building of those articles which are to be displayed and sold on the premises, provided that no goods, articles, appliances or vehicles shall be displayed or offered for sale within 10 feet of the front line of the lot. No structure or building of a portable nature or vehicles of any kind shall be permitted to be located or operated on a lot for the purpose of selling merchandise, food or commodities of any kind, nor for dwelling or meeting-place purposes.

C. No building or premises or any part thereof shall be used, and no building shall be erected which is arranged, intended or designed to be used, in any district, for any of the following specified trades:

(1) Manufacture of ammonia, chlorine, bleaching powder, brick, tile, terra-cotta, fertilizer, glue, gelatin, lampblack, lime, cement, plaster of paris, oilcloth, linoleum, printing ink, pyroxylin, plastic or articles therefrom, rubber from the crude material, soap, starch, dextrine, sulfuric, nitric or hydrochloric acids, glucose, tallow, grease, lard, tar roofing or tar waterproofing.

(2) Asphalt manufacture or refining.

(3) Assaying, other than gold or silver.

(4) Boiler works.

(5) Crematory.

(6) Creosote treatment or manufacture.

(7) Fat rendering.

(8) Iron, steel, brass or copper foundry or works.

(9) Petroleum refining, or storage in excess of 10,000 gallons.

(10) Slaughtering of animals.

(11) Storage, curing or tanning of rawhides or skins.

(12) Smelting of iron.

(13) Stockyard.

(14) Stone crushing.

(15) Sugar refining.

(16) Varnish making.

(17) Junkyard or storage of junk.

(18) Piggery.

(19) Distillery and/or brewery.

(20) Storage and sale of abandoned or junked automobiles or parts thereof. EN

(21) Any other use or purpose which will create or which is likely, in the opinion of the Planning Board, to create conditions of hazard, smoke, noise, odor or dust detrimental to the health, safety or general welfare of the community.

(22) Automotive filling stations. [Added 7-10-2006 by Ord. No. 676-2006]

(23) Automobile sale businesses. [Added 7-10-2006 by Ord. No. 676-2006]

(24) Automotive repair businesses. [Added 7-10-2006 by Ord. No. 676-2006]

§ 270-9. Nonconforming business. [Amended 4-15-1954 by Ord. No. 159]

On or after the effective date hereof, any property in or on which a nonconforming business is being conducted may be sold, and the purchaser or purchasers thereof may thereafter conduct any other kind of business therein or thereon, subject to the approval of the governing body.

§ 270-10. Signs, billboards in Business and Industry District.

A. No signboards, commonly referred to as "billboards," shall be erected anywhere within the Borough.

B. In a Business and Industry District, any sign permitted in a Residence District and the following, relating only to the business or activity carried on in the premises on which the sign is to be erected, may be permitted:

(1) Illuminated (but nonflashing) or a nonilluminated business sign, which shall not project more than 15 inches beyond the building line, covering an aggregate area of not more than 5% of the area of the main facade on which or in front of which it is displayed.

(2) No sign shall be so placed as to interfere with a highway traffic light, obstruct traffic vision or to dangerously distract the attention of the operator of a motor vehicle.

(3) Only one sign shall be permitted on the main facade of a building for each use, business or activity therein permitted in the Business and Industry District.

(4) Freestanding business signs are permitted only on the same premises on which the business to which they relate is conducted and shall not exceed the following in number and size:

(a) For a business area comprising a related group of stores situated on one plot, there may be one sign listing a directory of occupants, the listing of each occupant not to exceed five square feet in area.

(b) Other business areas may have one or more signs, but in no case shall the combined area thereof exceed 32 square feet.

§ 270-11. Temporary signs. [Added 9-14-1992 by Ord. No. 496]

Temporary signs are political, educational, religious or civic in nature, and they are permitted with a maximum size of 40 square feet. These signs are generally used to advertise or publicize a specific event or occasion. Temporary signs may not be erected more than 30 days prior to the event and must be removed within 10 days after said event.

