DEVELOPMENT

REGULATIONS

Code of the Borough of Lincoln Park

ZONING ORDINANCE

Chapter 28

AN ORDINANCE ADOPTING AMENDMENTS
TO THE LINCOLN PARK ZONING ORDINANCE
PROVIDING FOR THE INCLUSION THEREOF
AS CHAPTER 28 OF THE CODE OF THE
BOROUGH OF LINCOLN PARK
AND AUTHORIZING NEWSPAPER
PUBLICATION PURSUANT TO THE
PROVISIONS OF CHAPTER 396, P.L. 1977

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CHAPTER 28

ZONING

ARTICLE I

Section 28-1. PURPOSE:

It shall be the purpose of this Chapter to promote health, safety, morals and general welfare, prevent overcrowding of land and buildings, avoid undue concentration of population, provide adequate light and air with reasonable consideration to the character of the zone and its peculiar suitability for particular uses, and with the objective of conserving the value of property and encouraging the most appropriate use of land throughout the Borough.

[1]Section 28-2. DEFINITIONS:

The words used in the present tense include the future. The singular number includes the plural and the plural, the singular; the word "**LOT**" includes the word "**PLOT**"; the word "**BUILDING**" includes the word "**STRUCTURE**"; the word "**DISTRICT**"; the word "**OCCUPIED**" includes the phrase "**INTENDED TO BE OCCUPIED**"; the word "**USE**" includes the phrase "**ARRANGED**" and "**DESIGNED**" and the phrase "**INTENDED TO BE USED**"; and the word "**SHALL**" is always mandatory.

"ACCESSORY USE" or **"BUILDING"** means a subordinate use or building, the purpose of which is incidental to that of the main use or building and on the same lot.

"ADULT COMMUNITY" means any development established pursuant to **Article VI-B** of this Chapter.

"AREA, BUILDING" means the total of areas of outside dimensions on a horizontal plan at the main grade level of the principal building and all accessory buildings; inclusive of unroofed extensions, porches, paved terraces and steps attached or connected to the building.

"APARTMENT UNIT" means a portion of a building designed and used exclusively as a dwelling.

"AVERAGE ALIGNMENT" means a distance which is the total setback distance of all buildings within two hundred (200') feet on each side of the lot and within the same block and on the same side of the street, divided by the total number of houses included within that distance.

"BUFFER STRIP" means an area of land along part or all of the boundary of a development either landscaped or retained in its natural state so as to form a living wall of vegetation, serving as a visual barrier between properties.

"BUILDING" means any structure having a roof supported by columns, piers or walls including tents, lunch wagons, trailers, dining cars, camp cars or other structures on wheels or other supports and any unroofed platform, paved terrace or porch.

"CELLAR" means a story partly underground and having more than one-half (½) of its clear height below the average level of the adjoining finished grade, or having less than four (4') feet of clear height above the average level of the adjoining finished grade.

"COIN OPERATED AMUSEMENT MACHINE OR DEVICE" means any coin operated machine or device which, whether mechanical, electrical or electronic, shall be ready for play by the insertion of a coin, and 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 competence. It shall include devices such as marble machines, skill ball, pinball, mechanical grab machines, the machines or

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[1] Amended by Ordinance 1,354 Adopted 5/15/06 Effective 6/4/06

contrivances commonly known as bagatelle, baseball, hockey, football, pool table, target shooting, shuffle board, or shuffle alley, bowling or any similar named device or any device which utilizes an electron (T.V.) tube or reproduces symbolic figures and lines intended to be representative of real games or activities, but specifically excluded shall be any device, whether operated by coin or not, which merely provides a ride, sensation, electronic reading or weight for use by and to the amusement of the public.

"**COMMERCIAL FARM**" means 1) a farm management unit, as defined herein of no less than five acres producing agricultural or horticultural products worth $2,500 or more annually and satisfying the eligibility criteria for differential property taxation pursuant to the **Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1 et seq.,** or 2) a farm management unit, as defined herein, containing less than five acres, but producing agricultural or horticultural products worth $50,000 or more annually and otherwise satisfying the eligibility criteria for differential property taxation pursuant to the **Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1 et seq**.

"**COMMON OPEN SPACE**" means an open space area within or related to a site designated as a development, and designated and intended for the use, enjoyment and ownership of residents and owners of the development.

"**CONTOUR**" means a line closes on itself and connects all points at the same elevation relative to a known landmark.

"**CONVENTIONAL DEVELOPMENT**" means any development other than a lot cluster development or a planned residential development.

"**CONVENTIONAL LOT**" means any lot other than a "**LOT CLUSTER**" lot.

"**CONVENTIONAL SUBDIVISION**" means any other subdivision other than a "**LOT CLUSTER**" subdivision.

"**DIRECT ACCESS**" means a vehicular connection between the public street servicing a development and interior uses in the development, notably parking areas, without passage across or through other streets or uses.

"**DWELLING**" means a building or portion thereof, which is designed for or used exclusively as the living quarters of one (1) family or more families.

"**DEWLLING UNIT**" means a room or series of connected rooms having a separate entrance and containing living, cooking, sleeping and sanitary facilities for one (1) family.

"**EXTENDED FAMILY DWELLING UNIT**" means a single-family house or constructed or converted to permit two (2) families related by blood or marriage, to reside therein subject to the further provisions of this Ordinance including **Section 28-40.2**.

"**FAMILY**" means one (1) or more persons, living and cooking together in a non-profit dwelling unit, on a permanent basis, equivalent to that of a traditional family unit. For purposes of this Chapter, one (1) or more persons living together in a rooming house, boarding house or single room occupancy unit, subject to the **ROOMING AND BOARDING HOUSE ACT OF 1979 (N.J.S.A. 55:13B-1 et seq.)** shall not constitute a "**FAMILY**".

"**FARM**" means land consisting of two (2) acres or more on which produce, crops or flowers are grown primarily for off-premises consumption or use.

"**FARM MANAGEMENT UNIT**" means a parcel or parcels of land, whether contiguous or noncontiguous, together with agricultural or horticultural buildings, structures and facilities, producing agricultural or horticultural products, and operated as a single enterprise.

"**FARM MARKET**" means a facility used for the wholesale or retail marketing of the agricultural output of a commercial farm, and products that contribute to farm income, except that if a farm market is used for retail marketing at least 51% of the annual gross sales of the retail farm market shall be generated from sales of agricultural output of the commercial farm, or at least 51% of the sales area of the farm market shall be devoted to the sales of the agricultural output of the commercial farm, and

except that if a retail market is located shall produce annually agricultural or horticultural products worth at least $2,500.

"**FLAT**" means a one-story apartment unit in buildings not to exceed two and one-half (2 ½) stories, provided that only two (2) stories shall be occupied as living area.

"**FLOOR AREA**" means the total floor area of a dwelling measured by using the outside dimension of the dwelling at each story. The floor area of units sharing a common wall shall be measured from the center of interior walls and the outside of the exterior wall. The floor area shall exclude the areas of the garage, attic, porch or patio, cellar and all portions of floor areas; which have a ceiling height above them less than 7.5 feet.

"**GVW**" means the **GROSS VEHICLE WIEGHT** measured in pounds as classified by the Federal Government for trucks. The **GROSS VEHICLE WEIGHT** includes the weight of the vehicle plus the maximum carrying load permitted by law.

"**GARAGE, PRIVATE**" means an accessory building or part of a main building used only for the storage of motor vehicles as an accessory use.

"**GARAGE, PUBLIC**" means a building or part thereof, other than a private garage, used for the storage, maintenance or repair of motor vehicles for profit, including any sales of motor vehicle accessories, or where any such vehicles are kept for hire.

"**GARDEN APARTMENT**" means a group of buildings designed as in integral whole, for occupancy by three (3) or more families, living in separate apartments independently from each other.

"**GASOLINE STATION**" means any area of land, including structures thereon, that is used for the sale of gasoline or other motor vehicle fuel and oil and other lubricating substances, including any sale of motor vehicle accessories, and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing motor vehicles.

"**GROSS DENSITY**" means the number of dwelling units per acre of gross usable area, including streets, easements and usable open space of a development.

"**GROSS USABLE AREA**" means land area not including bodies of water, watercourses, floodways, flood plains having an existing grade four (4') feet or more below the base flood elevations, steep slopes in excess of fifteen (15%) percent gradient, or other land reserved for public use.

"**HEIGHT OF BUILDING**" means the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the decline of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

"**IMPERVIOUS SURFACE**" means certain lot improvements impenetrable by water, including but not limited to: sidewalks, street pavement, driveways, patios and buildings, expressed as a percentage, arrived at by dividing the area of impervious surface by the gross lot area.

"**KENNEL**" means any building, yard, enclosure, premise, lot or grounds used for the keeping, raising, selling, breeding or boarding of five (5) or more dogs.

"**LOT**" means a piece, parcel or plot of land occupied or designed to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces which are arranged and designed to be used in connection with such buildings.

"**LOT CLUSTER**" means one (1) or more lots created in conformance with **ARTICLE XI** of this Chapter.

"**LOT CLUSTER SUBDIVISION**" means a subdivision which utilizes the provisions of **ARTICLE XI, RESIDENTIAL LOT CLUSTER DEVELOPMENT**, of this Chapter.

"LOT CORNER" means a parcel of land at the junction of and abutting on two (2) or more intersecting streets when the interior angle of intersection does not exceed one hundred fifty (150) degrees.

"LOT DEPTH" means an average horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.

"LOT FRONTAGE" means the width of a lot measured at the street line from side lot lines. The minimum frontage requirements may be measured at the building set back line if, in the opinion of the Municipal Agency, the arrangement of lot lines so warrants.

"LOT, INTERIOR" means a lot other than a corner lot.

"LOT LINE" means a line of record dividing one (1) lot from another. Any lot-line not a rear line nor a front line shall be deemed a side line. If a lot is irregular in shape, the line; which is most nearly parallel to and at the greatest average distance from the street line, shall be deemed to be the rear line and all other lot lines excepting the street line shall be deemed to be side lot lines.

"LOT WIDTH" means the average width of the lot measured at right angles to its average depth.

"MOBILE HOME" means a structure of vehicular, portable design built on a chassis and designated to be moved from one side to another and to be used, without a permanent foundation.

"MUNICIPAL AGENCY" means the Municipal Planning Board or Board of Adjustment of the Governing Body of the Borough when acting pursuant to this Chapter.

"NONCONFORMING LOT" means a lot of record existing at the date of the passage of this Chapter which does not have the minimum frontage or contain the minimum area for the zone in which it is located.

"OCCUPATIONS, HOME" means any occupation or profession conducted as an accessory use entirely within a one (1) family dwelling unit by one (1) or more resident family members secondary and incidental to the residential use of the dwelling unit. Such occupants shall not change the residential character of said dwelling nor shall there by any exterior evidence of said occupation except a sign as permitted by **ARTICLE V** of this Chapter. Home occupations are limited to dressmaking to order; professional services, teaching, daycare, and occupations deemed similar in nature and impact, hospitals and boarding, care or treatment of animals, and kennels. No article may be offered for sale except real estate and goods produced on the premises.

"OPEN SPACE" means any parcel or area of land or water essentially unimproved and set aside, dedicated designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such **OPEN SPACE**; provided that such areas may be improved with only those buildings, structures, street and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

"OPEN SPACE OPRGANIZATION" means any organization established pursuant to **ARTICLE XIV**, of **Chapter 17 (DEVELOPMENT REVIEW ORDINANCE)** of the Code of the Borough of Lincoln Park for the ownership and maintenance of any common open space for the benefit of owners or residents of any **LOT CLUSTER DEVELOPMENT.**

PLANNED RESIDENTIAL DEVELOPMENT or **TOWNHOUSE** development where the individual townhouse units are to be offered for sale.

"PARKING SPACE" means an off-street space available for the parking of a motor vehicle and which in this Chapter is held to be an area nine (9') feet wide and twenty (20') feet long, exclusive of passageways and driveways appurtenant thereto and giving access thereto.

"PLANNED RESIDENTIAL DEVELOPER" means the legal or beneficial owner or owners of a lot or any land proposed to be included in the proposed **PLANNED RESIDENTIAL DEVELOPMENT** including the holder of an option or contract to purchase, or other person having an enforceable propriety interest in such land.

"PICK-YOUR-OWN OPERATION" means a direct marketing alternative wherein retail or wholesale customers are invited onto a commercial farm in order to harvest agricultural, floricultural, or horticultural products.

"PLANNED RESIDENTIAL DEVELOPMENT" means the legal or beneficial owner or owners of a lot or any land proposed to be included in the proposed **PLANNED RESIDENTIAL DEVELOPMENT**.

RESIDENTIAL DEVELOPMENT including the holder of an option or contract to purchase, or other person having an enforceable propriety interest in such land.

"PLANNING BOARD" means the **PLANNING BOARD OF THE BOROUGH OF LINCOLN PARK**.

"PRIVILEGE PATIO" means a porch or patio designed as an integral part of an individual dwelling unit and designated for the use of the residents of that unit.

"PROFESSIONAL OFFICE" means the office of a member of a recognized profession. A professional office, when conducted in a residential zone shall be incidental to the use of the dwelling for dwelling purposes, shall be conducted by a member of the immediate family residing on the premises and entirely within the residential building. Such professional office shall include, but not limited to, the office of doctor, lawyer, minister, architect and professional engineer, providing that the practice of such professional shall in no way adversely affect the safe and comfortable enjoyment of property rights in any zone in which it is located.

"RESIDENTIAL LOT CLUSTER DEVELOPMENT" means any development established pursuant to **ARTICLE XI** of this Chapter.

"SIGN" means any device, structure or object for visual communication that is used for the purpose of bringing the subject thereof to the attention of others, but not including any flag, badge or insignia of any public, quasi-public, civic, charitable or religious group.

"SIGN, AREA OF" means the maximum projected area of the shape; which encloses the sign, device or representation.

"SINGLE FAMILY DWELLING" means a detached one-family dwelling unit.

"SIGHT PLAN" means a development plan of one or more lots on which is shown: (1) the existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, flood plains, marshes and waterways. (2) the location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility devices, and (3) any other information that may be reasonably required in order to make an informed determination pursuant to an applicable Borough Ordinance.

"STORY" means that part of a building between the surface of any floor and the next floor above it, or in its absence, then the finished ceiling or roof above it. A **"SPLIT-LEVEL"** story shall be considered a second story, if its floor level is five (5') feet or more above the level of the line of the finished floor next below it except a basement. A basement or cellar shall be counted a story if it is used for business or sleeping purposes. Any floor under a sloping roof at the top of a building which is more than two (2') feet below the top plate, shall be counted as a story, and if less than two (2') feet below the top plate it shall be counted as a half story provided not more than sixty (60%) percent of the floor area is used for rooms, baths, or toilets, otherwise it shall be counted as that fraction of a story which its floor area in rooms, baths or toilets bears to the entire floor area.

"STREET" means any street, avenue, boulevard, road, parkway, viaduct, drive or other way (1) which is an existing State, County or Municipal roadway, or (2) which is shown upon a plat heretofore approved pursuant to law, or (3) which is approved by official action as provided by law, or (4) which is shown on a plat duly filed and recorded in the Office of the County Recording Officer prior to the appointment of a Planning Board and the grant to such board of the power to review plats; and includes the land between the street lines, whether improved or unimproved, and may comprise payment, shoulders, gutters, curbs sidewalks, parking areas and other areas within the street lines.

"STREET LINE" means the dividing line between a right-of-way and the lot across which there is permanent access to the lot.

"SURFACE AREA" in the case of signs, means the total area of the sign, excluding supports as measured on one (1) side.

"TOWNHOUSE" means one or a series of contiguous one-family dwelling units, each attached on either or both sides by another one-family dwelling unit. Each one-family dwelling unit shall extend from the ground to the roof and be serviced by individual front and either side or rear yards integral to each unit.

"TOWNHOUSE STRUCTURE" means a building or structure containing two (2) or more townhouse dwelling units.

[2]**"TWO FAMILY DWELLING"** means a detached residential building designed or occupied as a residence for two (2) families containing two vertically or horizontally contiguous independent dwelling units, each such units consisting of a room or series of connected rooms having a separate entrance and containing living, cooking, sleeping and sanitary facilities for one (1) family.

"USE" means the specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

"YARD, FRONT" means an open space occupied by any building extending across the full width of the lot and lying between the street line if the lot and the nearest line of any building. The depth of the front yard shall be measured at right angels to the street line.

"YARD, SIDE" means an open space unoccupied by any building between the side line of the lot and the nearest line to the building and extending from the front yard to the rear yard, or in the absence of either of such yards, to the street or rear lot lines as the case may be. The width of a side yard shall be measured at right angles to the side line of the lot.

"ZONE DISTRICT BOUNDARY" means the boundary of a zoning district as shown on the zoning map.

"ZONING BOARD" means the **ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF LINCOLN PARK.**

"ZONING MAP" means a map entitled **"ZONING MAP OF THE BOROUGH OF LINCOLN PARK, MORRIS COUNTY, NEW JERSEY"**, dated April, 1978 and Adopted as part of the Zoning Ordinance establishing zone districts and their boundaries.

"ZONING PERMIT" means a permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this Chapter for the zone in which it is located or is to be located.

ARTICLE II

ESTABLISHMENT OF ZONES

Section 28-10 LIST OF ZONES:

The land within the Borough of Lincoln Park is hereby divided into the following zones:

R-40	One-family Residential Zone
R-20	One-family Residential Zone
R-10	One-family Residential Zone
R-15	One-family and Two-family Residential Zone

[2] Amend Two-Family Dwelling by Ordinance 974 Adopted 2/13/90 Effective 3/10/90

R-20/PRD-1	One-family Residential/Planned Residential Development Option
ACH	Adult Community Housing
PRDII	Planned Residential Development II
TH-S	Townhouse Set-Aside Zone
GAR	Garden Apartment Residential
GA-S	Garden Apartment Set-Aside Overlay Zone
ACH-OVERLAY	Adult Community Housing Overlay Zone
B-1	Business Zone
B-2	Business Zone
B-3	Business Zone
LB	Limited Business Zone
CR	Commercial Recreation Zone
TI	Transitional Industrial Zone
I	Industrial Zone
AI	Airport Industrial Zone
OR	Office/Research Zone
TH/ACHS	Townhouse Adult Community Housing Set-Aside Zone

Section 28-11. ZONING MAP:

The aforesaid zones are hereby established by designations, locations and boundaries thereof as set forth and indicated on the Zoning Map dated April 1978. Said map shall be taken as the "**ZONING MAP**" of the Borough of Lincoln Park, Morris County, New Jersey and is hereby declared to be part of this Chapter.

O/R ZONE

BOROUGH OF LINCOLN PARK

COUNTY OF MORRIS

STATE OF NEW JERSEY

Beginning at a point along the northerly R.O.W. line of East Main Street where same intersects with the northerly R.O.W. Line of Main Street, said point being also along the southerly R.O.W. line of Conrail formerly Erie Lackawanna and running thence.

1. Southeasterly along the southerly Right-of-Way of the railroad Right-of-Way formerly owned by the Lackawanna Railroad presently Conrail, a distance of approximately 2,500 feet said point being approximately 900 feet from the westerly Right-of-Way line of Ryerson Road said point also being the northeasterly corner property of Lot 336 Block 22 and running thence.

2. Southerly along the easterly property line of Lot 336 to the centerline of Boonton Turnpike and running thence.

3. Westerly along the centerline of Boonton Turnpike to the southwesterly projection of the westerly property line of Lot 321 Block 22 and running thence.

4. Northerly along the westerly line of Lot 321 Block 22 a distance of approximately 200 feet and running thence.

5. Easterly along the northerly property line of Lot 321 a distance of approximately 50 feet to the intersection of said line with the westerly property line of Lot 310 Block 22 and thence.

6. Northerly along the westerly property line of Lot 310 to the intersection with the southerly property line of Lot 309 and running thence.

7. Northerly along the westerly line of Lot 308 to the centerline of Main Street thence.

8. Westerly along the southerly line of Lots 308 & 309, Block 22 thence.

9. Easterly along the centerline of Main Street to the point of Intersection with East Main Street, and point and place of beginning.

Said description is shown on a map entitled **PROPOSED OR ZONE, BOROUGH OF LINCOLN PARK, DATED APRIL 1987.**

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Section 28-12 ZONE BOUNDARIES

For **ZONE BOUNDARIES** as shown on the **ZONING MAP**, the following rules shall apply:

A. The **ZONE BOUNDARY** lines shown on the **ZONING MAP** are intended to coincide with property lines, the center lines of streets, railroads or drainage courses as they existed at the time of Adoption of this Chapter, or they are designed on the **ZONING MAP** by figures or dimensions.

B. Where **ZONE BOUNDARIES** are not dimensioned and where such zone lines follow lot lines or scale within ten (10') feet thereof, such lot lines shall be construed to be the **ZONE BOUNDARY** line unless specifically shown otherwise.

C. The following described lands, situate or otherwise designated within the **PLANNED INDUSTRIAL ZONE** as shown and delineated on the **ZONING MAP OF THE BOROUGH OF LINCOLN PARK, DATED APRIL 1978** and Adopted as part of the Zoning Ordinance, is hereby re-zoned or otherwise delineated as **INDUSTRIAL ZONE**:

BLOCK 22 LOTS 338, 338.2, 339 AND 339-1, AS SHOWN AND DELINEATED ON PAGE 37 OF THE CURRENT TAX MAP OF THE BOROUGH OF LINCOLN PARK, MORRIS COUNTY, NEW JERSEY.

ARTICLE III

SCHEDULE OF GENERAL REQUIREMENTS

[3]Section 28-20 GENERAL:

A. The regulations listed for each zone as designated, reading from left to right across the schedule are hereby prescribed for such zones subject to the other requirements in every instance of their application.

B. The regulations of Chapter 28 shall not apply to or be binding upon the Borough of Lincoln Park.

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[3] Amended by Ordinance 1,346 Adopted 12/19/05 Effective 1/8/06

Section 28-41 Residential Zones Bulk Schedule

	MINIMUM LOT REQUIREMENTS				MINIMUM YARD REQUIREMENTS (feet)[2]					MAXIMUM BUILDING HEIGHT		MAXIMUM IM.PERVIOUS		MINIMUM OPEN SPACE LOT CLUSTER (ACRES)	MINIMUM FLOOR AREA PER DWELLING (UNIT SQ. FT.)
	CONVENTIONAL		LOT CLUSTER[1]		PRINCIPAL BUILDING			ACCESSORY							
Zone	Area Sq. Ft/ Acres	Frontage Feet	Area Sq. Ft/Acres	Frontage Feet	Front	Side	Rear	Side	Rear	Stories	Feet	Conventional Lot	Lot Cluster		
R-40	40,000	200	20,000	125	50	40	45	20	5	2 ½	32	15	25	5	N/A
R-20	20,000	125	12,000	90	50	25	45	15	5	2 ½	32	20	30	5	N/A
R-10	10,000	75	N/A	N/A	25	10	35	10	5	2 ½	32	25	N/A	N/A	N/A
R-15[3]	15,000	100	11,500	85	40	20	35	10	5	2 ½	32	25	35	5	N/A
R-15[4]	22,500	130	17,250	110	40	25	40	10	5	2 ½	32	30	40	5	650[5]
R-20 PRD	50 Acres	200	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2 ½	32[6]	45		25[7]	N/A
TR	5 acres	200	N/A	N/A	20	30	20	15	15	2 ½	32	45		N/A	598 1 bdrm 918 2 bdrm 1281 3 bdrm
GAR	4 acres	N/A	N/A	N/A	35	20	40	20	20	2 ½	32	65		N/A	598 1 bdrm 800 2 bdrm
LM-SC	10 acres	200	N/A	N/A	N/A	N/A	N/A	10	10	2	32	50		N/A	390 effic. 518 1 bdrm 633 2 bdrm
PRD-II	5 acres	200	N/A	N/A	100	50	50	25	25	2 ½	32	45		N/A	600 1 bdrm 900 2 bdrm 1200 3 bdrm
ACH	5 acres	200	N/A	N/A	100	50	50	25	25	2 ½	32	50		N/A	*390 effic. 518 1 bdrm 633 2 bdrm
TH-5	5 acres	100	N/A	N/A	50[8]	50[8]	50[8]	25[8]	25[8]	3	35	60		N/A	See Sec. 28-56.7
GA-5	NONE	NONE	N/A	N/A	30[8]	20[8]	30[8]	20[8]	20[8]	3	35[9]	65		N/A	See Sec. 28.55A.6

1 Minimum yard requirements for the Lot Cluster Option is twenty (20) acres
2 Minimum yard requirements for the Lot Cluster Option shall be reduced by thirty (30%) percent
3 Single Family Dwelling
4 Two-Family Dwelling
5 The minimum floor area of the two-family structure (both units) shall be one-thousand, seven hundred fifty (1,750) sq. ft.
6 The maximum height for the community building shall be thirty-five (35) feet
7 See Article V. Sec. 28-43.3
8 From the property line, the municipal agency may permit lesser distance where conditions warrant in the TH-S Zone
9 Except that the municipal agency shall permit a height of up to 40 feet where necessary to accommodate three (3) stories above the flood plain

Sec. 28-22. COMMERCIAL ZONES

ZONE	MINIMUM LOT REQUIREMENTS		MINIMUM YARS REQUIREMENTS (FEET)					MAXIMUM BUILDING HEIGHT		MAXIMUM BUILDING COVERAGE (PERCENT)	MAXIMUM IMPERVIOUS SURFACE (PERCENT)	MINIMUM FLOOR AREA PER DWELLING UNIT (SQUARE FEET)
			PRINCIPAL BUILDING			ACCESSORY BUILDING						
	AREA (SQ. FT./ACRES)	FRONTAGE (FEET)	FRONT	SIDE	REAR	SIDE	REAR	STORIES	FEET			
B-1	5,000	N/A	N/A	N/A	N/A	N/A	N/A	2 ½	40	70	90	513
B-2	1 ACRE	150	50	25	20	NOT PERMITTED		2 ½	40	40	90	NOT PERMITTED
B-3	2 ACRES	200	50	25	30	10	5	2 ½	40	30	80	NOT PERMITTED
LB	15,000	100	25	10	25	NOT PERMITTED		2 ½	40	25	70	N/A
CR	20 ACRES	200	100	100	100	100	100	2 ½	40	10	15	NOT PERMITTED
OR	5 ACRES	250	150*	75*	75*	--	--	3 INCLUDING PARKING LEVEL	46	20	50	N/A

*Parking shall not be permitted within 100 feet of any front property line and 25 feet of any rear or side property line except in the instance of a corner lot, in which case parking shall not be permitted within 15 feet of any side street right-of-way.

Section 28-23. INDUSTRIAL ZONE:

ZONE	MINIMUM LOT REQUIREMENTS		MINIMUM YARD REQUIRMENTS (FEET)2					MAXIMUM BUILDING HEIGHT		MAXIMUM BUILDING COVERAGE (PERCENT)	MAXIMUM IMPERVIOUS SURFACE (PERCENT)
			PRINCIPAL BUILDING			ACCESSORY BUILDING					
	AREA (ACRES)	FRONTAGE (FEET)	FRONT	SIDE	REAR	SIDE	REAR	STORIES	FEET		
TI TRANSITIONAL INDUSTRIAL	3 TO 5.5 5.5 TO 7.5 7.5 OR MORE	300 300 300	50 50 50	50 50 50	50 50 50	50 50 50	50 50 50	N/A N/A N/A	401 401 401	35 35 35	75 75 70
PI PLANNED RESIDENTIAL	25	250	100	50	50	50	50	N/A	401	25	55
I INDUSTRIAL	3 TO 3.5 3.5 TO 7.5 7.5 OR MORE	250 250 250	50 50 50	50 50 50	30 30 30	50 50 50	30 30 30	N/A N/A N/A	401 401 401	35 35 35	85 75 70
AI AIRPORT INDUSTRIAL	ALL REQUIREMENTS OF THE I, INDUSTRIAL ZONE, SHALL PERTAIN TO THIS ZONE										

1 The maximum building height of the entirety of any building or structure shall be 25 feet when the building or any portion of such building is situate within 300 feet of any residential zone. Such height shall be measured from the average grade of the residential lots adjacent thereto. (Ord. 833)

2 There shall be a one hundred and fifty (150') foot minimum yard requirement in the T-I, Transitional Industrial Zone, where such yard is adjacent to or abuts a residential zone. (Ord. 833)

3 For those uses permitted under Sections 28-101.A.10, 28-103.A.2 and 28-104, the buffer area width shall be reduced to sixty (60') feet, and the side yard shall be reduced to twenty-five (25') feet, for the planting of agricultural and horticultural material only, where such use is adjacent to or abuts a residential zone.

ARTICLE IV

GENERAL PROVISIONS

Section 28-30. BUILDINGS:

A. No building shall hereafter be erected and no existing building shall be moved, structurally altered, added to, enlarged, or rebuilt, nor any land be designed and used or intended to be used for any purpose other than those permitted in this Chapter. No shall any open space contiguous to any building be encroached upon or reduced in any manner, except in conformity to the yard, lot area, building location, percentage of lot coverage, off-street parking space specified in this Chapter, and such other regulations designated in the schedule appended hereto, constituting a part of **ARTICLE III** of this Chapter for the zone in which such building or space is located. In the event of such unlawful encroachment or reduction, such building shall be deemed to be in violation of the provisions of this Chapter and the Certificate of Occupancy of such building shall thereupon become null and void.

B. No lot shall have erected upon it more than one (1) residential building.

C. Every principal building shall be built upon a lot with frontage upon an approved and dedicated public street.

D. An accessory building attached to the main building shall comply in all respects with the requirements of this Chapter applicable to the main building.

E. The height limitations of this Chapter shall not apply to chimneys, church spires, gables, cupolas, flag poles, monuments, radio or television antennae, **FOR RESIDENTIAL USE** cables and similar structures and necessary mechanical appurtenances for the zone in which the building is located provided that no exception shall cover at any level more than ten (10%) percent of the area of the roof on which it is located or the roof of the mai building if located on the ground.

Section 28-31. YARD REQUIREMENTS:

A. When the rear yard of a corner lot adjoins the front yard of a lot to the rear, no accessory building on such corner lot shall be located nearer to the street line of the street on which the lot to the rear faces than a distance equal to the depth of front yard required on such lot to the rear.

B. Where a lot is formed from part of a lot already occupied by a building, such separation shall be effected in such a manner as not to impair any of the requirements of this Chapter with respect to the existing building and all yards and other open spaces in connection therewith. No permit shall be issued for the erection of a new building on the new lot thus created unless it complies with all the provisions of this Chapter.

C. Corner lots shall provide the minimum front yard requirements for the respective zone for both intersecting streets.

D. No yard or other open space provided about any buildings for the purpose of complying with the provisions of this Chapter shall be considered as providing a yard or open space on one (1) lot shall be considered as providing a yard or open space for a building on any other lot

E. Public and quasi-public buildings, schools, churches and other permitted structures shall increase the front, rear and side yards one (1') foot for each foot which such building exceeds the height limit herein established for such zone in which it is located, but in no case shall any building have a height greater than fifty (50') feet.

F. Where any property owner or his predecessor in title has given up any portion of his property to the Borough, either through condemnation, gift or purchase, for the purpose

ARTICLE IV

GENERAL PROVISIONS

Section 28-30. BUILDINGS:

A. No building shall hereafter be erected and no existing building shall be moved, structurally altered, added to, enlarged, or rebuilt, nor any land be designed and used or intended to be used for any purpose other than those permitted in this Chapter. No shall any open space contiguous to any building be encroached upon or reduced in any manner, except in conformity to the yard, lot area, building location, percentage of lot coverage, off-street parking space specified in this Chapter, and such other regulations designated in the schedule appended hereto, constituting a part of **ARTICLE III** of this Chapter for the zone in which such building or space is located. In the event of such unlawful encroachment or reduction, such building shall be deemed to be in violation of the provisions of this Chapter and the Certificate of Occupancy of such building shall thereupon become null and void.

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C. Every principal building shall be built upon a lot with frontage upon an approved and dedicated public street.

D. An accessory building attached to the main building shall comply in all respects with the requirements of this Chapter applicable to the main building.

E. The height limitations of this Chapter shall not apply to chimneys, church spires, gables, cupolas, flag poles, monuments, radio or television antennae, **FOR RESIDENTIAL USE** cables and similar structures and necessary mechanical appurtenances for the zone in which the building is located provided that no exception shall cover at any level more than ten (10%) percent of the area of the roof on which it is located or the roof of the main building if located on the ground.

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B. Where a lot is formed from part of a lot already occupied by a building, such separation shall be effected in such a manner as not to impair any of the requirements of this Chapter with respect to the existing building and all yards and other open spaces in connection therewith. No permit shall be issued for the erection of a new building on the new lot thus created unless it complies with all the provisions of this Chapter.

C. Corner lots shall provide the minimum front yard requirements for the respective zone for both intersecting streets.

D. No yard or other open space provided about any buildings for the purpose of complying with the provisions of this Chapter shall be considered as providing a yard or open space on one (1) lot shall be considered as providing a yard or open space for a building on any other lot

E. Public and quasi-public buildings, schools, churches and other permitted structures shall increase the front, rear and side yards one (1') foot for each foot which such building exceeds the height limit herein established for such zone in which it is located, but in no case shall any building have a height greater than fifty (50') feet.

F. Where any property owner or his predecessor in title has given up any portion of his property to the Borough, either through condemnation, gift or purchase, for the purpose

of facilitating street or other local improvements, the area also given up shall be counted as part of the premises for the purposes of complying with this Chapter.

G. Upon application, the Municipal Agency may vary the yard requirements of a lot to permit the construction of a building in accordance with the following standards:

1. Front and rear yards may be reduced provided they are not less than the average alignment of the front or rear yards in existence in the same block or within two hundred (200') feet of the lot under consideration and on the same side of the street.

2. Combined total side yard requirements may be reduced by six (6") inches for each foot a lot is less than the required width prescribed for the zone in which such lot is located, provided that such is deemed necessary to permit construction thereon and provided that no principal buildings shall be placed nearer than six (6') feet to any property line, and there shall be one (1) side yard of not less than ten (10') feet.

[4]Section 28-32. USES:

A. Off-street parking space or garage shall be provided as specified herein and shall be provided with necessary passageways and driveways. All such space shall be deemed to be required space on the lot which the same is situated and shall not thereafter be encroached upon or reduced in any manner. Such space may be expanded or located elsewhere on the lot so as not to encroach upon the minimum front, rear, and side yard requirements, provided that the additional space is suitably surfaced. One (1) commercially licensed vehicle rated one (1) ton or less used by a resident on the premises shall be permitted. A commercially licensed vehicle shall be garaged, kept in a carport or parked in a designated space, driveway or passageway.

B. At the intersection or in section of two (2) or more streets, no hedge or wall higher than three (3') feet above the curb level, nor any obstruction to higher than three (3') feet above the curb level, nor any obstruction to vision other than a post not exceeding one (1') square foot in cross-section area shall be permitted on any lot within the triangular area formed by the intersecting street lines bounding said lot within the triangular area formed by the intersecting street lines bounding said lot or the projection of such lines and by a line connecting a point on each street line located twenty-five (25') feet from the intersection of the street lines.

C. A professional office, when conducted in a residential zone, shall be incidental to the use of the dwelling for dwelling purposes, shall be conducted by a member of the immediate family residing on the premises and entirely within the residential building. The practice of the professional shall in no way adversely affect the safe and comfortable enjoyment of the property rights in the zone.

D. No coin-operated dispenser, including mechanical and automatic machines, in which a product is dispensed or a service rendered, will be permitted out of doors.

E. Facilities for the provision of water or sewage systems to the uses permitted in the Borough shall comply in all respects with the statutes relating to water, water supplies and sewage systems of the Borough and the State of New Jersey and to the regulation of the Pequannock, Lincoln Park and Fairfield Sewage Authority.

F. Nothing in this Chapter shall be deemed to prohibit the following accessory and incidental uses in additions to those specified in this Chapter:

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[4] Amended by Ordinance 1,354, Adopted 5/15/06 Effective 6/4/06

1. Customary recreational and service uses and buildings in a public park, playground or other recreational area, incidental to the recreational use of such area.

2. The excavating for the construction of a building on the same lot.

G. "**FOWL AND LIVESTOCK**". No foul or livestock shall be raised, kept or harbored within the Borough of Lincoln Park except upon a commercial farm, in conformance with all requirements of **Article XIX** of this Chapter.

H. Mobile homes, trailers or camp cars used or occupied as a permanent dwelling, or mobile home parks or trailer parks similarly occupied shall be prohibited in all zoning districts. The prohibitions in this Section shall not apply to trailers or mobile homes used for temporary occupancy and regulated pursuant to Chapter 25 of the Code of the Borough of Lincoln Park.

I. The Governing Body may, in its discretion, grant a special permit for the temporary location and occupancy of a trailer or mobile home upon the premises of the applicant which have been rendered temporarily uninhabitable as a result of a fire, flood or other natural disaster.

Section 28-33. SPECIAL REQUIREMENTS IN THE AIRPORT SAFETY AREA:

A. AIRPORT SAFETY AREA:

Pursuant to the **Air Safety Zoning Act of 1983, P.L. 1983, c.260** (**N.J.S.A. 6:1-80 et seq.**) and the implementing regulations, (**N.J.A.C. 16:62-1.1 et seq.**) there is hereby established an **Airport Safety Area**, as an **Overlay** on the **Zoning Maps of the Borough of Lincoln Park**, known as **Zoning Map 1 of 2** and **Zoning Map 2 of 2**, and as amended, and as more particularly described herein.

[5]B. PERMITTED USES:

Pursuant to **N.J.A.C. 16:62-5.1(a) 1**, the following uses are permitted in the **Airport Safety Area:**

1. Residential-single family dwelling units which are situated on a lot at least three (3) acres in size and not located in a **CLEAR ZONE** Residential zoning is permitted in the **CLEAR ZONE** as long as all dwellings are physically located outside of the **CLEAR ZONE**.

2. Airpark (minimum lot size of at least three (3) acres which are not located in a **CLEAR ZONE**);

3. Open space;

4. Transportation;

5. Airport;

6. Commercial (not located in a **CLEAR ZONE**);

7. Industrial (not located in a **CLEAR ZONE**).

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[5] Amended by Ordinance 1,354, Adopted 5/15/06 Effective 6/4/06

C. PROHIBITED USES:

Pursuant to **N.J.A.C. 16:62-5.1(a) 2**, the following uses are prohibited in the **Airport Safety Area**:

1. Residential (dwelling units) not situated on a lot of at least three (3) acres in size;

2. Planned unit developments and multifamily dwellings;

3. Hospitals;

4. Schools;

5. Above ground bulk tank storage of compressed flammable or compressed toxic gases and liquids;

6. Within the **Runway End Subzones** only, the above ground bulk tank storage of flammable or toxic gases and liquids.

7. Uses that may attract massive birds, including land fills;

8. Above grade major utility transmission lines and/or mains.

D. DELINEATION OF AIRPORT SAFETY AREAS:

1. The **Airport Safety Area** shall consist of a **Runway Subzone**, two (2) **Runway End Subzones** and two (2) **Clear Zones**.

2. **Runway Subzone**:

   a. The **Runway Subzone** of the **Airport Safety Area** shall consist of a rectangle having the same centerline and length as the runway, unless a shorter length is necessitated by limited property ownership at the Airport.

   b. The width of the **Runway Subzone** shall be 2,350 feet.

   c. The exact length of the **Runway Subzone** shall be determined by one of the two (2) following methods:

      i. For most Airports, the length of the **Runway Subzone** will be the same as the physical length of the runway;

      ii. If the physical end of the runway is closer than 200 feet from the property or easement line of the Airport, as measured along the runway's extended centerline, then the end of the **Runway Subzone** shall be defined by a line drawn perpendicular to the runway centerline at a point of 200 feet inside the Airport property or easement line. In this case a portion of the runway will extend beyond the bounds of the **Runway Subzone**.

   d. The methodology used to delineate the Runway Subzone of the Airport Safety Area is illustrated in Figure 1.

3. **Runway End Subzones:**

   a. The **Runway End Subzones** of the **Airport Safety** Area shall consist of trapezoids located at either end of the **Runway Subzone** along the flight approach and departure path.

b. Each **Runway End Subzone** shall extend 3,000 feet from the end of the **Runway Subzone**, as measured along the extended centerline of the runway.

c. The base of the **Clear Zone** shall be co-located with the end of the **Runway Subzone**, and shall have a width of 250 feet. The width of the **Clear Zone** shall increase as the distance from the end of the **Runway Safety Zone** increases. Its final width shall be 450 feet.

d. The methodology used to delineate the **Clear Zone** of the **Airport Safety Area** is illustrated in Figure 7.

[6]4. **Clear Zones:**

a. The **Clear Zones** of an **Airport Safety Area** shall consist of trapezoids located within the **Runway End Subzone** along the flight approach and departure path.

b. Each **Clear Zone** shall extend 1000 feet from the end of the **Runway Subzone**, as measured along the extended centerline of the **Runway**.

c. The base of the **Clear Zone** shall be co-located with the end of the **Runway Subzone**, and shall have a width of 250 feet. The width of the **Clear Zone** shall increase as the distance from the end of the **Runway Safety Zone** increases. Its final width shall be 450 feet.

d. The methodology used to delineate the **Clear Zone** of **the Airport Safety Area** is illustrated in Figure 7.

E. VERTICAL DEVELOPMENT (HEIGHT) STANDARDS IN AIRPORT SAFETY AREA FOR PERMITTED USES:

1. Pursuant to **N.J.A.C. 16:62-1.1 et seq**. the following vertical (height) limits are established as maximum height limits for any vertical development, including any structure, road or tree or other object of natural growth, in the Airport Safety Area except where **Section 28-30** and **28-33** of this Ordinance shall establish lesser height restrictions. For purposes of this Section, a public road shall be considered a fifteen (15') foot vertical development and a private road a ten (10') foot vertical development.