§ 270-12. Garages. [Amended 8-19-1968 by Ord. No. 222]

A. In any Residence District, a private garage in which no business, service or industry is conducted shall be a permitted use on the same lot with a principal building to which it is accessory.

B. In any Residence District, no accessory building or swimming pool shall be more than 20 feet high or extend within seven feet of any side or rear lot line.

C. The regulations herein for garages shall apply also to stables, except that one horse and one vehicle shall together be deemed the equivalent of one motor vehicle.

D. A private detached garage shall not extend beyond the building line of the building to which it is accessory.

E. Group garages and public garages shall be permitted in a Business and Industry District on approval of the Planning Board.

§ 270-13. Fences and hedges. [Amended 10-6-1986 by Ord. No. 404]

A. Defined. As used in this section, the following terms shall have the meanings indicated:

FENCE

(1) A hedge, structure or partition erected for the purpose of enclosing a piece of land. [Amended 10-4-1999 by Ord. No. 588]

(2) An enclosure of wood, iron, shrubs, hedges or other materials intended to prevent intrusion from without or straying from within.

(3) An open-style, see-through fence is defined as having a minimum of 40% visibility through the fence when viewed from a point perpendicular to the fence.

B. Height restricted. [Amended 3-1-1992 by Ord. No. 495; 12-6-1999 by Ord. No. 591; 10-6-2008 by Ord. No. 700-2008]

(1) No fences hereafter erected, altered or reconstructed in a Residential Zone or on lots in any other zone on which residential buildings are erected shall exceed four feet in height above ground level between the front building line of the primary structure and the front property line, and said fences must be constructed of a see-through material. Fences in this area shall not be constructed of chain link or pipe rail or any other material that has a similar look.

(2) No fences hereafter erected, altered or reconstructed in any manner in a Residential Zone or on lots in any other zone on which residential buildings are erected shall exceed six feet in height above ground level between the front building line of the primary structure and the rear property line. Chain link or pipe rail or any other material that has a similar look shall only be permitted between the rear building line of the primary structure and the rear property line.

C. Placement. On corner properties at the intersection or interception of two or more streets, no hedge, fence or wall higher than three feet above curb level or any obstruction to vision other than a post not exceeding one square foot in cross section shall be permitted within the triangular area formed by the intersecting street lines and a straight line joining points located on said street lines 30 feet distant from their point of intersection. In the case of a tree located within said sight triangle, a clear and unobstructed view shall be maintained in perpetuity from average grade level to a height of six feet. [Amended 10-4-1999 by Ord. No. 588]

D. Barbed wire, canvas and snow fence prohibited.

(1) The use of barbed wire or wire on which barbs or points are strung, attached or fastened is prohibited.

(2) The use of canvas, cloth or electrified fences is prohibited.

(3) The use of snow fences as a permanent fence is prohibited.

E. Swimming pool fences excepted. The provisions of this chapter shall not control fences that are required adjacent to swimming pools.

F. Encroachment on easements or rights-of-way.

(1) All fences must be erected within the property lines, and no fence shall be erected to encroach on any easement or public right-of-way. The growth of any bush along a sidewalk area must not exceed a height of three feet, nor shall the boundary lines of any property growth extend within two feet of a sidewalk.

(2) Any property owner who has an existing bush, hedge or shrub or intends to plant the same must maintain the growth of the same and must not allow it to encroach on a neighbor's property.

(3) Any property owner who has any existing tree whose limbs extend over a neighbor's property due to growth forfeits the right of that portion of the tree to his neighbor.