2. Vertical development standards are vertical standards measured in respect to elevations whose datum is the horizontal plan established by runway elevations. For example, if a point in an **Airport Safety Area** permits at a specific point development up to "X" feet, that means "X" feet above the runway horizontal plan and not "X" feet above the natural grade of the land at that point in the **Airport Safety Area**. This provision is further graphically depicted in Figure 4.

3. The vertical standards within the **Runway Subzone** of an **Airport Safety Area** are determined first by establishing the elevations at the runway centerlines at the ends of the **Runway Subzone** of the **Airport Safety Area**. From those elevations at the **Runway Subzone** ends, a line is run 90° degrees outward from each side of the runway centerline for a distance of 125 feet. Within the area defined by these four (4) points, no development is allowed above the natural grade of the soil except for runway and flight safety equipment.

a. The vertical standards within the remainder of the **Runway Subzone** of an **Airport Safety Area** are determined by establishing planes from the

[6] Amended by Ordinance 1,077 Adopted May 24, 1993 Effective June 13, 1993

edges of the longitudinal 0 feet development restriction line established in 3 above, which slope upward and outward at a rate of seven (7') feet horizontally to one (1') foot vertically. This upward plane ceases when it reaches the outer longitudinal borders of the **Runway Subzone** of an **Airport Safety Area** at the elevation of 150 feet above its starting point at the longitudinal zero (0') foot development line.

b. The methodology used to establish the vertical standards with the **Runway Subzone** of an **Airport Safety Area** is further graphically depicted in Figure 5.

4. The vertical standards within the **Runway End Subzone** of an **Airport Safety Area** are determined by first establishing a plan with a rising slope of one (1') foot upward to 20 feet outward from the end of the **Runway Subzone** to the outermost end of the **Runway End Subzone**. This plan is bisected by the extended runway centerline and is 250 feet in total width at its innermost dimension and widens uniformly along its 3,000 foot length so as to have a total width of 850 feet at its outermost dimension where it intersects with the outermost portion of the **Runway End Subzone** at the elevation of 150' feet above its starting point at the zero (0') foot development line.

a. The vertical standards within the remainder of the **Runway End Subzone** of an **Airport Safety Area** are determined by establishing sloping planes from the outermost longitudinal edges of the plan established in 4 above. These planes rise upward at a rate of one (1') foot upward to seven (7') feet outward from the plane established in 4 above to where they meet the outermost longitudinal boundaries of the **Runway End Subzone** at the elevation of 150 feet.

b. The methodology used to establish the vertical standards within the **Runway End Subzone** of an **Airport Safety Area** is further graphically depicted in Figure 6.

F. PERMIT FOR CREATION OR EXPANSION OF A LAND USE OR VERTICAL HEIGHT DEVELOPMENT WITHIN AN AIRPORT SAFETY AREA:

1. A Developer of a project requiring creation or establishment of a prohibited land use of any vertical height development shall first apply for development approval from the Governing Body. If the Governing body approves for and receives a permit from the Commissioner in accordance with the provisions of N.J.A.C. 16:62.1.1 et seq. Construction, development or creation of a prohibited land use or any vertical height development shall not commence until a permit has been issued by the Commissioner of Transportation.

2. In review of an application, the appropriate municipal agency and the Municipal Governing Body may take into consideration any factor relevant to the hardship demonstrated by the applicant and any information relevant to the public health, safety and welfare.

3. In acting upon such an application, the Governing Body shall consider the following standards:

a. The prohibited land use or vertical height development will not, in fact, create an additional airport hazard limiting the size of the area available for landing, taking-off and maneuvering of the aircraft.

b. The prohibited land use or vertical height development will not harm the public health, safety and welfare.

4. Upon receipt of an approved development application, the Governing Body shall make a determination to consider whether or not to authorize the issuance of a

letter of concurrence and upon Adoption of an affirmative Resolution therefore, the Governing Body shall direct that a letter be submitted to the Department of Transportation requesting permission for creation or expansion of a prohibited land use or vertical height development within the **Airport Safety Area**. Any favorable approval shall be strictly conditioned upon approval of the Commissioner of Transportation and subject to the standards and procedures prescribed in **N.J.A.C. 16:62-1.1 et seq.**

5. Any land use, permitted and in existence prior to May 15, 1989, which is located within a **Clear Zone**, as delineated by **N.J.A.C. 16:62-3.5**, and not currently in conformance with the requirements of **N.J.A.C. 16:62-1.1 et seq.**, shall be designated a pre-existing non-conforming use, as defined by this Chapter.

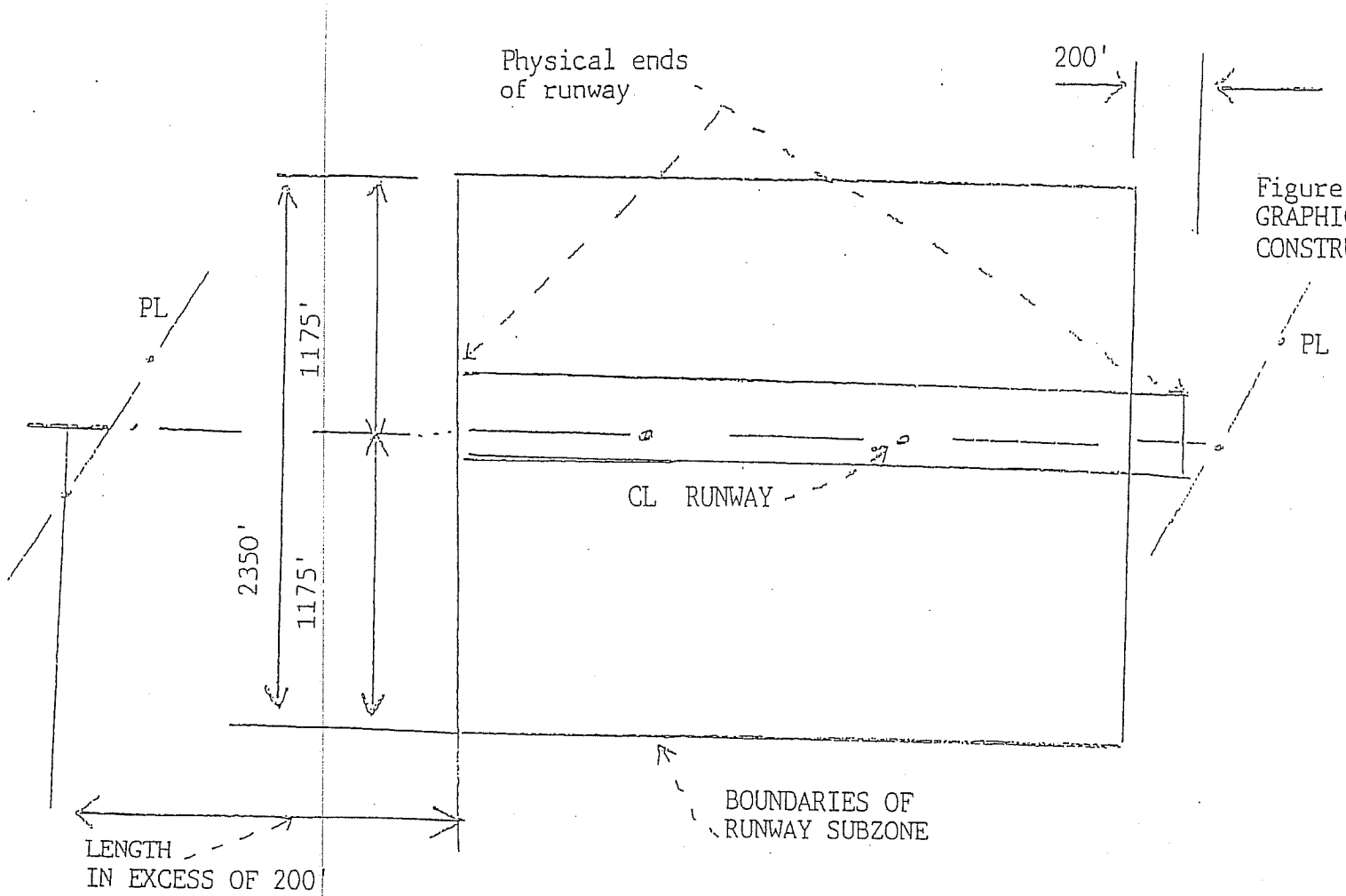
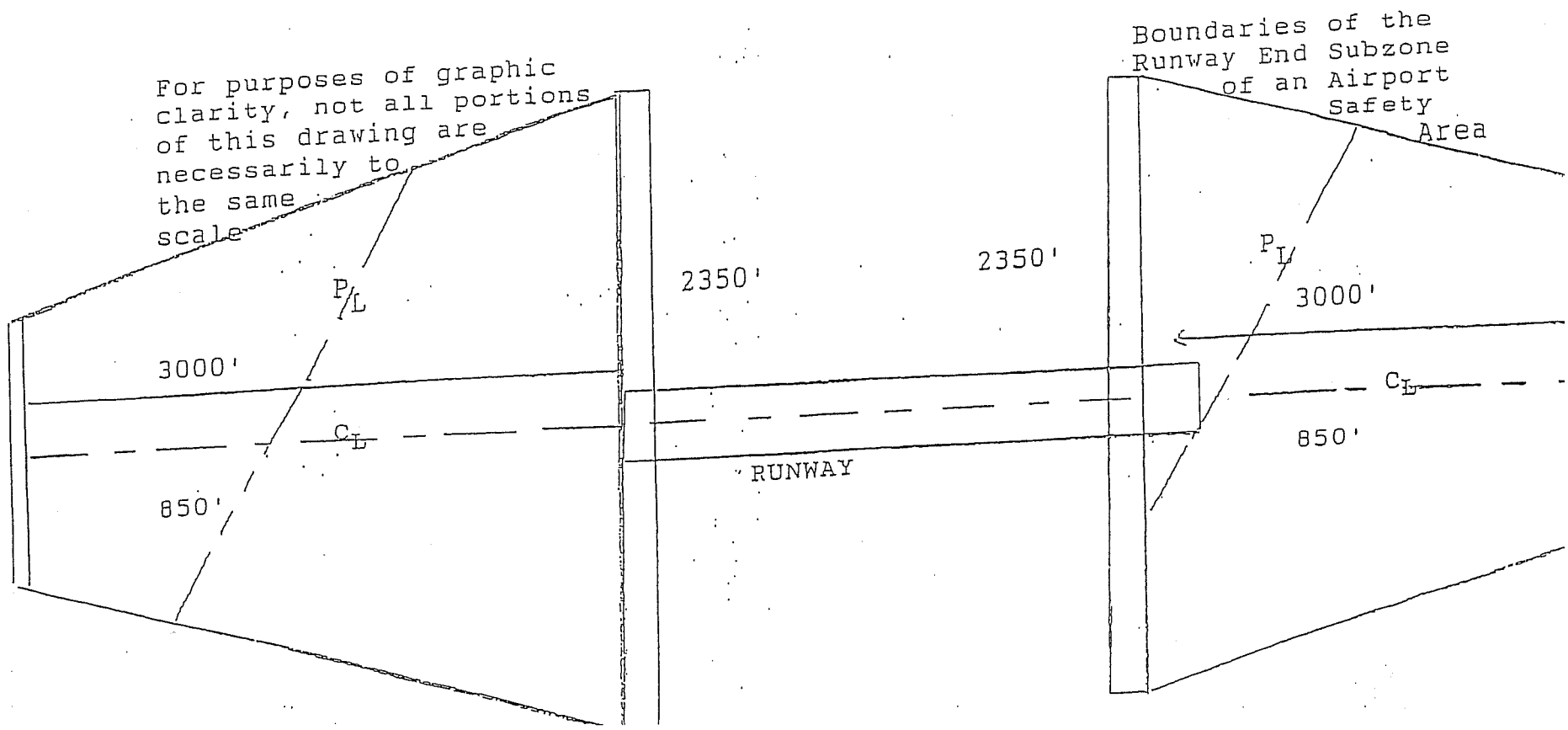


Figure 1
GRAPHIC DEPICTION OF GENERAL
CONSTRUCTION OF RUNWAY SUBZONE

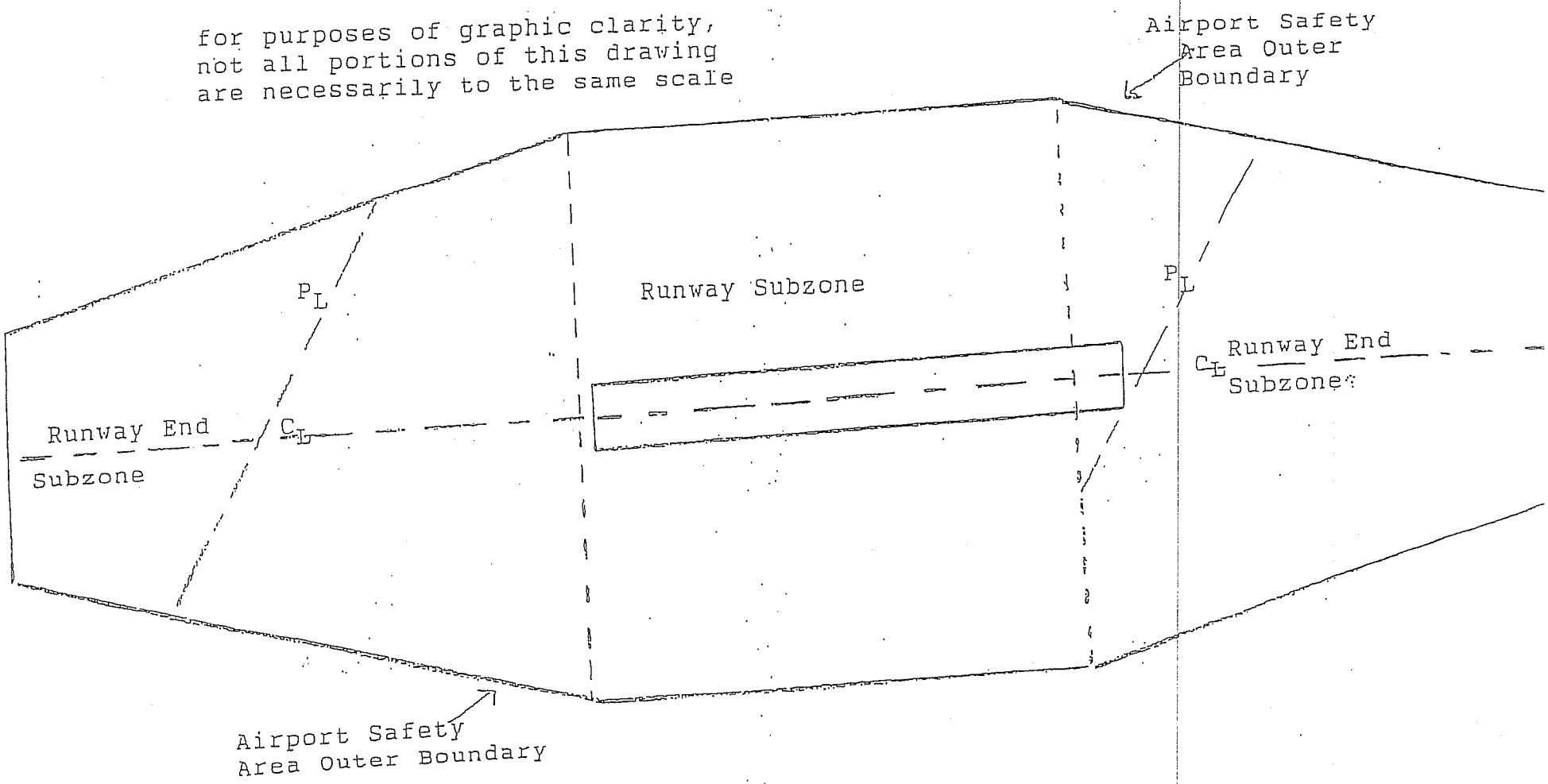
GRAPHIC DEPICTION OF THE GENERAL CONSTRUCTION OF THE RUNWAY END SUBZONE(S) OF AN AIRPORT SAFETY AREA

FIGURE 2



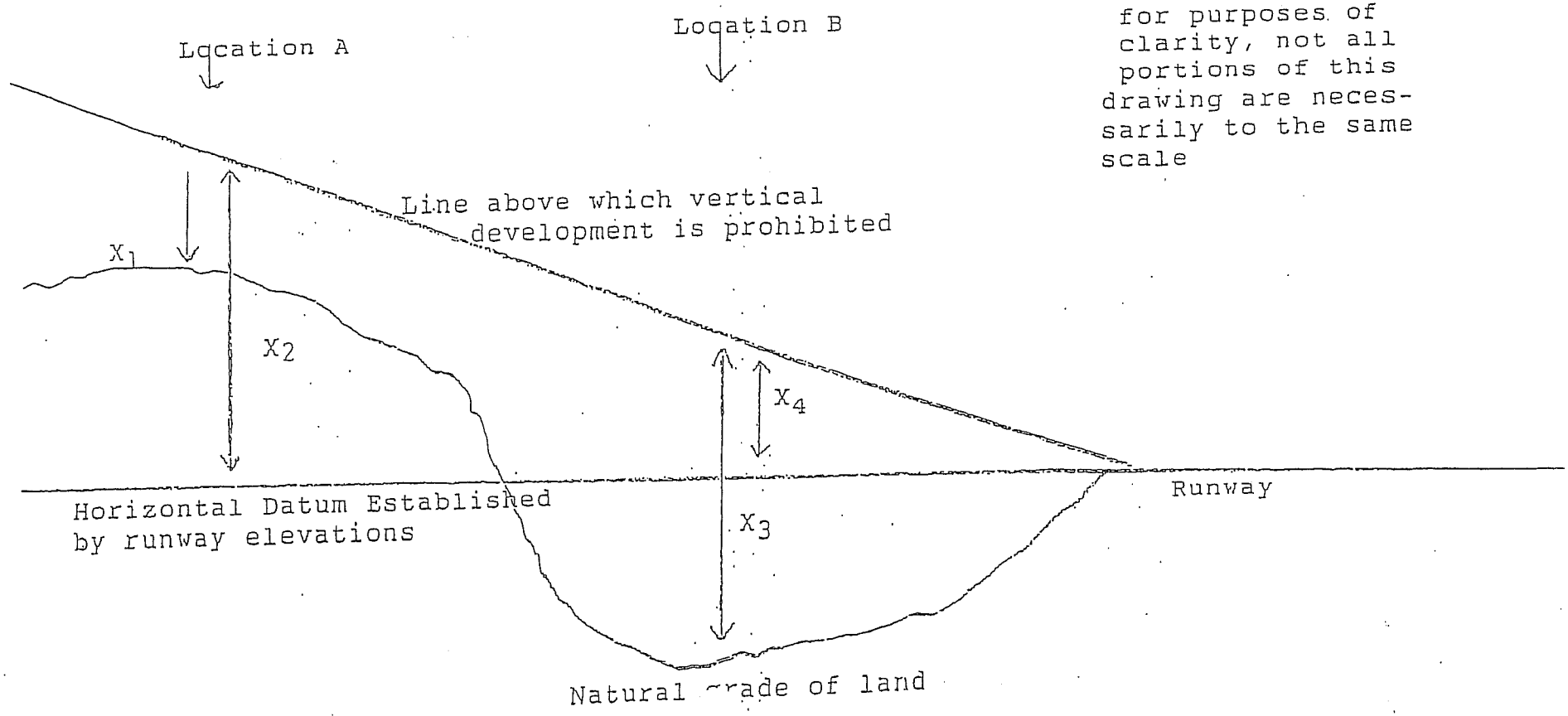
GRAPHIC DEPICT. OF THE GENERAL OVERALL CONSTRUCTION AND OUTERMOST BOUNDARIES OF AN AIRPORT SAFETY AREA

FIGURE 3



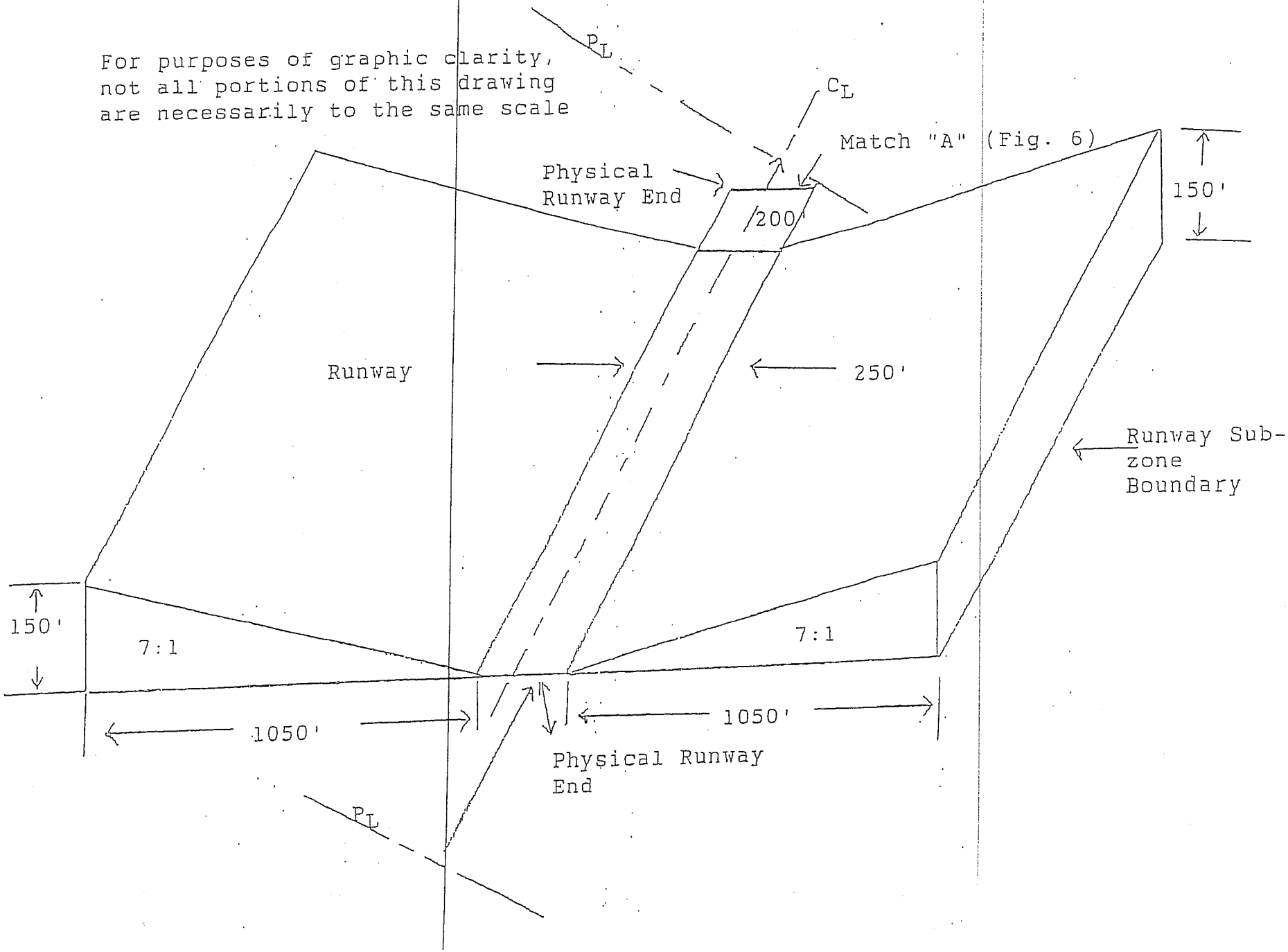
The minimum Ordinance standards relate directly to the horizontal Datum established by runway elevations and not the height above the natural grade of the land, for example, at location A an Ordinance may reference a height restriction X_2 feet, but at that location the developable height restriction above the natural grade of the land is actually X_1 feet. At location B the Ordinance height restriction may be X_4 feet but the developable height restriction may be X_3 feet.

FIGURE 4



VERTICAL AND HORIZONTAL PLANES OF
RUNWAY SUBZONE OF AIRPORT SAFETY AREA

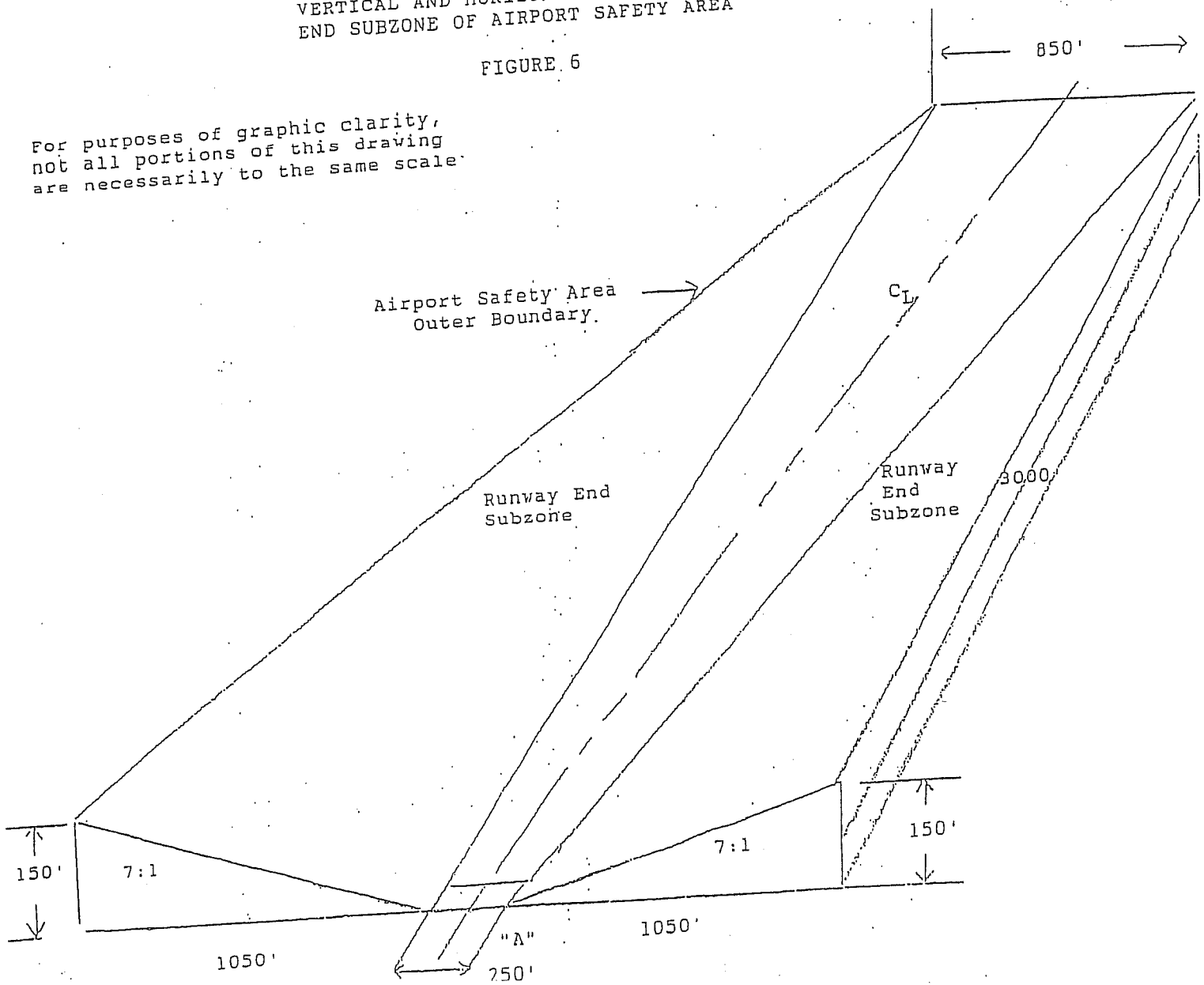
FIGURE 5



VERTICAL AND HORIZONTAL PLANES OF RUNWAY
END SUBZONE OF AIRPORT SAFETY AREA

FIGURE 6

For purposes of graphic clarity,
not all portions of this drawing
are necessarily to the same scale.

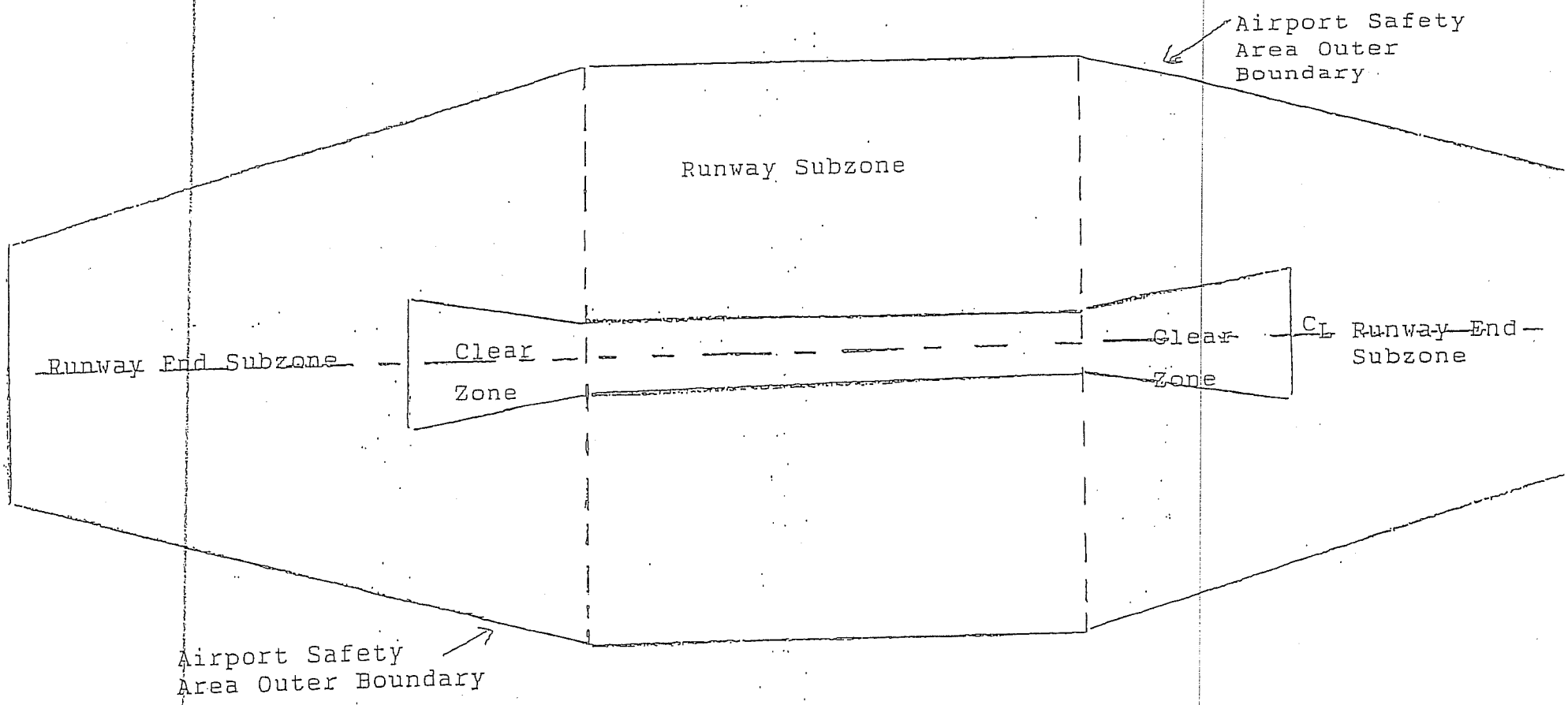


GRAPHIC DEPI[illegible]N OF THE CLEAR ZONE

Dimension: Inner width 250 feet
Outer width 450 feet
Length 1000 feet

for purposes of graphic clarity, not all portions of this drawing are necessarily to the same scale

FIGURE 7



ARTICLE V

R-40, R-20, R-10, R-20/PRD, R-15 AND LM-SC RESIDENTIAL ZONES

[7]Section 28-40 R-40 AND R-20 RESIDENTIAL:

Within the R-40 and R-20 Residential Zones, no premises, building or structure shall be used, and no building or structure shall be erected or altered to be used in whole or in part for any other than the following purposes:

1. Single family dwelling used as a residence by not more than one (1) family.

2. Extended Family Dwellings.

   An Extended Family Dwelling Unit within an Extended Family Dwelling shall have separate cooking, sleeping, and sanitary facilities from the principal dwelling unit. However, an Extended Family Dwelling unit shall be subject to the following restrictions:

   a. An Extended Family Dwelling Unit shall not exceed 550 sq. ft. and shall not exceed one bedroom.

   b. An Extended Family Dwelling Unit shall share a common un-separated entrance-way and exit-way with the principal dwelling unit.

   c. An Extended Family Dwelling Unit shall share common utility meters with the principal dwelling unit.

   d. An Extended Family Dwelling Unit shall not be permitted in an two-family house.

   e. Home Occupations and professional offices shall not be permitted in an Extended Family Dwelling.

   f. A building permit for an Extended Family Dwelling shall require evidence of a recordation of a restrictive covenant, running with the land, prohibiting occupancy by two families unrelated by blood or marriage in any extended Family Dwelling.

3. Home Occupations.

   a. All activities shall be conducted entirely within the home.

   b. There shall be no exterior storage or display of goods or materials associated with the home occupation.

4. Professional Offices.

   The use of a portion of a dwelling as a professional office shall be permitted provided that such use shall be restricted to the first floor of the building and shall not exceed twenty-five (25%) percent of the total floor area of the building.

Section 28-40.1 R-10 RESIDENTIAL ZONE:

With the **R-10 Zone** no premises, building or structure shall be used, and no building or structure be erected or altered to be used in whole or in part for any other than the following purposes:

---

[7] Amended by Ordinance 1,354, Adopted 5/15/06 Effective 6/4/06

ARTICLE V

R-40, R-20, R-10, R-20/PRD, R-15 AND LM-SC RESIDENTIAL ZONES

[7]Section 28-40 R-40 AND R-20 RESIDENTIAL:

Within the R-40 and R-20 Residential Zones, no premises, building or structure shall be used, and no building or structure shall be erected or altered to be used in whole or in part for any other than the following purposes:

1. Single family dwelling used as a residence by not more than one (1) family.

2. Extended Family Dwellings.

   An Extended Family Dwelling Unit within an Extended Family Dwelling shall have separate cooking, sleeping, and sanitary facilities from the principal dwelling unit. However, an Extended Family Dwelling unit shall be subject to the following restrictions:

   a. An Extended Family Dwelling Unit shall not exceed 550 sq. ft. and shall not exceed one bedroom.

   b. An Extended Family Dwelling Unit shall share a common un-separated entrance-way and exit-way with the principal dwelling unit.

   c. An Extended Family Dwelling Unit shall share common utility meters with the principal dwelling unit.

   d. An Extended Family Dwelling Unit shall not be permitted in a two-family house.

   e. Home Occupations and professional offices shall not be permitted in an Extended Family Dwelling.

   f. A building permit for an Extended Family Dwelling shall require evidence of a recordation of a restrictive covenant, running with the land, prohibiting occupancy by two families unrelated by blood or marriage in any extended Family Dwelling.

3. Home Occupations.

   a. All activities shall be conducted entirely within the home.

   b. There shall be no exterior storage or display of goods or materials associated with the home occupation.

4. Professional Offices.

   The use of a portion of a dwelling as a professional office shall be permitted provided that such use shall be restricted to the first floor of the building and shall not exceed twenty-five (25%) percent of the total floor area of the building.

Section 28-40.1 R-10 RESIDENTIAL ZONE:

With the **R-10 Zone** no premises, building or structure shall be used, and no building or structure be erected or altered to be used in whole or in part for any other than the following purposes:

---

[7] Amended by Ordinance 1,354, Adopted 5/15/06 Effective 6/4/06

A. Permitted Uses:

1. All uses permitted in the **R-20** and **R-40 Zones**.

Section 28-41. R-15 RESIDENTIAL ZONE:

Within the **R-15 Residential Zone**, no premises, lot, building or structure shall be used, and no building or structure shall be erected or altered to be used in whole or in part for any other than the following purposes:

A. Permitted Uses:

1. All uses permitted in the **R-15** and **R-20 Zones**.

2. Two-family dwelling used as **DEFINED** by **Section 28-2** of this Ordinance.

B. Special Requirements for Two-Family Dwellings:

1. Minimum lot size shall be twenty-two thousand five hundred (22,500') square feet.

2. Minimum floor area shall be a total of one thousand seven hundred and fifty (1,750') square feet.

3. Each dwelling unit shall contain a minimum floor area of six hundred and fifty (650') square feet.

4. Professional offices shall not be permitted.

5. Each unit shall be supplied with two (2) separate enclosed entrances and the front entrance shall not open upon a common hall or stairway.

   The following rooms shall be provided in each of the dwelling units: living room, kitchen-dining room, and one or more bedrooms and a bathroom. Each unit shall be supplied with a separate accessory storage area with individual access.

6. Two-family dwellings in new subdivisions of 3 acres or more shall be limited to ½ the total number of dwellings to be built.

Section 28-42. REQUIREMENTS FOR ALL R-40, R-10 AND R-15 RESIDENTIAL ZONES:

A. Accessory uses on the same lot and customarily incident to the permitted dwelling unit shall not include a business but may include:

1. Detached garage of capacity as follows:

   a. **R-10** and **R-15 Zones** – capacity not to exceed two (2) automobiles and 12 feet in height and 8 foot door height.

   b. R-20 and R-40 Zones – capacity not to exceed three (3) automobiles and 12 feet in height and 8 foot door height.

   c. All such detached buildings shall be located not less than 35 feet to the rear of the front line of any existing dwelling of if no dwelling exists, thirty-five (35') feet to the rear of the legal set back line.

2. Tool sheds, greenhouses (whether attached or detached), cabanas, etc., not to exceed two hundred square feet (200') and ten (10') feet in height. Tennis courts for personal use not to exceed one court, pools (as required by Borough Ordinance).

3. Stands for the sale of farm or garden products raised on the premises, excepting, however, the sale of fowl or livestock. Stands shall be located at least twenty-five (25') feet from any property line and said stand shall be of a temporary nature and removed from the front or side yard when not in use.

4. Garage Sales. The sale of used, personal household items, incidental to the residential premises upon which the sale is being conducted, provided that not more than two (2) sales, having a duration of not more than two (2) consecutive days each, shall be permitted in each calendar year.

OFF-STREET PARKING REQUIREMENTS FOR ALL RESIDENTIAL ZONES

1. **R-10.** Two (2) off-street parking spaces at least one of which shall be enclosed in a garage or carport; one space per extended family dwelling unit.

2. **R-15.** Two (2) off-street parking spaces per dwelling unit, one of which shall be enclosed in a garage or carport (four (4) spaces for two-family); one (1) off-street space per extended family dwelling unit (three (3) spaces total).

3. **R-20** and **R-40**. Two (2) off-street parking spaces per dwelling unit, one of which shall be enclosed in a garage or carport; one (1) off-street parking space for extended family dwelling unit.

4. **Professional Offices.** One (1) space for each one hundred (100') square feet of floor area or portion thereof used for such purposes.

5. **Home Occupation.** One (1) parking space additional to the two (2) residential required if home occupation is engaged in at the residence.

6. All driveways and parking areas of new construction shall be surfaced with concrete, rock, crushed stone or bituminous pavement and shall be graded and drained of surface water as approved by the Borough Engineer or Building Inspector.

[8]Section 28-43. PRD-I PLANNED RESIDENTIAL DEVELOPMENT R-20:

A. Single family dwellings and extended family dwellings shall be permitted in the **PRD-1 zone** in accordance with the standards applicable to the **R-20 zone**.

B. Planned Residential Development (PRD) Option.

1. Purposes.

The purposes of this Section shall be the following: to provide an optional method of development pursuant to and in accordance with the provisions of the Municipal Land Use Law in order to provide standards and criteria that will encourage development resulting in a more efficient use of land and provision for public services to housing; to encourage innovations in residential development so that the growing demands of the population may be met by a greater variety and flexibility of housing density, design and type; to foster conservation and more efficient use of open space ancillary to residential development so that greater opportunities for better housing and conveniently located recreation may extend to all residents of this municipality; to reflect changes in the technology of and development so that resulting economics may insure to the benefit of those who need homes; to lessen the burden of traffic on streets and highways; to conserve the value of the land.

[8] Amended by Ordinance 1.354 Adopted 5/15/06 Effective 6/4/06

The Borough recognizes that due to the nature of remaining developable lands within the Borough, development may further aggravate existing problem conditions involving such matters as traffic, flooding, drainage and potable water supply and may strain recreation and other municipal services. To ameliorate such problem conditions and to lessen the burden on municipal services, the Borough desires to provide a development option which offers an opportunity for the use of modern design, construction, technology and planning methods that will advance and promote sound growth and the general welfare of the municipality; strengthen and sustain its economic potentials; provide adequate, safe efficient, economical municipal services and utilities; and establish appropriate patterns for the distribution of population in a variety of housing accommodations which are compatible with the modern way of life, co-ordinate with the protection and enhancement of natural beauty and resources and harmony with their surroundings, both within and without the Borough; and in order to provide for a variety of ancillary service activities, parks, playgrounds, recreational areas, parking and other open space in orderly relationship to each other and in conformity to the development of the Borough as a whole.