G. Maintenance. All fences or hedges shall be maintained in a safe, sound and upright condition and are the responsibility of the present owner. [Amended 10-4-1999 by Ord. No. 588]

H. Inspections by Building Inspector or Code Enforcement Officer. If the Building Inspector or Code Enforcement Officer, upon inspection, determines that any fence violates the terms of this chapter, he shall notify the owner or occupant of the premises upon which the fence is located, in writing, of his findings and the reason for such findings. He shall order such fence or portion of such fence repaired or removed within 30 days of the receipt of such notice. This notice may be delivered in person, provided that the recipient signs and dates an acknowledgment of service, or by certified mail, return receipt requested. [Amended 10-4-1999 by Ord. No. 588]

I. Enforcement. After the expiration of the 30 days as provided herein, the Building Inspector or Code Enforcement Officer may cause said repair or removal to be effectuated if the owner or occupant has failed to make said repairs or removal. In that event,

the cost thereof shall become a lien upon such lands and, as such, become part of the taxes next to be assessed and levied on such lands as provided by the laws of the State of New Jersey. [Amended 10-4-1999 by Ord. No. 588]

J. Violations and penalties. Each and every person violating any of the provisions of this section after receipt of notice as provided herein shall, upon conviction of such violation, be subject to the penalties provided in § 270-22, as the Judge shall deem proper. [Amended 5-8-2006 by Ord. No. 674-2006]

§ 270-14. Building height, area, yard and parking requirements. [Amended 4-20-1964 by Ord. No. 204; 8-19-1968 by Ord. No. 222]

A. General.

- (1) Heights and building areas shall be measured from the curb level up to the average level of the highest roofs thereof.
- (2) No story shall be deemed a first story if its floor level is more than nine feet above the ground.
- (3) If on one side of a street within a given block there is a pronounced uniformity in alignment of existing buildings and in the depth of the front yards, and the depth is uniformly greater than the depths hereinafter specified, the front yard required for any new building shall conform substantially to those provided on the aforementioned adjacent lots.

B. Residence District.

- (1) No building or structure shall exceed three stories or 45 feet in height.
- (2) Every building or structure shall have a minimum of 1,400 square feet of floor living area and not less than 700 square feet minimum living area on the first floor, and the maximum building area, including accessory building areas, shall not exceed 50% of the lot area.
- (3) No building or structure shall be placed on any lot unless said lot has a minimum area of 9,000 square feet and a frontage of at least 60 feet. [Amended 3-1-1993 by Ord. No. 495EN]
- (4) Yard requirements. [Amended 5-26-1981 by Ord. No. 330]
 - (a) Within any Residential District, a front yard, rear yard and two side yards are required on every lot; provided, however, that corner lots shall be deemed to have two front yards, one side yard and one rear yard. The front yards shall be those areas abutting the streets creating the corner lot. [Amended 3-1-1993 by Ord. No. 495]
 - (b) On corner lots, no building or structure shall be constructed, altered or added to in said district to the extent that the structure will extend closer to the front property lines than 25 feet or closer to the side property line than seven feet; provided, however, that additions to preexisting structures shall be no closer to the front property line than 16 feet to allow existing structures to be aligned with structures on adjacent properties. [Amended 10-6-2008 by Ord. No. 700-2008]
 - (c) On all residential lots other than corner lots, no building or structure shall be constructed, altered or added to in said district that will extend closer to the front property line and/or closer to the rear property line than 25 feet or closer to the side property lines than 10 feet; provided, however, with the following exceptions: [Amended 3-1-1993 by Ord. No. 495; 10-6-2008 by Ord. No. 700-2008]
 - [1] Additions to preexisting structures shall be no closer to the front property line than 16 feet to allow existing structures to be aligned with structures on adjacent properties.
 - [2] Additions to preexisting structures shall be no closer to the side property line than seven feet, provided the addition is flush with the side of the existing structure.
 - (d) On all residential lots, no utility or accessory buildings which are under 200 square feet and which do not require a foundation under the Uniform Construction Code shall be constructed, altered or added to in said district that will extend closer to the rear and/or side property lines than five feet. Structures over 200 square feet shall be treated as garages. [Added 3-1-1993 by Ord. No. 495; amended 3-6-2006 by Ord. No. 666-2006; 10-6-2008 by Ord. No. 700-2008]
 - (5) ENNew housing shall provide off-street parking for a minimum of one vehicle. [Added 3-1-1993 by Ord. No. 495]

C. Business and Industry District. The area, width and yard averages applicable to apartments shall be in accordance with the following:

- (1) Lot area per family. Where lot size falls between even categories, the square footage of lot area per family shall be interpolated accordingly.