2. Permitted Uses.

Within the Planned Residential Development, no premises, lot, building or structure shall be erected or altered to be used in whole or in part for any other than the following purposes:

a. One or more residential townhouse clusters. The election of the Planned Residential Development (PRD) option shall exclude all other uses except as hereinafter provided.

b. Open spaces such as parks, preserves, recreation areas or facilities, tennis courts, golf courses, lakes, ponds, bikeways, playgrounds, swimming facilities, drainage or other ways and other similar uses along with structures and accessory features appurtenant thereto primarily for the benefit of the Planned Residential Development.

c. The following signs shall be permitted:

i. Signs located on the premises of and at the entrance of a Planned Residential Development. The total surface area of any such sign shall not exceed thirty-two (32') square feet in surface area. No more than one (1) sign shall be permitted per entrance.

ii. Directional signs for the convenience of the residents to identify parking areas, rental offices, recreation areas, entrances and exits, which signs shall not exceed two (2') square feet in surface area.

iii. The design, location and landscaping of signs shall be in accordance with the specifications and conditions determined by **ARTICLE XIII** (**SIGNS**) of this Chapter.

d. Professional Offices Provided that:

i. There shall be not more than one professional office unit per building provided that the total number of office units shall not exceed five (5%) percent of the total number of units in any Planned Residential Development.

ii. The use of a portion of a building as a professional office shall not exceed twenty-five (25%) percent of the total floor area of the

building or shall not exceed the floor area equivalent to the smallest dwelling unit in the building, whichever is less.

iii. The professional office shall be ancillary and contiguous to an adjacent dwelling unit occupied as a residence by the professional.

iv. The hours of operation shall be limited to 9:00 am to 9:00 pm.

v. There shall be one (1) off-street parking space specifically provided and designated for each one hundred (100') square feet of floor area or portion thereof used for such purposes.

e. Accessory uses customarily incidental to the above permitted uses.

3. Density Standards.

The overall density in a Planned Residential Development shall be determined by the Municipal Agency based upon the following criteria provided that such overall density shall not be in excess of eight (8) dwelling units per acre of land within the Borough of Lincoln Park:

a. That the proposed Planned Residential Development shall not adversely affect the safe and reasonable use of surrounding properties.

b. That the nature and extent of common open spaces appurtenant to the Planned Residential Development are appropriate, reasonably related and sufficient to meet the needs of the residents of the development.

c. That the Planned Residential Development shall not adversely affect soil and topographic conditions including the flood hazard areas.

d. That the Planned Residential Development, as proposed, shall directly connect to an adequate public water and sanitary sewer system.

e. That the proposed Planned Residential Development shall not generate a volume of traffic which will over-burden roads and intersections thereof in the Borough or in adjacent municipalities.

f. That the Planned Residential Development shall not produce sewage flows exceeding the density capacity of the receiving sewer.

g. That the proposed Planned Residential Development shall not overburden public facilities and services, in general.

h. That the Planned Residential Development shall not affect the natural drainage so as to increase flooding conditions or degraded stream or ground water quality.

i. That the proposed Planned Residential Development shall not have a substantial adverse impact on the natural wildlife habitat in the adjacent Commercial Recreation Zone.

j. That the proposed Planned Residential Development shall be economically feasible and related to the existing and future housing needs of the Borough.

The Municipal Agency shall consider the information and studies provided by the Applicant, any experts or staff services that they may wish to employ, together with the information and studies as provided in accordance with **CHAPTER 17,**

ARTICLE XV, SECTION 17-182 (DEVELOPMENT REVIEW ORDINANCE) of the Code of the Borough of Lincoln Park.

4. Parking Requirements.

   There shall be off-street parking facilities for two (2) automobiles for each dwelling unit. Each parking space shall consist of at least one hundred eighty (180') square feet. A reasonable number of car shelters may be provided in conjunction with uncovered parking to lessen the amount of outside paved parking as may be appropriate in the particular case.

5. Height Requirements.

   The height of any townhouse structure shall not exceed thirty-two (32') feet. The maximum height of any community building shall be thirty-five (35') feet.

6. Common Open Space.

   The percentages of common open space shall be determined by the Municipal Agency prior to any approval based upon the following criteria provided that such percentage of common open space shall not be less than fifty (50%) percent of the total Planned Residential Development area.

   a. Consideration thereof shall be given in establishing the density requirement as part of the negotiation process with the Developer and the Municipal Agency may in its discretion consider the existence of commonly owned and contiguous land in an adjoining municipality dedicated to common open space by covenant, deed restriction or grants, easements, or other reservations of record not to exceed, however, fifty (50%) percent of the required minimum.

   b. The areas required for common open space shall not include areas designated as sidewalks, roads, drives, paved parking areas, required front yard and those side yards as established by the Municipal Agency.

7. Area Requirements.

   All Planned Residential Developments shall have a contiguous area within the Borough for not less than fifty (50) acres.

Section 28-44.1 PRD II PLANNED RESIDENTIAL DEVELOPMENT II

Purposes:

The PRD II Zone is patterned in its purpose after the PRD I Zone. Reduced minimum lot sizes are authorized to provide incentive for creative land use in development of smaller parcels of land. The provisions of **SECTION 28-43 PURPOSE ARE INCORPORATED** herein by reference.

The Municipal Agency shall consider the information and studies provided by the applicant, consultant expert and staff services, together with the information and studies provided in accordance with **CHAPTER 17 ARTICLE XV, SECTION 17-182 (DEVELOPMENT REVIEW ORDINANCE)** of the Code of the Borough of Lincoln Park.

Section 28-44.2 PERMITTED USES:

Within the PRD II ZONE, no premises, lot, building or structures shall be used and no building or structure shall be erected or altered to be used in whole or in part for any other than the following:

1. Townhouse

2. Flats

3. Single family and two (2) family dwellings in accordance with **ARTICLE III, SCHEDULE OF GENERAL REQUIREMENTS**, and **ARTICLE V** of this Chapter for the R-15 Zone.

4. Adult Community Housing developed in accordance with the provisions of this **ARTICLE** and **ARTICLE V, SECTION 28** of the Zoning Ordinance, Special Provisions for Adult Community Housing Development.

Section 28-44.3 GENERAL REQUIREMENTS:

A. The minimum lot size for development shall be five (5) acres.

B. The gross density shall not exceed eight (8) dwelling units per acre.

C. In the case of development where the individual units are to be offered for sale, all common open space may be offered for dedication to and accepted by the Borough or shall be placed in an Open Space Organization pursuant to **ARTICLE XIV** of **CHAPTER 17 (DEVELOPMENT REVIEW ORDINANCE)** of the Code of the Borough of Lincoln Park.

D. An overall theme of design and architecture shall be utilized within every development for the purposes of presenting an aesthetically desirable effect. Development shall provide varied building elevations, design and structural appearance.

E. Each dwelling unit shall have direct access to a privileged patio or deck area.

Section 28-44.4 DIMENSIONAL REQUIREMENTS:

A. There shall be a minimum frontage of two hundred (200') feet for PAD II development fronting upon an accepted public street, improved to the street standards and specification of the Borough.

B. No structure shall be closer than fifty (50') feet to any development boundary line.

C. The minimum width of a dwelling unit shall be twenty (20') feet.

D. The minimum yard requirement of a building shall be twenty-five (25') feet and no building shall be located closer than twenty-five (25') feet from any internal parking area or drive.

E. Not more than eight (8) dwelling units shall be contained within any one building. Connections by architectural elements, and covered walkways are permitted and shall not be considered contrary to this limitation.

F. The front façade of any building shall not continue on the same plane for a distance of more than the width of two (2) adjacent dwelling units or forty (40') feet.

G. The minimum distance between buildings shall be determined by the Municipal Agency, pursuant to **Section 28-50** of this Ordinance.

H. The maximum height of any building shall be thirty-two (32') feet.

I. The minimum usable floor area of one (1) bedroom unit shall be six hundred (600') square feet. The minimum usable floor area of a two (2) bedroom unit shall be nine hundred (900') square feet. The minimum usable floor area of a three (3) bedroom unit shall be one thousand two hundred (1,200') square feet.

J. No garage, cellar or storage area shall be counted towards meeting the minimum floor area requirements for dwelling units.

K. Each unit may include a garage or carport.

L. Thirty-two (32') square feet of storage space shall be provided in the building for each unit. This shall be in addition to any closet space within the units.

Section 28-44.5 PARKING AND CIRCULATION:

A. Each development of eight (8) or more acres, or smaller developments with frontages on two (2) existing streets, shall be provided with at least two (2) access roads as means of traffic ingress and egress to the development. Said roads shall not be less than two hundred (200') feet apart.

B. Points of ingress and egress shall not be located within two hundred (200') feet of an existing intersection or road condition deemed hazardous.

C. All streets and roads shall contain curb. Sidewalks may be required at the discretion of the Municipal Agency.

D. A minimum of two (2) paved, off-street spaces shall be provided for each dwelling unit. Each space shall be a minimum of nine (9') feet by twenty (20') feet and clearly delineated. An area shall be designated and set aside for expansion of off-street parking. The Agency may require an area to be set aside for optional separate garage structures having design and construction materials in conformity with dwelling structures. There shall be no parking in the front yard setback.

E. Garage spaces, if provided, shall count toward the off-street parking requirements.

F. Lighting shall be provided to minimize hazards to pedestrians and motor vehicles along streets, roads and driveways, in parking areas near exterior and interior dwelling entrances and along pedestrian walks.

G. All streets and drives shall be built to the standards of the Borough of Lincoln Park for minor streets and such drives and streets may be dedicated to the Borough. Two-way streets shall have a forty (40') foot right-of-way and thirty (30') feet of pavement; one-way streets, thirty (30') foot right-of-way and twenty (20') feet of pavement. Setbacks shall be measured from the curb lined but not the right-of-way line.

Section 28-44.6. UTILITIES AND SERVICES:

A. Every dwelling unit shall be served by public water and public sanitary sewer; which shall be installed by and at the expense of the Developer. In addition, the Developer shall install, at his own expense, internal roads, public streets, parking facilities, all weather pedestrian walkways, street lights, fire hydrants and any other improvements such as drainage facilities as required in accordance with the standards and Ordinances of the Borough of Lincoln Park.

B. All utilities within a development shall be installed underground.

C. In the event common refuse pick-up areas are provided, they shall be located for the occupant's convenience. All such areas shall be screened with evergreens on three (3) sides and planted to the height of at least four (4') feet.

Section 28-44.7 LANDSCAPING AND SCREENING:

A. All developments shall be provided with liberal and functional landscaping schemes. Roads and pedestrian walks shall be provided with shade trees which are at least a minimum size and character in accordance with the recommendations of the Shade Tree Committee of the Borough.

B. Disturbed open space adjacent to buildings, malls between buildings intended for utilization by residents and border strip along the sides of pedestrian walks shall be graded and seeded to provide a thick stand of grass or planted with trees and shrubs or any combination thereof. Areas not used for buildings, terraces, drives, parking spaces and other disturbed areas, shall be seeded, landscaped, and maintained in a proper condition. These areas shall be placed in a common Open Space Organization plan, pursuant to **ARTICLE XIV** of **CHAPTER 17, (DRO)**.

C. Not less than two (2) exterior exposures shall be permitted for each unit, each which shall be properly pierced so as to provide through ventilation or cross ventilation for each unit.

D. Television antenna equipment shall be built into the building to eliminate individual antenna being erected upon the roof. This Section shall not apply to a common antenna tower, provided that such tower receives all required municipal approvals.

E. Built in air conditioning units shall not project more than two (2") inches from the face of the wall of the building in which they are installed.

F. Where necessary to shield occupants and adjoining properties from unsightly, disturbing or light-glaring areas, screening or buffers consisting of a solid evergreen hedge at least five (5') feet tall at planting, shall be installed. A fence consisting of solid wood or decorative masonry shall be required around outdoor utilities (and other similar areas), and along developed property lines. Along parking areas, natural landscaping buffers and wood fences shall be required in lieu of masonry.

G. The Developer shall furnish, together with the plans and specifications required under **CHAPTER 17 (DEVELOPMENT REVIEW ORDINANCE)** of the Code of the Borough of Lincoln Park, landscaping plans drawn by a licensed professional, indicating landscaping intended for the development as well as plans for lighting the grounds, roads, drives, walks, parking areas, and building entrances. Additional plans shall show contours, drainage areas, streams, wooded areas and any other natural features of the land in a natural state before development proposals.

H. The owner shall provide for maintenance of medial grass strips or other landscaped common areas.

I. There shall be a buffer strip of at least twenty-five (25') feet in width on all lot lines adjoining zone district lines and on all lot lines adjoining existing improved residential property. No buffer shall be required where such lot line borders a public street. All such buffer strips, if wooded, shall remain in their natural state or otherwise planted with a landscaped visual screen at least six (6') feet in height.

J. Maximum impervious surface shall not exceed fifty (50%) percent.

Section 28-44.8 **WHERE APPLICABLE, AN OPEN SPACE ORGANIZATION SHALL BE PROVIDED PURSUANT TO ARTICLE XIV OF THIS DRO:**

ARTICLE VI

TH-S, TOWNHOUSE SET-ASIDE ZONE

Section 28-50. **PURPOSE:**

The purpose of the **TH-S TOWNHOUSE SET-ASIDE ZONE** is to provide for an encourage the Construction of housing affordable to low and moderate income households by permitting townhouse Development conditioned upon the agreement to set-aside at least twenty (20%) percent of the units built for low and moderate income households.

Section 28-51. PERMITTED USES:

Within the **TH-S ZONE**, the following uses only are permitted:

1. Provided that twenty (20%) percent of the dwelling units constructed are set-aside for lease or purchase by low and moderate income households set forth in **ARTICLE VI.C** the following two uses are permitted:

   a. Townhouses are defined in **Section 28-2** except that individual yards shall not be required and flats may be included in the same building with the townhouse units;

   b. Flats.

2. Other uses permitted are:

   a. Common Open Space;

   b. Signs as accessory uses, as follows:

      1. Signs located at the entrance of a TH-S DEVELOPMENT. The total surface area of any such sign shall not exceed thirty-two (32') square feet in surface area. No more than one (1) sign shall be permitted per entrance.

      2. Directional signs for the convenience of the residents to identify parking spaces, rental offices, recreation areas, entrances and exits, which signs shall not exceed two (2') square feet in surface area.

      3. The design, location and landscaping of signs shall be in accordance with the specifications and conditions determined by **ARTICLE XIII (SIGNS)** of this Chapter.

      4. Notwithstanding the provisions of Paragraph 1 of this Section, if a development covers two (2) or more set-aside zones and incorporates two (2) or more set-aside housing types, the twenty (20%) percent set-aside requirements for low and moderate income households may be furnished all in one housing type or distributed among the housing types in proportionate other than twenty (20%) percent, provided that twenty (20%) percent of the total units are set-aside units.

   c. Single-family and two-family dwellings in accordance with **ARTICLE III, SCHEDULE OF GENERAL REQUIREMENTS**, and **ARTICLE** V of this Chapter for the R-15 Zone.

   d. Accessory uses customarily incidental to the above uses.

3. Suspension of Zoning

   Following the construction of 120 townhouse set-aside units for low and moderate income households, the **TH-S ZONE**, together with the regulations in **Section 28-45** shall cease to be in effect for undeveloped lands, and upon such event, all undeveloped lands designated TH-S shall be rezoned in accordance with the designations provided by Ordinance.

Section 28-52. DENSITY STANDARDS:

The density of a **TH-S** development shall not exceed ten (10) dwelling units per acre of site, including any new on-site streets, public or private.

Section 28-53. PARKING REQUIREMENTS:

There shall be off-street parking facilities for at least two (2) automobiles for each dwelling unit. Each parking space shall measure at least nine (9') feet by nineteen (19') feet. Off-street parking spaces may be covered or uncovered, within or adjacent to each dwelling unit or separate or any combination of such parking arrangements. Any parking area for three (3) or more automobiles shall be at least twenty-five (25') feet from the front or rear wall of any dwelling unit, and at least ten (10') feet from the side or end wall of any dwelling unit or group of dwelling units. There shall be no parking in the front yard set back of the lot, except on a driveway serving an individual townhouse unit.

Parking areas shall be paved and curbed and provided with adequate storm water drainage. The parking plan must be approved by the Municipal Agency. Each dwelling unit shall be assigned at least one parking space, either in a garage or in a parking area.

Section 28-54. MINIMUM SITE AREA:

The minimum areas for a TH-S development shall be five (5) contiguous acres exclusive of existing public streets.

Section 28-55. BUILDING COVERAGE AND IMPERVIOUS SURFACE:

The maximum coverage of the site by all buildings shall be thirty (30%) percent of the site area exclusive of existing public streets. The maximum impervious surface shall be sixty (60%) percent of the site area.

Section 28-56. BUILDIING REQUIREMENTS:

1. The minimum width of any townhouse dwelling unit or flat shall be eighteen (18') feet.

2. The distance between buildings shall be not less than thirty (30') feet.

3. The maximum size of any building containing townhouses, flats or a combination thereof shall be eight (8) dwelling units per floor. When a dwelling unit occupies more than one (1) floor, the part of each floor shall be counted as a whole dwelling unit for the purposes of computing the number of dwelling units per floor.

4. Each building shall contain an enclosed, lockable storage space for each unit, exclusive of closets. Such storage space shall be at least sixty (60') square feet in area and six (6') feet in height and shall be provided within the unit or in a common area such as a basement or cellar.

5. Built-in air conditioning units shall not project more than two (2") inches from the outside face of the wall.

6. Each dwelling unit shall have at least two (2) exterior exposures, each of which shall be provided with windows, doors or a combination thereof, so as to provide cross and through ventilation for such unit.

7. The minimum floor space of any unit shall be:

1-bedroom	550 square feet
2-bedroom	660 square feet
3-bedroom	800 square feet

or in conformity with the standards set forth in the Department of Housing and Urban Development, **Minimum Property Standards for Multi-Family Housing**, **401-3** to **3.6** (1979), whichever is less. At least twenty (20%) percent of the low and moderate-income units shall be three bedroom units, and no more than fifty (50%) percent shall be one (1)

bedroom or efficiency units. No garage, cellar or storage area shall be counted towards meeting the minimum floor area requirements for dwelling units.

8. The front or rear set back of any dwelling, as measured from the curb to any private street, drive, or parking area for three or more automobiles, shall not be less than twenty-five (25') feet. The side set back of any dwelling shall not be less than ten (10') feet as measured from the curb of any private street, drive or parking area for three or more automobiles.

9. Other building requirements shall be set forth in **Section 28-21, SCHEDULE OF GENERAL REQUIREMENTS**. The Municipal Agency shall reduce the fifty (50') foot yard requirement if the Developer demonstrates to the Agency's satisfaction, that the cost of utility installation would be excessive unless a smaller yard is permitted. In no case, however, will a yard of less than twenty five (25') feet be permitted.

Section 28-57. STREETS AND SIDEWALKS:

1. Any new public street, private interior road or driveway shall be constructed so as to intersect any existing or proposed public street at least one hundred (100') feet from any existing or proposed intersection. If, in the opinion of the Municipal Agency, a proposed intersection located one hundred (100') feet from another intersection would create a special hazard because of road alignment, topographic conditions, or existing or projected traffic conditions or other conditions, the Agency may require such proposed intersection to be located up to two hundred (200') feet from such other intersection.

2. Each development of eight (8) or more acres, having frontage in excess of four hundred (400') feet, (or) smaller development with frontage on two (2) existing streets, shall be provided with at least two (2) access roads as means of traffic ingress and egress to the development. Said roads shall not be less than two hundred (200') feet.

3. Streets; which are to be dedicated as public streets shall conform with the Borough standards for public streets as to width and construction. All dedicated streets shall have curbs. Streets; which are to be private interior roads shall have a right-of-way width of forty (40') feet and a curbed pavement width of thirty (30') feet for two-way streets and a right-of-way width of thirty-five (35') feet and a curbed pavement width of twenty-five (25') feet for one-way streets. All private roads and access ways shall be kept open for access by all emergency vehicles and the Department of Public Works. Maintenance, cleaning of snow removal of all such roads shall be carried out by the management of the development according to the satisfaction of the Borough. Any failure on the part of the owner to comply shall result in the work being done by the Borough at the expense of the owner and, to the extent permitted by law; such expense shall become a lien against said property.

4. Sidewalks along public streets shall be constructed in accordance with the municipal standards, except that the Municipal Agency shall have the power to decrease the number and width of such sidewalks if it deems it necessary in accordance with **ARTICLE VI.C, AFFORDABILITY CONTROL**.

5. Sidewalks of at least four (4') feet in width shall be provided to connect the entrance of each dwelling unit with a public street or interior road and to connect each residential building to the parking areas serving such building.

6. Sidewalks of at least four (4') feet in width shall be provided on at least one (1) side of all private roads. No sidewalk, except those leading to a building entrance, shall be closer to a building than then (10') feet.

7. Sidewalks not on public streets shall be of concrete, constructed in accordance with the Borough's specification Ordinance except that the Municipal Agency shall have the power to modify these standards if it deems it necessary in accordance with **ARTICLE VI-C AFFORDABILITY CONTROL**.

Section 28-58. UTILITIES AND SERVICES:

1. Every dwelling unit shall be provided with public water and public sanitary sewer which shall be installed by and at the expense of the Developer.