Minimum Lot Size	
(square feet)	Lot Area/Family
10,000	1,300
15,000	1,200
20,000	1,100
Above 20,000	1,000

- (2) No apartment house shall be built on a lot less than 100 feet in width.
- (3) The maximum percent of the lot area which may be covered by a building to be used as an apartment house shall be as follows:

Lot Area	
(square feet)	Coverage
10,000	30%
15,000	35%

(4) All apartment houses shall provide for off-street parking to the extent of 1 1/2 spaces per dwelling unit in said apartment; a parking space shall consist of an area not less than 10 feet in width and 20 feet in depth.

§ 270-15. Design standards for off-street parking.

In connection with every industrial, commercial, institutional, professional, recreational, residential or any other use, there shall be provided off-street parking spaces and parking lot standards in accordance with the following requirements:

A. Size and access.

(1) Each dead storage bay of an off-street parking space may be perpendicular to the aisle, parallel to the aisle or at any angle between 60° and 90°. The following are minimum stall and aisle dimensions:

(a) Perpendicular (75° to 90°): stall width, 10 feet; stall depth, 20 feet; aisle width, 25 feet.

(b) Angle (60° to 74°): stall width, 10 feet; stall depth, 20 feet; aisle width, 20 feet.

(c) Parallel: stall width, 20 feet; stall depth, eight feet; aisle width, 12 feet for a single lane, 20 feet for a double lane.

(2) No area shall be used for parking if it is not large enough to provide for at least contiguous stalls, unless approval otherwise is obtained from the body, agency or official having jurisdiction over the plan.

(3) When the parking area is designed for angle parking, the stalls on both sides shall be inclined so as to permit a driver approaching from either end of the aisle to have access to the stall on one side.

(4) Where parking is provided for more than 36 cars, a main access drive shall be provided from points of ingress and egress. No parking shall be permitted on the main access drive, nor shall it serve as an access aisle to adjacent parking spaces.

(5) All parking areas shall be paved and clearly marked and shall include barrier lines, lane lines, directional arrows and stop signs.

(6) Entrance and exit drives shall have a minimum width of 12 feet for those designated for one-way traffic and 20 feet for those carrying two-way traffic.

(7) All access drives shall provide a minimum turning radius of 30 feet.

B. Location of parking.

(1) Off-street parking spaces for special uses in residential zones shall not be located between the front building line and street line, or within five feet of a residential property line, which open space shall be maintained as a buffer or planting strip. On corner lots, this restriction shall apply to the space between the side street line and the side building line.

(2) Where parking is permitted between the front building line and the street line, whether by ordinance, special use permit or variance, a safety island or raised median separating the public street from the parking area shall be provided in accordance with the following minimum requirements:

(a) The width of the safety island shall be that width between the proposed street curbline to a point five feet inside the property line.

(b) Safety islands shall be raised a minimum of six inches above the adjacent parking area.

(c) Safety islands within the property line shall be topsoiled and seeded or otherwise landscaped, except that they may, in the alternative, be constructed of maintenance-free materials which provide a clear and unmistakable distinction between the parking area and the safety island.

(d) Notwithstanding the use of maintenance-free materials, there shall be provided at least one deciduous tree two inches in diameter at breast height every 40 feet, or part thereof, on all safety islands. A greater spacing will be allowed between plantings if necessary for traffic safety. The area between trees shall be planted with a minimum of three evergreen-type shrubs.

(e) Where parking spaces front a safety island, a continuous wheel stop shall be provided three feet from the normal edges of the island. The wheel stop shall be placed as above stated, and the stall depth shall be measured from a point two feet outside the face of the curb of the wheel stop.

C. Small parking areas. Parking lots having 36 or fewer spaces shall be designed to provide the following minimum design requirements:

(1) A safety island or raised median as herein described.

(2) A five-foot unbroken landscaped dividing strip along all side property lines with residential property from the street line to the rear lot line.

(3) Not more than one two-way access drive or two one-way access drives on any one street unless approval otherwise is obtained from the body, agency or official having jurisdiction over the plan.

(4) All safety islands and landscaped dividing strips shall be planted with at least one deciduous tree with a trunk of two-inch diameter at breast height every 40 feet, or part thereof, and the area between shall be planted with a minimum of three evergreen-type shrubs.

(5) All entrance and exit drives shall be curbed on both sides.

D. Large parking areas. Parking lots which have a capacity for parking more than 50 vehicles shall incorporate the following minimum design standards:

(1) All entrance and exit drives shall be curbed on both sides a minimum distance of 100 feet back from the street curb or to a major collector aisle.

(2) No parking stalls which shall require the use of the entrance and exit drives as access aisles shall be permitted.

(3) All access drives located along one-way streets of divided highways shall be separate one-way drives. Said drives shall be located so that vehicles enter the parking area at the beginning of the property and exit at the far end of the property unless other considerations, such as a median opening, dictate otherwise.

(4) All directional (one-way) drives shall be marked by appropriate signs facing all peripheral service roads serving the property as well as the parking area.

(5) On lots having a frontage of 100 feet or less, driveways, exits and entrances shall be located as far as practical from an intersection. On lots having a frontage in excess of 100 feet, driveways, exits and entrances shall be located as near the middle line as practical. However, on such lots the entrance or exit driveways need not be located more than 500 feet from the intersection. Measurements shall be taken for the purpose of locating the driveways from the curblines of the intersection.

(6) No driveways shall be located less than 10 feet from the side property line or within 30 feet of an existing drive, whichever is greater.

(7) No property having a frontage of less than 100 feet shall have more than one two-way driveway on one street. No property having a frontage of less than 1,000 feet shall have more than two driveways on one street. Any frontage greater than 1,000 feet may have more than two drives on one street. However, the number, location, size and design shall be subject to approval of the body, agency or official having jurisdiction over the plan.

(8) There shall be provided landscaped safety islands as described aforesaid.

(9) Any parking areas providing space for more than 200 cars shall, in addition, provide concrete sidewalks within the parking area for pedestrian movement. Sidewalks shall be at least four feet wide and shall be located in such a manner as will prevent them from being blocked by overhanging cars. A portion of any landscaped dividing strip may be used for sidewalk construction.

E. Parking area landscaping. Every parking lot with 75 or more spaces shall be divided as nearly as possible into smaller lots of 36 spaces separated by landscaped dividing strips, except the area for the access aisle. The plantings required within the parking area shall be considered exclusive from any other plantings that may be required for screening or foundation planting. The following criteria shall apply for internal landscaped dividing strips:

(1) They shall have a minimum width of eight feet.

(2) They shall be seeded and topsoiled. The use of maintenance-free material other than topsoil may be permitted if the same provides a safe and attractive alternative.

(3) They shall be planted with deciduous trees of two-inch diameter at ground level, having a maximum distance between trunks at ground level of 40 feet. All trees shall be planted in the dormant state.

(4) The area between trees shall be planted with a minimum of three evergreen-type shrubs.

F. Retaining walls and land banks.

(1) In the event that parking is proposed on a lot or site having an unstable sandy surface and a slope of more than 5% regardless of size, it shall be terraced, utilizing retaining walls or properly reinforced landbanks and providing for adequate safety, stability and drainage. At no time should a land bank that is not reinforced, or any other earthen material having a greater elevation than the adjacent parking areas, have a slope exceeding three feet vertical to five feet horizontal.

(2) When retaining walls or land banks or similar types of earthen material are necessitated adjacent to or within the parking area, they shall be kept in good repair or otherwise maintained so as to keep the parking area free of debris and dirt.