2. All utilities shall be installed underground.

3. Street lighting on public and private streets shall be in accordance with the specifications in the Borough Ordinance. Additional lighting shall be provided as necessary to minimize hazards to pedestrians and motor vehicles in parking areas near dwelling entrances and along sidewalks.

4. If refuse pick-up areas are provided, they shall be located for the occupants' convenience. All such areas shall be screened with evergreens on three (3) sides and planted to the height of at least four (4') feet, or with a solid wood or decorative masonry screen high enough to shield the container in the pick-up areas.

5. Television antenna equipment shall be built into the building or provided by means of common antenna tower, provided that such tower receives all required municipal approvals.

Section 28-59. LANSCAPING AND SCREENING:

1. All developments shall be provided with liberal and functional landscaping schemes. Roads and pedestrian walks shall be provided with shade trees which are at least a minimum size and character in accordance with the standards in the DRO and the Shade Tree Committee of the Borough.

2. Open space adjacent to buildings, malls between buildings intended for utilization by residents and border strips along the sides of pedestrian walks shall be graded and seeded to provide a thick stand of grass or planted with trees and shrubs or any combination thereof. Areas not used for buildings, terraces, recreation equipment, drives, parking spaces or sidewalks, shall be seeded or landscaped and maintained in a proper condition. Unless all of the dwelling units are to be rented, these areas shall be placed in a common Open Space Organization Plan; pursuant to **ARTICLE XIV** of **Chapter 17 (DRO)**.

3. Where necessary to shield occupants and adjoining properties from unsightly, disturbing or light-glaring areas, screening or buffers consisting of a solid evergreen hedge at least five (5') feet tall at planting or earth berm and smaller plantings totaling five (5') feet in height shall be installed. The Municipal Agency may permit a solid wood fence or decorative masonry wall in lieu of an evergreen hedge where conditions warrant.

4. The Developer shall furnish, together with the plans and specification required under **Chapter 17 (DEVELOPMENT REVIEW ORDINANCE)** of the Code of the Borough of Lincoln Park, landscaping plans drawn by a licensed professional, indicating landscaping intended for the development as well as plans for lighting the grounds, roads, drives, walks, parking areas and building entrances. Additional plans shall show contours, drainage areas, streams, wooded areas and any other natural features of the land in a natural state before development proposals.

5. There shall be a buffer strip of at least twenty-five (25') feet in width on all lot lines adjoining zone district lines and on all lot lines adjoining existing improved residential property. No buffer shall be required where such lot line borders a public street. All such buffer strips, if wooded, shall remain in their natural state or otherwise shall be planted with an evergreen screen at least six (6') feet in height.

ARTICLE VI-A

TH/ACHS, TOWNHOUSE-ADULT COMMUNITY HOUSING/SET-ASIDE ZONE

Section 28-50A. PURPOSE:

The purpose of the **THS/ACHS ZONE** is to provide for and encourage the construction of low and moderate income age restricted housing within the immediate proximity of the central business district by permitting market rate townhouse development conditioned upon agreement to set aside at least twenty (20%) percent of the units built for such age restricted purposes.

Section 28-51A. PERMITTED USES:

1. Within this zone twenty (20%) percent of the dwelling units constructed shall be set-aside for lease or purchase by age restricted low and moderate households as otherwise set forth in **ARTICLE VI-D**. Subject to the forgoing, the following uses are permitted.

   A. Townhouse as defined in **Section 28-2** except that individual yards shall not be required and flats may be included in the same building with townhouse units;

   B. Flats;

   C. Age restricted occupancy shall be limited to persons fifty-two (52) years and older having no resident child less than nineteen (19) years of age;

   [9]D. An applicant for development for property located in the **TH/ACHS** zone may, with prior approval of the Governing Body, make a contribution in lieu of the construction of on tract, age-restricted, low and moderate income housing pursuant to the provisions of **ARTICLE XVIII**.

2. Singled family and two-family dwellings in accordance with **ARTICLE III, SCHEDULE OF GENERAL REQUIREMENTS**, and **ARTICLE V** of this Chapter for the **R-15 Zone**.

3. Accessory uses as follows:

   A. Common open space including community buildings and recreational facilities.

   B. Signs, subject to the following:

      1. Entrance signs, provided that the total surface area shall not exceed thirty-two (32') square feet in surface area on any single side. No more than one (1) sign shall be permitted per entrance;

      2. Directional signs to identify parking areas, rental offices, recreation areas, entrances and exits, which signs shall not exceed two (2') square feet in surface area;

      3. The design, location and landscaping of signs shall be in accordance with the specification and conditions determined by **ARTICLE XIII** (**SIGNS**) of this Chapter.

Section 28-52A. DENSITY AND BULK REQUIREMENTS:

1. Density shall not exceed ten (10) dwelling units per acre and the minimum lot area shall be fifteen (15) contiguous acres;

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[9] Amended by Ordinance 1,223 Adopted 3/15/99 Effective 4/4/99

2. There shall be a minimum frontage of fifty (50') feet upon an accepted public street, improved to the standards of the street specifications of the Borough;

3. There shall be a minimum distance between buildings of thirty (30') feet.

4. The maximum height of any building or structure shall be thirty-five (35') feet.

5. The minimum floor space of any unit shall be:

1 – bedroom	650 square feet
2 – bedroom	750 square feet
3 – bedroom	850 square feet

6. The maximum coverage of the site by all buildings shall not exceed thirty (30%) percent and the maximum impervious surface shall not exceed sixty (60%) percent;

7. The building setback from any perimeter property line shall not be less than fifty – (50') feet;

8. The front and rear yard setback from any roadway curb shall not be less than twenty-five (25') feet and the side yard distance from any roadway shall not be less than ten (10') feet.

9. Accessory buildings shall comply in all respects with the bulk requirements set forth in this Section.

Section 28-53A. PARKING REQUIREMENTS:

1. There shall be off-street parking facilities for at least two (2) automobiles for each dwelling unit. There shall also be provisions for visitor parking to be approved by the Municipal Agency. Each parking space shall measure at least **nine** (9') feet by nineteen (19') **feet**. Off-street parking spaces may be covered or uncovered, attached or adjacent to each dwelling unit or separate or any combination of the above.

2. Any parking area for three (3) or more automobiles shall be at least twenty-five (25') feet from the front or rear wall of any dwelling unit and at least ten (10') feet from the side or end wall of any single or group of dwelling units;

3. There shall be no parking within twenty-five (25') feet of the perimeter property lines, however, no parking shall be permitted within fifty (50') feet of an existing public right-of-way except on a driveway serving an individual townhouse unit;

4. Parking area shall be paved and curbed and provided with adequate storm water drainage.

5. Each dwelling unit shall be assigned at least one (1) designated parking space either in a garage or in a parking area.

Section 28-54A. STREETS AND SIDEWALKS:

1. Any new public street, private interior road or driveway shall be constructed so as to intersect any existing or proposed public street at least one hundred (100') feet from any existing or proposed intersection. If, in the opinion of the Municipal Agency, a proposed intersection would create a special hazard because of road alignment, topographic conditions or existing or projected traffic conditions or other conditions, the Agency may require such proposed intersection to be located up to two hundred (200') feet from any such other intersection.

2. Each development shall be provided with at least two (2) means of access one of which may be an approved emergency access roadway;

3. Streets which are to be dedicated as public streets shall conform to the Borough standards as to right-of-way and pavement width and construction. All dedicated streets shall be curbed as per Borough specifications.

4. Private interior roads shall have a right-of-way width equal to one hundred thirty-three (133%) percent of the roadway pavement width which shall be twenty-four (24') feet for two-way traffic and twenty-two (22') feet for one-way. Private interior roads shall be curbed and constructed to Borough specifications for public roads;

5. The grades of sidewalks, driveways and roads shall not exceed six (6%) percent. Minor exceptions may be made to the grade requirements be the Municipal Agency in exceptional circumstances.

6. Sidewalks of at least four (4') feet in width shall be provided in suitable locations including entrances and exits to the development or wherever normal pedestrian traffic will occur to accommodate the development pedestrian flow. Special consideration shall be given to provide pedestrian access to the central business district;

Section 28-55A. OPEN SPACE ORGANIZATION:

1. It is the intent of the zone plan that all **TH/ACHS** development shall be designed and maintained as private developments. Subject to the provisions of **N.J.S.A. 40:67-23.2** the Developer shall comply with the provisions of **Chapter 17, Section 187, COMMON OPEN SPACE and Section 188, COMMON OPEN SPACE ON-TRACT AND OFF-TRACT IMPROVEMENTS AND UTILTIIES**. Maintenance of all internal roadways, sidewalks, curbs, drainage, landscaping, sewer lines, garbage collection, lighting and other common space services, such as snow and ice removal shall be provided by the owner so as to maintain adequate, convenient and safe use of the project.

Section 28-56A. BUILDING STANDARDS:

1. The minimum width of any dwelling unit shall be eighteen (18') feet.

2. The maximum size of any dwelling building containing townhouses, flats or a combination thereof shall be eight (8) dwelling units per floor. When a dwelling unit occupies more than one (1) floor, the part of each floor, the part of each floor shall be counted as a separate dwelling unit for the purposes of computing the number of dwelling units per floor;

3. Each building shall contain an enclosed, lockable storage space for each unit, exclusive of closets. Such storage space shall be at least sixty (60') square feet in area and six (6') feet in height and shall be provided within the unit or in a common area such as a basement or cellar;

4. Built-in air conditioning units shall not project more than two (2") inches from the outside face of the wall;

5. Each dwelling unit shall have at least two (2) exterior exposures, each of which shall be provided with windows, doors or a combination thereof, so as to provide cross or through ventilation for such unit;

6. The following special considerations shall be observed for the ACH set-aside units:

   A. The size and arrangement of bathrooms and fixtures therein shall be adequate for the convenient use of the occupant. The floor finish shall be impervious to water, have non-slip characteristics and slope toward the center away from the door. The threshold of the bathroom shall be flush with the floor. All plumbing fixtures, accessories and trim shall be selected for and provide the maximum to

the safety, convenience and aid of the occupants. Grab bars shall be provided beside toilets and in bathtubs and/or shower stalls. Shower stalls will include a built in seat or a bench or sufficient space for a bath stool;

B. Emergency buzzers which also unlock the front door should be installed in the bathroom and next to the bed;

C. Handicap ramps shall be provided at the entrances of all set-aside units for access.

Section 28-57A. LANDSCAPING, BUFFER AREAS AND LIGHTING:

1. The Developer shall furnish along with the plans and specifications required under **Chapter 17 (DEVELOPMENT REVIEW ORDINANCE)** of the Code of the Borough of Lincoln Park, landscaping plans drawn by a licensed landscaped architect which shall include plans for lighting the grounds, roads, drives, walks, parking areas and building entrances of the development. Plans shall show separately, the existing contours, drainage areas, streams, wooded areas, and any other natural features of the land before development.

2. Down lighting shall be provided around all buildings. All walkways, parking areas and outdoor activity areas to be used after dark shall be lighted. Adequate shielding shall be provided so that direct or reflected glare from any on-site source shall measure no more than one-half (½') foot candle at any property line where adjacent property is residentially zoned.

3. Any development shall be provided with liberal and functional landscaping schemes. Roads and pedestrian walks shall be provided with shade trees which are a minimum size and character in accordance with the reasonable recommendations of the Shade Tree Commission of the Borough of Lincoln Park, and **ARTICLE VII, Section 17-112** of the **(DEVELOPMENT REVIEW ORDINANCE)**. The owner shall be required to maintain all plantings so that they do not grow higher than any windowsill so as to obstruct view from the window.

4. Open space adjacent to buildings, malls between buildings intended for utilization by residents and border strips along the sides of pedestrian walks shall be graded and seeded to provide a thick stand of grass or be planted with trees and shrubs or any combination thereof. Areas not used for buildings, terraces, drives and parking spaces shall be seeded and landscaped and shall be maintained in a proper condition.

5. Screening or buffers consisting of planting strips and fences shall be required around outdoor utilities and around any other similar areas, along property lines of adjacent properties and around all parking areas in order to shield occupants and adjoining properties from such unsightly, disturbing or light glaring areas. Such screening or buffers shall be installed by the owner and shall consist of a solid evergreen hedge at least five (5') feet tall at planting or earth berm and smaller plantings totaling five (5') feet in height.

6. There shall be a buffer strip or at least twenty-five (25') feet in width on all lot lines adjoining zone district lines and on all lot lines adjoining existing improved residential property. No buffer shall be required where such lot line borders a public street. All such buffer strips, if wooded, shall remain in their natural state or otherwise planted with a landscaped visual screen at least six (6') feet in height.

Section 28-58A. OUTDOOR RECREATION:

1. The Developer shall provide appropriate active and passive outdoor recreation areas and facilities. Handicap ramps shall be provided for access to all such areas and facilities as needed. All active recreation areas shall maintain the building setback requirements.

Section 28-59A. UTILITIES AND GARBAGE DISPOSAL:

1. Garbage collection shall be accompanied by individual unit pick-up and garbage disposal through the use of dumpsters is prohibited.

2. Every dwelling unit shall be provided with public water and public sewer which shall be installed by and at the expense of the Developer.

3. All utilities shall be installed underground.

4. Street lighting on public and private streets shall be in accordance with the specifications in the borough Ordinance. Additional to pedestrians and motor vehicles in parking areas near dwelling entrances and along sidewalks.

5. Television antenna equipment shall be built into the building or provided by means of a common antenna tower, provided that such tower receives all required municipal approvals.

[10]ARTICLE VI-AA

TH/ACHS II, TOWNHOUSE – ADULT COMMUNITY HOUSING/ SET ASIDE II OVERLAY ZONE

Section 28-50AA. PURPOSE:

The purpose of the TH/ACHS II Overlay Zone is to establish age-restricted housing as an alternative form of government development within certain portions of the R-15 and R-20 Zones. Except as provided in Section 28-51AA.10 below, at least twenty (20%) percent of all age-restricted housing units built pursuant to TH/ACHS II Overlay Zoning shall be set aside for low and moderate income age-restricted households (these units are herein called "Age Restricted Affordable Units").

Section 28-51AA. PERMITTED USES:

1. Subject to the provisions of Subsections 3, 4, 5, 7, 8, 9 and 10 below, the following uses are permitted in the TH/ACHS II Overlay Zone:

   A. Townhouses as defined in Section 28-2 above, except that individual yards shall not be required and flats may be included in the same building with townhouse units.

   B. Flats

2. The following accessory uses shall be permitted in the TH/ACHS II Overlay Zone:

   A. Common open space including community buildings and recreational facilities.

   B. Signs subject to the following:

      1. Entrance signs, provided that the total surface area shall not exceed thirty-two (32') square feet in surface area on any single side. No more than one (1) sign shall be permitted per entrance.

      2. Directional signs to identify parking areas, sales or rental offices, recreation areas, entrance and exits, which signs shall not exceed two (2') square feet in surface area.

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[10] ADDED by Ordinance 1,421 Adopted 3/16/09 Effective 4/5/09

3. The design, location and landscaping of signs shall be in accordance with the specifications and conditions set forth in **ARTICLE XIII** (SIGNS) of this Chapter.

3. All dwelling units (herein called "Age Restricted Units") constructed in accordance with TH/ACHS II Overlay Zoning shall be occupied only by persons 55 years of age or older.

4. Except as provided by Section 28-51AA.10 below, at least twenty (20%) percent of all Age Restricted Units created pursuant to TH/ACHS II Overlay Zoning shall be Age Restricted Affordable Units. All Age Restricted Affordable Units shall meet all applicable requirements of a) Article VI-D below, b) the regulations of the New Jersey Council on Affordable Housing ("COAH") as set forth in NJAC 5:97-1, et seq., (as those regulations may be amended from time to time) and c) the Uniform Housing Affordability Controls ("UHAC") set forth in NJAC 5:80-26.1 et seq., (as those regulations may be amended from time to time) so that the Borough of Lincoln Park shall receive from COAH full credit against its affordable housing obligation for all such Age Restricted Affordable Units. In the event of any conflict between the requirements of Article VI-D below on the one hand, and the requirements of COAH and/or UHAC on the other, the requirements of COAH and/or UHAC shall govern.

5. The requirements with which all Age Restricted Affordable Units must comply shall include, but shall not be limited to (i) site suitability (NJAC 5:97-3.13), (ii) construction sequence in relation to construction of market rate units (NJAC 5:97-6.4[d]), (iii) design and integration with market rate units (NJAC 5:97-6.4[e] and [f]), (iv) access to community amenities, and use of the same heating source (NJAC 5:97-6.4[g]), (v) barrier-free accessibility and/or adaptability for first floor units (NJAC 5:97-3-14), (vi) affordability controls (NJAC 5:97-9 and UHAC), (vii) affirmative marketing in accordance with UHAC requirements and (viii) COAH-established maximum limits on age-restricted affordable units (NJAC 5:97-3.8, -3.10, -3.11, and/or -3.12, as applicable).

6. Nothing herein shall be construed to limit the uses permitted in the R-15 and R-20 Zones which underline the TH/ACHS II Overlay Zone District. Uses permitted in these underlying zone districts shall continue to be subject to the bulk and dimensional standards applicable in such underlying zones.

7. To ensure that the Borough of Lincoln Park shall obtain from COAH full credit for each and every Age-Restricted Affordable Unit created within the TH/ACHS II Overlay District, the maximum number of Age-Restricted Affordable Units created within this district shall not exceed the COAH Cap (as defined below) on such Age-Restricted Affordable Units.

8. To ensure that, except as permitted by Subsection 10 below, all growth share obligations generated by development pursuant to TH/ACHS II Overlay Zoning are fully satisfied by on-site construction of Age Restricted Affordable Units within the TH/ACHS II Overlay District shall not exceed four time the COAH Cap on Age Restricted Affordable Units.

9. As used herein, "COAH Cap" means 17 Age-Restricted Affordable Units.

10. Notwithstanding Subsection 8 above, a developer may increase the number of market rate Age Restricted Units (herein called "Excess Market Units") created within the TH/ACHS II Overlay District beyond a number equal to four times the COAH Cap on Age-Restricted Affordable Units, provided that the following requirements are satisfied:

    A. In no event may the total number of dwelling units created within any development in the TH/ACHS II Overlay District exceed the maximum permitted density under **Section 28-52.AA.1** below.

    B. A developer who seeks to create Excess Market Units shall, at his option, either (i) create elsewhere within the Borough of Lincoln Park one (1) affordable unit (as defined in N.J.A.C. 5:97-1.4) (an "Affordable Unit") for every four Excess Market Units created within his development within the TH/ACHS II Overlay District, or

(ii) make a payment in lieu (the "Payment in Lieu") of creating such affordable Unit or Units.

C. All Affordable Units constructed elsewhere in the Borough of Lincoln Park pursuant to Subsection 10.B. above shall be family rental units, not age-restricted units.

D. If the developer constructs an additional Affordable Unit as a means of addressing an obligation to construct a fraction of an Affordable Unit, the developer shall be credited with a surplus. The surplus shall be equal to the difference between one Affordable Unit and the amount of the developer's fractional obligation. Credits for surplus units may be applied to a subsequent development within the Borough of Lincoln Park by the same developer, or may be sold or transferred to another developer, who shall have the right to apply such credits to any affordable housing obligation arising from a subsequent development in the Borough of Lincoln Park. The Borough Clerk shall maintain a record of all surplus units created within the Borough of Lincoln Park, and all resulting credits, including fractional credits. The Clerk shall make such records available for public inspection upon request.

E. All Affordable Units constructed elsewhere within the Borough of Lincoln Park pursuant to Subsection 10.B. above shall be construed in conformance with the construction sequence set forth in N.J.A.C. 5:97-6.4(d), in the same manner as if such units were being constructed on site within the TH/ACHS II Overlay District.

F. All Affordable Units constructed elsewhere within the Borough of Lincoln Park pursuant to Subsection 10.B above shall meet all applicable requirements of a) Article VI-D, b) COAH regulations as set forth in N.J.A.C. 5:97-1, et seq., (as those regulations may be amended from time to time), and c) UHAC as set forth in N.J.A.C. 5:80-26.1 et seq., (as those regulations may be amended from time to time) so that the Borough of Lincoln Park shall receive from COAH full credit against its affordable housing obligation for all such Affordable Units.

G. All Affordable Units constructed elsewhere in the Borough of Lincoln Park pursuant to Subsection 10.B above shall be subject to all applicable requirements of the Borough of Lincoln Park Development Review Ordinance ("DRO").

H. All Affordable Units constructed elsewhere in the Borough of Lincoln Park pursuant to Subsection 10.B above shall conform with the minimum floor area requirements of **Section 28.52.AA.5** below.

I. The amount of a Payment in Lieu shall be based upon the number of Affordable Units, including any fractional portion of an Affordable Unit, required to satisfy the developer's obligation under Subsection 10.B above.

J. The amount of a Payment in Lieu of constructing a required Affordable Unit shall be the amount established by COAH from time to time to reflect the subsidy required to construct a new affordable residential unit within COAH Region II. See N.J.A.C. 5:97-6.4(c) (5).