G. Other considerations. All uses, including existing uses that are changed, expanded or modified as to structure or function, shall be bound by the above requirements. In addition, no unrestricted vehicular access shall be permitted between adjacent properties. Vehicular access, if agreed upon by the owners or possessors of adjacent properties, shall be limited to one opening providing two lanes of traffic and shall be located in such a manner so as to offer continuity of a similar access drive from the street line that would facilitate the joining of properties. Access shall be denied across the remainder of the side lines by construction of a landscaped dividing strip five feet in width on the property being developed. If and when the adjacent property is developed, there shall be a similar dividing strip at least five feet wide. All dividing strips shall be landscaped as provided herein.

H. Refuse areas. Areas adjacent to or within the parking area designated as refuse, storage and pickup areas shall be properly screened to prevent the unsightly display and the scattering of debris. The following minimum requirements shall apply:

(1) The area shall be surrounded on at least three sides by a solid uniform fence or a wall not less than five feet nor more than eight feet in height and maintained in good condition. The wall of an adjacent building may serve as one side. Said fence shall be exempt from the provisions of any ordinance of this municipality regulating the height of fences and requiring permits therefor.

(2) The opening in said screening wall or fence shall be so designed as to prevent the visual display of refuse from any adjacent parking area or street.

I. Screening of equipment or machinery.

(1) When the effective operation of a building or structure, or equipment within a building or structure, necessitates placing machinery, motors, generators or similar devices for cooling, heating or generating purposes outside or on top of any structure, it shall be screened from public view. Said screening may consist of any of the following materials:

(a) Densely planted evergreen shrubs which shall grow to not less than five feet after one growing season.

(b) A solid and uniform fence at least five feet in height on four sides of said equipment.

(c) A masonry wall at least five feet in height on four sides of said equipment.

(d) Any similar type of solid or uniform screening which will prevent exposure of such equipment to public view.

(2) The above requirements shall not be construed to prevent an opening in any required screening for maintenance purposes. However, any such opening shall be made as inconspicuous as possible so as not to present any unsightly display of said equipment to the public view.

J. Maintenance and performance bonds.

(1) The owner of property covered by the on-site parking provisions of this chapter shall be required to post a performance bond covering the full amount of such improvements as are required herein. The amount of the bond shall be determined by the Borough Engineer and shall be filed with the Borough Clerk prior to site plan or other approval.

(2) Upon satisfactory completion of the work, said owner shall supply a cash maintenance bond for a period of two years for 15% of the amount of the performance bond. Prior to the expiration of said maintenance bond, the Borough Engineer shall conduct an inspection to ascertain if the required improvements are intact and are in satisfactory condition. In the event that the requirements have not been met, the developer shall be informed as to what further work may be necessary. If after six months the

work has not been completed to the satisfaction of the Borough Engineer, then the applicant shall be required to forfeit any or all of the maintenance bond.

K. Minimum off-street parking spaces are as stipulated in this chapter.

L. Miscellaneous.

(1) Nothing in the above requirements shall be construed to prevent the joint use of off-street parking facilities by two or more uses, provided that the total of such spaces shall not be less than the sum of the requirements for various individual uses computed separately.

(2) All required parking facilities shall be located on the same lot or parcel as the structure or use it shall serve. In the case of nonresidential uses, parking facilities may be provided on other lots or parcels, but shall not be greater than 300 feet from the structure or use it shall serve.

(3) No part of off-street parking required by a structure or use shall be included as part of an off-street parking requirement of another use unless substantial proof and assurances are established that the use of this parking will not be simultaneous.

(4) Where special traffic problems exist, the Planning Board may require a special survey of conditions and require the location of entrances and exits to the parking lot to be altered to minimize congestion and hazard.

§ 270-16. Off-street loading and parking requirements.

In connection with buildings occupied by industrial, commercial and certain institutional uses, there shall be provided and maintained on the same lot with such buildings, off-street loading berths in accordance with the following requirements:

A. Size and location. Each loading space shall be not less than 12 feet in width, 35 feet in length and have a minimum vertical clearance of 14 feet. Where more than two berths are required, the additional berths shall be 50 feet in length. Loading berths shall not be located within 50 feet of a property or street line.