K. If the developer makes a Payment in Lieu of constructing a fraction of an Affordable Unit, the payment shall be an amount equal to (i) the amount established by COAH from time to time to reflect the subsidy required to construct a new affordable residential unit within COAH Region II, (ii) multiplied by a fraction equal to the developer's fractional obligation.

L. Payments in Lieu of constructing Affordable Units shall be deposited into the Borough of Lincoln Park Affordable Housing Trust Fund in conformance with the requirements of N.J.A.C. 5:97-8.4.

Section 28-52AA. DENSITY AND BULK REQUIREMENTS:

1. Density shall not exceed eight (8) dwelling units per acre and the minimum lot area shall be fifteen (15) contiguous acres. Permitted density is also subject to the limitations in Section 28-51AA.7 through 10 above.

2. There shall be a minimum frontage of fifty (50') feet upon an accepted public street, improved to the standards of the street specifications of the Borough, County or State.

3. There shall be a minimum distance between the buildings of thirty (30') feet.

4. The maximum height of any building or structure shall be thirty-five (35') feet.

5. The minimum floor space of any unit shall be:

Studio	550 sf.
1 – bedroom	600 sf.
2 – bedroom	850 sf.
3 – bedroom	1150 sf.

6. The maximum coverage of the site by all buildings shall not exceed twenty-five (25%) percent and the maximum impervious surface shall not exceed fifty (50%) percent.

7. No building, structure, land disturbance or construction shall be permitted within 50' of any perimeter property line except for the following: a) required access driveway, b) extensions of required utility lines, c) landscaping approved by the Municipal Agency, d) non-paved, pervious walking trails at a location approved by the Municipal Agency, and e) where the perimeter property line abuts a non-residential use, parking areas may project up to 25 feet into the required 50 foot setback and/or buffer.

8. The front and rear yard setback from any interior roadway curb shall not be less than twenty-five (25') feet and the side yard distance from any interior roadway shall not be less than ten (10') feet.

9. Accessory buildings shall comply in all respects with the bulk requirements set forth in this Section.

Section 28-53AA. PARKING REQUIREMENTS:

1. On site parking shall be provided in conformance with the requirements of the RSIS.

2. Any parking area for three (3) or more automobiles shall be at least twenty-five (25') feet from the front or rear wall of any dwelling unit and at least ten (10') feet from the side or end wall of any single or group of dwelling units.

3. There shall be no parking within fifty (50') feet of any perimeter property line, including existing public rights-of-way, except as otherwise permitted by **Section 28-52AA.7** above.

4. Parking areas shall be paved and curbed and provided with adequate storm water drainage in conformance with RSIS requirements.

5. Each dwelling unit shall be provided with at least one (1) designated parking space within a garage. The minimum required 9' x 18' parking area(s) within any one (1) or two (2) car garage provided for use of unit residents shall be used solely for parking of motor vehicles. Under no circumstances may such area(s) be used for storage or any other use which would interfere with motor vehicle parking.

Section 28-54AA. STREETS AND SIDEWALKS:

1. All streets, sidewalks and driveways in the **TH/ACHS II ZONE** shall be in conformance with all applicable RSIS requirements.

2. Each development shall be provided with at least two (2) means of access one of which may be an approved emergency access roadway. Non emergency access must be provided from a County or State Road.

3. Sidewalks shall be provided in suitable locations including entrances and exists to the development or wherever normal pedestrian traffic will occur.

Section 28-55AA. OPEN SPACE ORGANIZATION:

1. It is the intent of the zone plan that all TH/ACHS II development shall be designated and maintained as private developments. Subject to the provisions of N.J.S.A. 40:67-23.2 the Developer shall comply with the provisions of Chapter 17, **Section 17-187, COMMON OPEN SPACE** and **Section 17-188, COMMON OPEN SPACE ON-TRACT AND OFF-TRACT IMPROVEMENTS AND UTILITIES**. Maintenance of all internal roadways, sidewalks, curbs, drainage, landscaping, sewer lines, lighting and other common space services, such as snow and ice removal shall be proved by the owner or condominium association so as to maintain adequate, convenient and safe use of the project.

Section 28-56AA. BUILDING STANDARDS:

1. The minimum width of any dwelling unit shall be eighteen (18') feet.

2. The maximum size of any dwelling building containing townhouses, flats or a combination thereof shall be eight (8) dwelling units per floor. When a dwelling unit occupies more than one (1) floor, the part of each floor shall be counted as a separate dwelling unit for the purposes of computing the number of dwelling units per floor.

3. Each building shall contain an enclosed, lockable storage space for each unit, exclusive of closets. Such storage space shall be at least sixty (60') square feet in area and six (6') feet in height and shall be provided within a) the unit, b) subject to the requirements of Section 28-53AA.5 above, the garage serving the unit, or c) a common area such as a basement or cellar but having direct access to the exterior or a common interior hallway without the need to travel through a dwelling unit's interior living space.

4. Built-in air conditioning units shall not project more than two (2") inches from the outside face of wall.

5. Each town house shall have at least two (2) exterior exposures, each of which shall be provided with windows, doors or a combination thereof, so as to provide cross or through ventilation for such unit. Each flat shall have at least one exterior exposure.

6. The following special considerations shall be observed for units in addition to the requirements of any underlying building codes applicable thereto.

   A. The size and arrangement of bathrooms and fixtures therein shall be adequate for the convenient use of the occupant. The floor finish shall be impervious to water, have non-slip characteristics and slope toward the center away from the door. The threshold of the bathroom shall be flush with the floor. All plumbing fixtures, accessories and trim shall be selected for and provide the maximum safety, convenience and aid for the occupants. Grab bars shall be provided beside toilets and in bathtubs and/or shower stalls. Shower stalls will include a built-in seat or a bench or sufficient space for a bath stool.

   B. Emergency buzzers which also unlock the front door should be installed in the bathroom and next to the bed.

C. Handicap ramps shall be provided at the entrances of all set-aside units for access.

7. No structure or equipment of any kind shall be attached to the finished exterior surface of the roof, walls or other portions of any building containing townhouses and/or flats other than a) residential-style lighting fixtures, b) gutters, c) downspouts, d) shutters, e) structures, fixtures or equipment required for compliance with the Uniform Construction Code, and/or f) a maximum of one (1) satellite dish antenna per unit, not exceeding 1 meter in diameter, and located wholly within the perimeter of a deck, balcony or patio attached to and intended for the exclusive use of residents of the unit served by the dish antenna. Such deck, balcony or patio must be surrounded by a railing not exceeding 36 inches in height, or the minimum height required by the Uniform Construction Code, whichever is greater. No portion of the dish antenna may extend above the top of the surrounding railing, unless the unit owner shall establish that, in the particular case of the unit in question, this requirement will unreasonably impair signal reception. Any satellite dish antenna permitted pursuant to this Subsection 7, and all of its appurtenances, must be painted to match, or blend with, the predominant color of the background surrounding the antenna, as determined by the reviewing authority issuing approvals for installation of the antenna.

Section 28-57AA. LANSCAPING, BUFFER AREAS AND LIGHTING:

1. The Developer shall furnish along with the plans and specifications required under Chapter 17 (**DEVELOPMENT REVIEW ORDINANCE**) of the Code of the Borough of Lincoln Park, landscaping plans drawn by a licensed professional which shall include plans for lighting the grounds, roads, drives, walks, parking areas and building entrances of the development. Plans shall show separately, the existing contours, drainage areas, streams, wooded areas, and any other natural features of the land before development.

2. Down Lighting shall be provided around all buildings. All walkways, parking areas and outdoor activity areas to be used after dark shall be lighted. Adequate shielding shall be provided so that direct or reflected glare from any on-site source shall measure no more than 0.1 foot candle at any property line.

3. All development shall be provided with liberal and functional landscaping schemes. Roads and pedestrian walks shall be provided with shade trees which are a minimum size and character in accordance with the reasonable recommendations of the Municipal Agency, and **ARTICLE VII**, **Section 17-112**, of the (**DEVEOPMENT REVIEW ORDINANCE**).

4. Open space adjacent to buildings, malls between buildings intended for utilization by residents and border strips along the sides of pedestrian walks shall be graded and seeded to provide a thick stand of grass or be planted with trees and shrubs or any combination thereof. Areas not used for buildings, terraces, drives and parking spaces shall be seeded and landscaped and shall be maintained in a proper condition.

5. Screening or buffers consisting of plantings and fences shall be required around outdoor utility structures, and other similar areas, and around all parking areas to shield such areas and any associated lighting, to the extent practicable, from view by occupants and adjoining properties. Such screening or buffers shall consist of either a) a solid evergreen hedge at least four (4') feet tall at time of planting, or b) earth berms and smaller plantings, such plantings being not less than three (3') feet tall at planting, totaling at least four (4') feet in combined height. Screening and buffer plantings shall also be required along all perimeter property lines, where existing vegetation does not provide an effective buffer or screen. Such plantings shall consist of a double staggered row of evergreen plantings, which form a continuous horizontal visual barrier. Such plantings shall be at least eight (8') feet tall at the time of planting. The spacing of the plantings – center-to-center and offset of the staggered rows – shall be designed to achieve a continuous visual horizontal barrier at the time of planting. The use of earthen berms, with shorter plantings on top, to achieve the stipulated eight (8') feet height at the time of planting, shall only be considered for approval by the Municipal Agency when it is

determined that the installation of such earthen berms will not adversely impact surrounding areas.

6. There shall be a buffer at least 50 feet in width along all perimeter lot lines, except as otherwise permitted by **Section 28-52AA.7** above. All such buffers, if wooded, shall remain in their natural state and shall be supplemented with additional plantings when necessary for effective screening. Otherwise, such buffer (when not wooded) shall be planted with a landscaped visual screen at least eight (8') feet in height at planting.

Section 28-58AA. OUTDOOR RECREATION:

1. The Developer shall provide an outdoor walking trail for use of residents within each development created under TH/ACHS II Overlay Zoning. The location and design of the walking trail shall be reviewed and approved by the Municipal Agency during site plan review. Walking trails shall be designed, to the extent feasible, in a looped configuration without dead ends, and with at least 400 meters of trail length. The Developer may, in addition, provide other appropriate active and/or passive outdoor recreation areas and facilities. Handicap ramps shall be provided for access to all such areas and facilities as needed. All active recreation areas (except non-paved, pervious walking trails) shall comply with perimeter property line setback and buffer requirements.

Section 28-59AA. UTILITIES AND GARBAGE DISPOSAL:

1. Garbage collection shall be accomplished by either individual unit pick-up or through the use of common dumpsters. Unit storage of garbage and recyclables shall be in an enclosed garage. If dumpsters are used, they likewise shall be stored/contained within an enclosed structure having access that is adequate and convenient for the placement and removal of dumpsters by refuse vehicles, without special procedures or accommodations. Further, such enclosed structures shall have adequate storage space for all recyclable materials and shall be readily accessible to the trash/recyclable removal vehicles.

2. Every dwelling unit shall be provided with public water and public sanitary sewer which shall be installed by and at the expense of the Developer.

3. All utilities shall be installed underground.

4. Street lighting on public and private streets shall be in accordance with the specifications in the Borough Ordinance.

5. Adequate lighting shall be provided along pedestrian walkways, within parking areas, and at dwelling entrances and access routes.

6. Cable television service shall be extended to all dwelling units developed pursuant to TH/ACHS II Overlay Zoning. No exterior satellite dish antenna or other antenna of any sort shall be permitted within any lot or property developed under TH/ACHS II Overlay Zoning except in conformance with **Section 28-56AA.7** above.

ARTICLE VI-B

GA-S GARDEN APARTMENT SET-ASIDE OVERLAY ZONE

Section 28-50B. PURPOSE:

The primary purpose of the GA-S, GARDEN APARTMENT SET-ASIDE OVERLAY ZONE, is to provide for and encourage the construction of housing affordable to low and moderate income households by offering a Developer alternative uses and development standards in exchange for an agreement to set-aside at least twenty (20%) percent of units built for low and moderate income households.

Section 28-51B. PERMITTED USES:

Within the **GA-S OVERLAY ZONE**, in addition to the uses otherwise permitted in the underlying zones, the following uses are permitted, provided that at least twenty (20%) percent of the dwelling units shall be set-aside for rent by low and moderate income households in accordance with **ARTICLE VI-D, AFFORDABILITY STANDARDS**.

1. An apartment building or a group of apartment buildings conforming to the definitions of garden apartments as set forth in **Section 28-2**.

2. Common open space.

3. Accessory uses customarily incidental to the above uses.

4. The following signs shall be permitted as accessory uses:

   a. Signs located at the entrance of a Garden Apartment Development. The total surface area of any such sign shall not exceed thirty-two (32') feet in surface area. No more than one (1) sign shall be permitted per entrance.

   b. Directional signs for the convenience of the residents to identify parking areas, rental offices, recreation areas, entrances and exits, which signs shall not exceed two (2') square feet in surface area.

   c. The design, location and landscaping of signs shall be in accordance with the specifications and conditions determined by **ARTICLE XIII (SIGNS)** of this Chapter.

5. Suspension of Zoning.

   Following the construction of twenty (20) garden apartment unit set-asides for low and moderate-income households, the **GA-S OVERLAY ZONE** together with the regulation in **Section 28-60** shall cease to be in effect.

Section 28-52B. DENSITY:

The density of the development shall not exceed fifteen (15) dwelling units per acre of site including any new on-site streets, public or private.

Section 28-53B. PARKING:

1. There shall be off-street parking facilities in accordance with the following schedule as a minimum requirement:

   Each 1 bedroom or studio unit – 1 ½ spaces

   Each 2 bedroom unit – 1 ¾ spaces

   Each 3 bedroom unit – 2 spaces

2. Each off-street parking space shall measure at least nine (9') feet nineteen (19') feet.

3. No parking shall be permitted on any road within a GA-S development. Off-street parking spaces may be uncovered or in a garage or carport. Unless located in a garage at the basement or cellar level of a garden apartment building, all parking areas shall be at least twenty (20') feet from any front or rear wall of any building containing a dwelling unit, and at least ten (10') feet from any side or end wall of any building containing a dwelling unit. There shall be no parking in the front yard set back of the lot. Parking areas shall be paved and curbed and provided with adequate storm water drainage. The parking plan must be approved by the Municipal Agency. Each dwelling unit shall be assigned one parking space, either in a garage or in a parking area.

4. Garages shall not be allowed as separate structures, but may be built under the apartment structure as hereinafter provided:

   a. Size: Each garage space shall be at least ten (10') feet wide and twenty-two (22') feet in depth.

   b. Vehicular access to garages shall be from the side or rear of the building.

   c. The entrance to garages shall not be on any main access street or public street.

Section 28-54B. BUILDING COVERAGE AND IMPERVIOUS SURFACE:

The maximum coverage of the site by all buildings shall be thirty (30%) percent of the site area exclusive of existing public streets. The maximum impervious surface shall be sixty five (65%) percent of the site area exclusive public streets.

Section 28-55B. BUILDING REQUIREMENTS:

1. The general architectural plan of the building must be approved by the Municipal Agency. The maximum number of units per floor shall be eight (8) units, except that the Municipal Agency shall have the power to increase the number of units per floor in accordance with **ARTICLE VI-D AFFORDABILITY CONTROL**.

2. Each building shall contain an enclosed, lockable storage space for each unit, exclusive of closets. Such storage space shall be at least sixty (60') square feet in area and at least six (6') feet in height and shall be provided within the unit or in a common area such as a basement or cellar.

3. Each principal building shall provide, in an enclosed area, laundry facilities for the exclusive use of the occupants of the building.

4. Cellars shall be permitted, but the use of any cellar must be specified in detail in the site plan. No dwelling units shall be permitted in cellars.

5. Built-in air conditioning units shall not project more than two (2") inches from the outside face of the wall.

6. The minimum floor area for any unit shall be:

1 bedroom	550 square feet
2 bedroom	660 square feet
3 bedroom	800 square feet

   or in conformity with the standards set forth in the **Department of Housing and Urban Development, Minimum Property Standards For Multi-Family Housing, 401.3.1** to **3.6(1979)**, whichever is less. No garages, cellar or storage area shall be counted towards meeting the minimum floor area requirement for dwelling units. At least twenty (20%) percent of the low and moderate income units shall be three (3) bedroom or efficiency units.

7. The front or rear set-back of any garden apartment building as measured from the curb of any private street, drive or parking area, shall be not less than twenty (20') feet. The side set-back of any garden apartment building as measured from the curb of any private street, drive or parking area shall be not less than ten (10') feet.

8. The distance between walls of adjacent buildings shall be not less than twenty (20') feet for side or end walls and not less than thirty (30') feet for front or rear walls.

9. Other building requirements shall be as set forth in **Section 28-21, SCHEDULE OF REQUIREMENTS, RESIDENTIAL ZONES**.

28-56B. STREETS AND SIDEWALKS:

1. Any new public street, private interior road or driveway shall be constructed so as to intersect any existing or proposed public street at least one hundred (100') feet from any existing or proposed intersection. If in the opinion of the Municipal Agency, a proposed intersection located one hundred (100') feet from another intersection would create a special hazard because of road alignment, topographic conditions, or existing or projected traffic conditions or other conditions, the Agency may require such proposed intersection to be located up to two hundred (200') feet from such other intersection.

2. All roads and other access ways within a Garden Apartment development shall be private roads constructed by the Developer. All construction and maintenance shall be completed in accordance with specifications set by the Department of Public Works of the Borough. All interior roads and access ways shall be kept open for access by all emergency vehicles and the Department of Public –Works. Maintenance, clearing of snow removal of all such roads shall be carried out by the owner of the development according to the satisfaction of the Borough. Any failure on the part of the owner to comply shall result in the work being done by the Borough at the expense of the owner and, to the extent permitted by law, such expense shall become a lien against said property.

3. All private interior roads shall have a right-of-way width of forty (40') feet and a curbed pavement width of thirty (30') feet for two-way streets and a right-of-way width of thirty-five (35') feet and a curbed pavement width of twenty-five (25') feet for one-way streets.

4. Sidewalks along public streets shall be constructed in accordance with municipal standards, except that the Municipal Agency shall have the power to decrease the number and width of such sidewalks if it deems if necessary in accordance with **ARTICLE VI-D, AFFORDABILITY CONTROLS**.

5. Sidewalks of at least four (4') feet in width shall be provided to connect every entrance to each building with a public street or interior road, to connect each residential building to the parking areas serving such building, to provide access to each service entrance and wherever else required by the Municipal Agency at the time of site plan approval.

6. Sidewalks of at least four (4') feet in width shall be provided on at least one side of all private roads.

7. No sidewalks, with the exception of those leading to and from building entrances and exits, shall be placed closer to a building than ten (10') feet.

8. Sidewalks not on public streets shall be of concrete, constructed in accordance with the Borough's specification Ordinance except that the Municipal Agency shall have the power to modify these standards if it deems it necessary in accordance with **ARTICLE VI-D, AFFORDABILITY CONTROLS**.

Section 28-57B. UTILITIES AND SERVICES:

1. Every dwelling unit shall be provided with public water and public sanitary sewer, which shall be installed and at the expense of the Developer. The design and installation of the sewer system shall be subject to the written approval of the Borough Engineer.

2. All utilities shall be installed underground.

3. Street lighting on public and private streets shall be in accordance with specifications in the Borough Ordinances. Additional lighting shall be provided as necessary, to minimize hazards to pedestrians and motor vehicles in parking areas, near dwelling entrances and along sidewalks.

4. If refuse pick-up areas are provided, they shall be located for the occupant's convenience. All such areas shall be screened with evergreens on three (3) sides and

planted to the height of at least four (4') feet, or with a solid wood or decorative masonry screen high enough to shelf the containers in the pick-up areas.

5. Television antenna equipment shall be built into the building or provided by means of a common antenna, provided that such tower receives all required municipal approvals.

Section 28-58B. LANDSCAPING AND SCREENING:

1. All developments shall be provided with liberal and functional landscaping schemes. Roads and pedestrian walks shall be provided with shade trees; which are at least a minimum size and character in accordance with the recommendations of the Shade Tree Committee of the Borough.

2. Open space adjacent to buildings, malls between buildings intended for utilization by residents and border strips along the sides of pedestrian walks shall be graded and seeded to provide a thick stand of grass or planted with trees and shrubs or any combination thereof. Areas not used for buildings, recreation equipment, drives, parking spaces or sidewalks shall be seeded or landscaped, and maintained in a proper condition. Unless all of the dwelling units are to be rented, these areas shall be placed in a common space organization plan, pursuant to **ARTICLE XIV** of **Chapter 17 (DRO)**.

3. Where necessary to shield occupants and adjoining properties from unsightly, disturbing or light glaring areas, screening or buffers consisting of a solid evergreen hedge at least five (5') feet tall at planting or earth berm and smaller plantings totaling five (5') feet in height shall be installed. The Municipal Agency may permit a solid wood fence or decorative masonry wall in lieu of an evergreen hedge where conditions warrant.