B. Development and maintenance of parking and loading areas. Every parcel of land hereafter used as a public or private area for five or more cars, or loading areas, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements:

(1) Screening and landscaping. Off-street parking areas for five or more vehicles and off-street loading areas shall be screened on the side or sides which adjoin residential zones.

(2) Minimum distances and setbacks. No off-street loading area or parking area, or part thereof, for five or more vehicles shall be closer than 10 feet to any dwelling, school, hospital or other institution for human care located on an adjoining lot or two feet from any lot line.

(3) Surfacing. Any off-street parking area for five or more vehicles, or off-street loading area, shall be bituminous- or portland-cement paved. All areas shall be marked so as to provide for the orderly and safe loading, parking and storage of vehicles.

(4) Lighting.

(a) Lighting used to illuminate any off-street parking or loading area shall be arranged so as to reflect the light away from adjoining premises or the adjoining street.

(b) Off-street parking facilities for multifamily structures containing four or more families shall be adequately lighted.

(5) Drainage. Any off-street parking area and off-street loading areas shall be graded and drained so as to dispose of all surface water without detriment to surrounding uses.

(6) Paving and curbing. All paving and curbing shall be installed in accordance with specifications set forth in Chapter 233, Subdivision of Land.

§ 270-17. Townhouse or multifamily developments.

A. Habitable rooms in townhouse or multifamily structures shall be provided with window space at least equal to 10% of room floor area, at least half of which shall be movable sash. Habitable rooms are other than kitchens, bathrooms, closets and utility rooms. Each dwelling shall be provided with kitchen and bathroom facilities, including kitchen sink appliances for the disposal of garbage.

B. Townhouse or multifamily structures shall be separated from each other by at least the following distances:

(1) If two facing walls provide required window spaces to habitable rooms, such walls shall be at least 75 feet apart. If only one provides such window space, they shall be at least 50 feet apart. If neither facing wall provides such window space, they shall be separated by at least 25 feet.

(2) The minimum distance between corners of separate buildings shall be at least 25 feet.

C. Townhouse or multifamily structures shall have a minimum setback of 50 feet from major roads, 25 feet setback from minor roads and 40 feet setback from side and rear lot lines.

D. Only side walls may be party walls between townhouse dwellings, and no wall to the rear of a townhouse unit shall be a party wall. All party walls shall be masonry fire walls.

E. Townhouse units shall have a minimum width of 20 feet unless habitable rooms are located within a dwelling across the width of the unit, in which case the minimum width shall be 24 feet.

F. Each unit shall have private access to the outside.

G. No more than six dwelling units shall be contained in a single structure, and the maximal horizontal dimension of townhouse structures shall be 144 feet.

H. Arrangement of townhouse structures in three or more rows, whether with long or short walls, facing is not permitted.

I. Unbroken perimeter lines greater than 80 feet in length will not be approved, and exterior walls collinear with or parallel to fire walls at least five feet long and of full height shall be required to secure offset or variety of exterior surfaces. At least 25% of the perimeter of courts shall be open spaces.

J. Use of mansards, gables and variations of color, texture or ridgeline height or orientation may be required to provide architectural diversity and individuality.

- K. Exterior walls shall be faced with maintenance-free material other than cinder block or, subject to Planning Board approval, concrete poured in place.
- L. Drives and accessways shall be designed, laid out and constructed generally in accordance with the requirements of Chapter 233, Subdivision of Land, and this chapter. They shall not serve as aisle or maneuvering space for required parking or loading areas, and they shall not provide access for through traffic to commercial or industrial uses. They shall provide access, if required by the Planning Board, to neighboring undeveloped property.
- M. Cartway widths shall be at least 12 feet wide for a single lane and 10 feet wide per moving lane where more than one lane of traffic is provided for. Cartways shall be located between planting strips at least 10 feet wide and shall have a minimum center-line radius of 30 feet.
- N. Paved walkways are required for pedestrian access between buildings and parking areas and recreation areas.
- O. Vehicular access shall not be located closer than 20 feet to any residential building on the lot not closer than five feet to any exterior lot line, except at access points.
- P. Provision of parking space shall be in accordance with the requirements of this chapter and Chapter 213, Site Plan Review. Parking spaces shall be conveniently located within 50 yards' walking distance from the building entrances they serve.
- Q. All parking areas shall be located entirely within the lot lines of a tract in townhouse or multifamily use, but not within 20 feet of any residential building or within five feet of any exterior lot line. Where feasible, parking lots shall be centrally located or below grade of neighboring residential property. Headlight glare shall be controlled by berms or buffer planting strips.
- R. Individual parking areas shall generally not exceed 36 cars in capacity, and separate parking areas shall be separated from one another by planting strips at least eight feet wide.
- S. All dwelling units shall be served by common piped water supply and sewer facilities. All transmission lines, whether pipe or wire, shall be located underground. Utility structures shall be attractively housed or effectively screened. Installation shall be according to the standards of the Borough Engineer or municipal or public utility concern.
- T. Transmission lines shall be located on restricted areas at least 15 feet wide and reserved against future building and laid out to minimize passage under pavement and buffer planting strips.
- U. Buffer planting strips at least five feet wide shall be used to screen utility areas from public view and shall be required along side and rear tract lines to assure privacy.
- V. All buildings shall be provided with convenient trash receptacles screened as part of the architectural treatment of the building.
- W. Recreational facilities shall be provided as required by Chapter 233, Subdivision of Land, and land set aside for active or passive recreation space or community sewage treatment shall be reserved for such uses by dedication to the Borough or by contractual agreement satisfactory to the Borough Solicitor.

§ 270-18. Building permits.

Before proceeding with any work of the kind specified in §§ 270-2 through 270-5 of this chapter, an application for a building permit shall be filed with the Building Inspector of the Borough. Application shall include plans in duplicate, drawn to scale in blueprint, giving dimensions, radii and angles of the lot; the heights, dimensions and locations thereon of all buildings, whether existing or proposed; their existing or intended uses; the number of families to be housed; and such other information as may be necessary to determine compliance with and provide for the enforcement of this chapter. One copy of any set of proposed plans shall be returned to the applicant with such permit as may be granted. The Inspector shall withhold a permit for construction or alteration of any building if such a building as constructed or altered would be in violation of this chapter.

§ 270-19. Certificate of occupancy.

It shall be unlawful to use any part of any building or structure hereafter erected until a certificate of occupancy shall have been issued therefor by the Building Inspector showing that the proposed use and construction are in accordance with this chapter.

§ 270-20. Amendments.

A. The Borough Council may from time to time, after public notice and hearing, amend, supplement or change these regulations or districts. In case, however, of a protest against such change, signed by the owners of 20% or more either of the area of the lots included in such proposed change or those immediately adjacent in the rear thereof extending 100 feet therefrom or of those directly opposite thereto extending 100 feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of 2/3 of the members of the Borough Council.

B. No amendment shall be effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least 10 days' notice of the time and place of such hearing shall be published in an official paper or a paper of general circulation in the Borough of Laurel Springs.

§ 270-21. Code Enforcement Officer. [Added 11-23-1981 by Ord. No. 336; amended 6-25-1984 by Ord. No. 368]

A. There is hereby created within the Borough of Laurel Springs the position of Code Enforcement Officer.

B. The Code Enforcement Officer shall be responsible for enforcing any and all provisions of this Chapter 270, entitled "Zoning," of the Code the Borough of Laurel Springs.

C. The Code Enforcement Officer shall have the authority to issue summonses for failure to comply with the provisions of this Chapter 270 of the Code of the Borough of Laurel Springs.

D. The Code Enforcement Officer shall be appointed by the Mayor, with the advice and consent of the governing body.

§ 270-22. Violations and penalties.

Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof, be subject to the penalties provided in Chapter 1, § 1-15. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. EN