4. The Developer shall furnish, together with the plans and specifications required under **Chapter 17 (DRO)** of the Code of the Borough of Lincoln Park, landscaping plans drawn by a licensed professional indicating landscaping intended for the development as well as plans for lighting the grounds, roads, drives, walks, parking areas and building entrances. Additional plans shall show contours, drainage areas, streams, wooded areas and any other natural features of the land in a natural state before development proposals.

5. There shall be a buffer strip of at least twenty (20') feet in width on all lot lines adjoining zone district lines and on all lot lines adjoining existing improved residential property. No buffer shall be required where such lot line borders a public street. All such buffer strips. If wooded, shall remain in their natural state or otherwise shall be planted with an evergreen screen at least six (6') feet in height.

6. Notwithstanding the provisions of the first paragraph of this Section, if a development covers two (2) or more set-aside housing types, the twenty (20%) percent set-aside requirement for low and moderate income households may be furnished all in one housing type or distributed among the housing types in proportion other than twenty (20%) percent of the total units are set-aside units.

Section 28-59B. MISCELLANEOUS PROVISIONS:

1. Recreational equipment, if any, shall not be located in the front yard.

2. All living rooms and bedrooms shall have at least standard size windows to provide adequate light and ventilation.

ARTICLE VI-C

ACH, ADULT COMMUNITY HOUSING

SUBSIDIZED AND NON-SUBSIDIZED OVERLAY ZONE

Section 28-50C. PERMITTED USES:

Within the **ACH OVERLAY ZONE**, no premises, lot, building or structure shall be used and no building or structure shall be erected or altered to be used in whole or in part for any other than the following purposes:

1. All underlying zone uses. Bulk regulations for the underlying zones apply except when the land is developed in accordance with the provisions of the **ACH ZONE.**

2. Subsidized low and moderate income senior citizen housing developed by non-profit or limited profit qualified sponsors financed and otherwise subsidized by the U.S. Department of Housing and Urban Development and/or the NJ Housing Finance Agency, subject, nevertheless, to the further provisions of this Ordinance.

3. Non-subsidized fair market development in accordance with standards applicable to the **TH-S ZONE, ARTICLE VI**, except that:

   a. Occupancy shall be limited to persons 52 years and older having no resident child less than 19 years of age;

   b. Density shall not exceed ten (10) dwelling units per acre;

   c. All special conditions in Section 28-53C 2 and Section 28-55C 1,2,6 and 7 applicable to Subsidized Senior Citizen development shall be applied to Fair Market Adult Community Housing

   d. 1.5 off-street parking spaces shall be required for each dwelling unit;

   e. The Developer shall set aside twenty (20%) percent of the total units for low and moderate income Senior Citizen households in accordance with **ARTICLE VI-D, AFFORDABILITY CONTROL STANDARDS**.

Notwithstanding the provisions of the first paragraph of this Section, if a development covers two (2) or more set-aside housing types, the twenty (20%) percent set-aside requirements for low and moderate income households may be furnished all in one housing type or distributed among the housing types in proportion other than twenty (20%) percent, provided that twenty (20%) percent of the total units are set-aside units.

Section 28-51C. GENERAL REQUIREMENTS FOR SUBSIDIZED ACH DEVELOPMENT:

1. The residents of a **SUBSIDIZED ACH DEVELOPMENT** established pursuant to this Section, shall be limited to qualifying low and moderate income elderly and handicapped persons as defined and otherwise in accordance with the standards and requirements established by the US Department of Housing and Urban Development and/or the NJ Housing Finance Agency, provided that handicap unit allocation shall not exceed such requirements and further provided that an adult at least eighteen (18) years of age may reside in a dwelling unit with a qualified resident if the presence of such person is essential for the physical well being of the qualified resident.

2. Residency Priority (Federal or State Funded Projects). Subject to requirements and standards established by the funding agency, preference shall be given in the following order:

FIRST PRIORITY:	Lincoln Park Senior Citizens
SECOND PRIORITY:	Senior Citizens who are parents of Lincoln Park Residents
THIRD PRIORITY:	Senior Citizens who have resided within Lincoln Park within the last three (3) years
FOURTH PRIORITY:	Senior Citizens residing within Morris County

FIFTH PRIORITY:	Senior Citizens residing in contiguous counties to Morris County
SIXTH PRIORITY:	Other Senior Citizens

3. Lot area and density:

   a. The minimum lot size shall be five (5) acres.

   b. No subsidized housing project shall be more than one hundred and fifty (150) units.

   c. No project shall exceed a density of fifteen (15) units per gross acre.

   d. Dimensional requirements shall be subject to waiver by the Planning Board when funding agency standards differ from the appropriate Section of the Ordinance.

   e. Off-street parking spaces shall be provided at a rate of one (1) per two (2) dwelling units, plus guest parking as permitted by the funding agency.

   f. Where funding agency standards are made part of any application the Municipal Agency shall have the right to reject those standards where it is deemed detrimental to the zone plan.

4. Building coverage:

   The total ground area of all buildings, including accessory buildings, shall not exceed eighteen (18%) percent of the lot area. Maximum impervious surface shall not exceed fifty (50%) percent of the lot area.

5. In all subsidized **ACH** developments, the architectural design for all buildings and recreation facilities must be consistent with the ultimate purpose of achieving independent, self-reliant and pleasant living arrangements for senior citizens and should take into account the desires and needs of older persons for privacy, participation in social and community activities and access to community activity areas. At the same time, provisions should be made to accommodate the limitations that sometimes accompany advancing years so that independent living can be sustained.

Section 28-52C. DIMENSIONAL REQUIREMENTS:

1. All developments shall have a minimum frontage of two hundred (200') feet upon an accepted public street, improved to the standards of the street specifications of the Borough.

2. No building or structure shall be located closer than fifty (50') feet to any boundary line of the development. No off-street parking area shall be located within the front yard set back, nor closer than twenty-five (25') feet to any property line.

3. Distance between buildings. There shall be a minimum distance between adjacent buildings equal to or greater than the height of the taller building.

4. Height Requirements. The maximum height of any building or structure shall be as required by the funding agency.

5. The minimum living floor area for each dwelling unit shall be as required by the funding agency for subsidized developments.

6. An overall theme of architectural design shall be utilized within the development for the purpose of presenting an aesthetically desirable effect and shall be such that they

provide varied building elevations, design and structural appearance within the context of the overall theme.

Section 28-53C. PARKING AND CIRCULATION:

1. Two (2) means of safe traffic ingress and egress shall be provided into the tract.

2. Each residential unit, sidewalk, driveway and common area shall be designated to provide adequate, convenient and safe use of all facilities by older persons. The grades of sidewalks, driveways and roads shall not exceed six (6%) percent. Minor exceptions may be made to the grade requirements by the Municipal Agency in exceptional circumstances.

3. All internal roadways and off-street parking areas shall be paved bounded by permanent curbing and, as required, sidewalks. All of which shall be constructed in accordance with Borough specifications.

4. Internal roadways and parking areas shall be located at least twenty-five (25') feet from a building, except where a driveway leads to a garage; at least twenty five (25') feet from a property line and from a public street.

5. The Borough may require all streets or drives within the complex to be retained by the owner for maintenance and repairs.

6. Internal roadways shall be at least forty (40') feet of right-of-way with thirty (30') feet of pavement width for two-way traffic and thirty (30') feet of right-of-way with twenty (20') feet of pavement width for one-way traffic and shall not enter a public street within one hundred (100') feet of an intersection. Guest parking on internal roadways shall be designated and limited.

7. The arrangement and location of internal roadways, garages and parking areas shall be subject to the approval of the Municipal Agency and shall be designated to insure safe and adequate circulation for residents and their guests, and for emergency vehicles.

8. Pedestrian sidewalks shall also be provided in suitable locations including entrances and exits wherever normal pedestrian traffic will occur and in order to handle the pedestrian traffic will occur and in order to handle the pedestrian traffic which the development will create. Special consideration shall be given to provide pedestrian access to the central business district.

9. It is the intent of the zone plan that all multi-family **ACH** developments shall be designated and maintained as private developments. Maintenance of all internal roadways, sidewalks, curbs, drainage, landscaping, sewer lines, garbage collection, lighting and other common space services such as snow and ice removal for all internal streets and sidewalks, shall be provided by the owner so as to maintain adequate, convenient and safe use.

10. The Municipal Agency may waive any of the above provisions and request the municipality to accept improvements as public.

Section 28-54C. LANDSCAPING AND SCREENING:

1. The Developer shall furnish along with the plans and specifications required under **Chapter 17 (DRO)** of the Code of the Borough of Lincoln Park, landscaping plans drawn by a licensed landscape architect which shall include plans for lighting the grounds, roads, drives, walks, parking areas and building entrances of the development. Plans shall show separately, contours, drainage areas, streams, wooded areas, and any other natural features of the land in a natural state before development proposals.

2. Down lighting shall be provided around all buildings. All walkways, parking areas, and outdoor activity areas to be used after dusk shall be lighted. Adequate shielding shall be

provided so that direct or reflected glare from any on-site source shall measure no more than one-half (½ ') candle at any property line where adjacent property is residentially zoned.

3. Any development shall be provided with liberal and functional landscaping schemes. Roads and pedestrian walks shall be provided with shade trees which are a minimum size and character in accordance with the reasonable recommendations of the Shade Tree Committee of the Borough of Lincoln Park, and **ARTICLE VII**, **Section 17-112** of the **DEVELOPMENT REVIEW ORDINANCE**. The owner shall be required to maintain all plantings so that they do not obstruct walks or parking areas and, where adjacent to buildings, so that they do not grow higher than any windowsill so as to obstruct the window.

4. Open Space adjacent to buildings, malls between buildings intended for utilization by residents and border strips along the sides of pedestrian walks shall be graded and seeded to provide a thick stand of grass or planted with trees and shrubs or any combination thereof. Areas not used for buildings, terraces, drives and parking spaces shall be seeded and landscaped and shall be maintained in a proper conditions.

5. Screening or buffers consisting of plantings, strips and fences shall be required around outdoor utilities and around any other similar areas, along property lines of adjacent properties and around all parking areas in order to shield occupants and adjoining properties from such unsightly disturbing or light glaring areas. Such screening or buffers shall be installed by the owner and shall consist of a solid evergreen hedge at least five (5') feet tall at planting or earth berms and smaller plantings totaling five (5') feet in height.

6. There shall be a buffer strip of at least twenty-five (25') feet in width on all lot lines adjoining zone district lines and on all lot lines adjoining existing improved residential property. No buffer shall be required where such lot line borders a public street. All such buffer strips, if wooded, shall remain in their natural state or otherwise planted with a landscaped visual screen at least six (6') feet in height.

Section 28-55C. SPECIAL CONSIDERATION FOR ACH DEVELOPMENTS:

1. The size and arrangement of bathrooms and fixtures therein shall be adequate for the convenient use of the older person. The floor finish shall be impervious to water, have non-slip characteristics and slope toward the center away from the door. The threshold of the bathroom shall be flush with the floor. All plumbing fixtures, accessories and trim shall be selected for and provide the maximum contribution to the safety, convenience and aid of older persons. Grab bars shall be provided beside toilets and in bathtubs and/or shower stalls. Shower stalls will include a built-in seat or bench or sufficient space for a bath stool.

2. Emergency buzzers; which also unlock the front door, should be installed in the bathroom and next to the bed.

3. Community/recreation facilities and lounge areas shall be provided as required by the funding agency.

4. **ACH** developments shall be provided with adequate public areas, such as mailroom, laundry room, lobby, lounge and/or recreation area as required by the funding agency for the use of the residents.

5. A lockable storage space of at least thirty-two (32') square feet and not less than six (6') feet high shall be provided, for each dwelling unit. Storage shall be located in the basement or in other areas of the buildings unless such a storage area is provided within the dwelling unit, in addition to the normal complement of closets.

6. Ramps shall be provided for access to all outdoor recreation areas within the development, as needed.

7. Ramps shall be provided at the entrances of at least twenty-five (25%) percent of all apartments in the development.

Section 28-56C. OPEN SPACE ORGANIZATION:

Where applicable, an Open Space Organization shall be provided pursuant to **ARTICLE XIV** of the **DRO**.

Section 28-57C. Through 58C RESERVED

[11]Section 28-59C. VIOLATIONS AND PENALTIES:

Any person, firm, corporation, partnership, association or other entity, violating or attempting to violate, any provisions of this Article, or any rule, regulation or order promulgated thereunder, shall be subject to a fine of up to one-thousand ($1,000.00) dollars or ninety (90) days imprisonment (or ninety (90) days community service) or both in the discretion of the court. The violation or attempted violation of this Article or any Rule, Regulation or Order promulgated thereunder, shall constitute a separate offense for each day that it continues.

ARTICLE VI-D

AFFORDABILITY CONTROL

Section 28-50D. PURPOSE:

The purpose of this SUB-ARTICLE is to insure that low and moderate income housing units constructed pursuant to set-aside regulations in the Zoning Ordinance remain a low and moderate income housing resource, and to provide affordability control procedures and implementing mechanisms.

Section 28-50D.1. PROHIBITION:

The Borough shall not zone, rezone, grant variances or grant any preliminary or final site plan approval for townhouses or garden apartments, at gross densities higher than four (4) units/acre unless the development is subject to a mandatory set-aside for units affordable to low and moderate income households as defined in this Ordinance.

Section 28-51D. DEFINITIONS:

AFFORDABLE (A) means that ownership expenses for principal, interest, taxes and insurance, and condominium fees, if any, excluding, however, maintenance, heating and utility costs, shall not exceed (without the express written consent of the New Jersey Office of Public Interest Advocacy) twenty-five (25%) percent of the upper income limit for low or moderate income households, as the case may be. In determining ownership expenses in terms of qualifying household size –

1 bedroom	2 person household
2 bedroom	3 person household
3 bedroom	5 person household

(B) means that rental expenses for monthly contract rent, excluding utility charges, if any, shall not exceed twenty-five (25%) percent of the upper income limit for low or moderate income households, as the case may be.

ASSOCIATION means an organization for the private ownership and maintenance of any open space, community building's amenities and improvements, including utilities, for the benefit of owners or

[11] Amended by Ordinance 981 Adopted 4/9/90 Effective 4/29/90

residents of the development, whether or not such organization shall be controlled by the Developer or home owners.

ECONOMICAL ANALYSIS MODEL is a financial analysis of housing cost components and development costs, modeling the effect of set-asides and other inclusionary zoning devices, upon the delivery of affordable (low-moderate income) housing; (1) in developments where mandatory set-aside regulations apply; or (2) where a Developer seeks a density bonus or other inclusionary relief; or (3) where a developer seeks a density bonus or other inclusionary relief by means of a zoning variance.

FLAT means a one (1) story apartment unit in a building; which may or may not contain two (2) story apartment units.

INTEREST RATE for the purpose of calculating affordability, shall means the average of the National Mortgage Contract Rate blend of fixed and adjusted mortgages and the Federal Home Loan Bank published averages, not to currently exceed a twelve point five (12.5%) percent mortgage interest rate, but subject to subsequent annual adjustment by the Fair Housing Committee, based upon a survey of prevailing mortgage interest rates.

LOW INCOME HOUSEHOLDS are those whose income falls below fifty (50%) percent of the area's median household income, adjusted for household size, as established periodically by **H.U.D**.

MANDATORY SET-ASIDE is an inclusionary zoning device providing internally subsidized dwelling units for low and moderate income households for rent or sale, as part of a development proposal.

MODERATE INCOME HOUSEHOLDS are those whose income falls between fifty (50%) and eighty (80%) percent of the area's median household income, adjusted for household size, as established periodically by **H.U.D.**

SALE PRICE means a stabilized sale price for low-moderate income units, fixed as a condition of final development approval and thereafter adjusted with the written approval of the Fair Housing Committee, based on changes in the Consumer Price Index, subsequent to the date of final approval.

[12]Section 28-52D. FAIR HOUSING COMMITTEE; FAIR HOUSING ADVISORY COMMITTEE:

A. A Fair Housing Committee (FHC) is hereby established consisting of a Director, to be appointed by the Mayor, with the Advice and Consent of the Council, to serve for the term of the Mayor and until a successor is appointed.

B. The FHC shall be charged with the following responsibilities:

1. Assist the Developer, owner or Tenant Association, in establishing procedures and standards in accordance with this Ordinance, for implementing the Affordability Control mechanism.

2. Monitor Affordability Control compliance by Developers, owner or Tenant Associations, fee owners and other parties in interest, including compliance with deed restrictions and disposition covenants.

3. In conjunction with the first and subsequent occupancy of all set-aside sale and rental units, review and amend the approved price stabilization plan, review implementation of Affordability Control Standards and Procedures, and in its sole discretion, make binding recommendations for changes in procedures or exercise the right to disapprove occupancy for any or all set-aside sale or rental units in instances where eligibility is in question.

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[12] Amended by Ordinance 1,257, Adopted 3/19/01. Approval Received from COAH on 4/24/01, Effective 4/24/01

4. Thereafter, review and approve annual set-aside occupancy reports prepared and filed by the Developer. Association or any party in interest, as may be required by its practices and procedures, or as contained in its Rules and Regulations.

5. Promulgate Rules and Regulations subject to approval by the Governing Body and implementation in Ordinance form.

6. File periodic reports with the Mayor and Council concerning the discharge of its responsibilities and immediate report non-compliance with Affordability Control Standards and Procedures for such action as the County may deem appropriate.

7. Monitor all governmental subsidy programs and make recommendations to the Governing Body and Planning Board in connection therewith.

C. A Fair Housing Advisory Committee (FHAC) is hereby established consisting of four (4) members, including two (2) citizens of the Borough, to be appointed by the Mayor, without the Advice and Consent of the Council, to serve for the term of the Mayor, and until a successor is appointed, the Director of the FHC, and a member of the Council (Liaison).

The FHAC shall be charged with the following responsibilities:

1. Assisting and advising the Director of FHC, the Mayor and the Council on all matters within the jurisdiction of the FHC, including but not limited to, the Affordability Control Ordinance, the Housing Element, Affordable Housing and Rental Plans, COAH regulations, and FHC Rules and Regulations.

2. Assisting and advising the Director of the FHC with any periodic reports to the Mayor and Council.

Section 28-53D. AFFORDABILITY CONTROL STANDARDS:

Deed restrictions or disposition covenants in recordable form, satisfactory to the Borough Attorney, shall restrict fee or leasehold disposition of all set-aside units for a term of thirty (30) years. Restrictions or covenants shall provide that sale price or rent may not exceed original price or rent as inflated by seventy-five (75%) percent of the CPI plus documented capital improvements unless the owner or landlord can demonstrate to a Court of Law that such limitations are confiscatory with respect to the income stream for the entire project.

Section 28-54D. ECONOMIC ANALYSIS:

Each development application in any zoning district having low and moderate income set-aside units shall provide an economic analysis of the effect of the effect of the proposed number of set-aside units upon economic feasibility of the development. The economic analysis shall provide the information required and otherwise be generally in accordance with the sample project development models hereto annexed as **Schedule A**.

Section 28-55D. APPLICATION PROCEDURES:

A. **Fair Market Program:** The Fair Housing Committee shall establish procedures in connection with initial sales or rentals of all set-aside units and the Developer shall be required to submit to the Fair Housing Committee, for its approval, an approved affirmative fair market program in accordance with such established procedures.

1. Advertising:

a. The affirmative fair marketing program for new sales paid by the owner/Developer shall contain minimum advertising requirements as set forth in this Section. Such advertising shall be placed in the real estate

section of one weekly and one daily newspaper to be selected from the following list of area newspapers:

Area Daily Newspapers:

The Record (Wayne/Hackensack)
The Daily Record (Parsippany/Morristown)
The Herald News (Passaic/Clifton)
The Star Ledger (Newark)

Area Bi-weekly and Weekly Newspapers:

The Suburban Trends (Butler)
The Today Newspaper, Lakeland Today (Butler)

b. The minimum schedule for all affirmative fair marketing advertising shall include two (2) display ads of not less than ten (10) column inches each and two (2) classified ads of not less than five (5) column inches each. The minimum ad schedule for display and classified ads shall be divided equally between weekday and Sunday insertions and equally between weekly and daily publications. The schedule shall provide at least three (3) consecutive weeks where advertising shall appear in the area papers selected. Any advertising undertaken by the owner/Developer which exceeds the foregoing minimum requirements shall be inserted in the newspapers at the discretion of the owner/Developer.

1. The low and moderate unit purchase prices

2. Maximum income limits for low and moderate purchasers

3. Estimated minimum down payment required and calculated monthly payments based on the FHC formula and approved regional average mortgage rate with a clearly stated disclaimer regarding the obligation of the buyer to obtain their own financing.

4. Information regarding the proposed Association fees, estimated taxes based in the current year tax rate as well as all other pertinent economic data regarding the purchase of the unit.

5. Number of available units of each type and size and location or address of the development and the number, type and size of available units, development location and expended dates of occupancy.

6. Times for sales registration and the location of the sales office along with telephone number of the office of the Developer/owner so that applicants may obtain further information.

c. Rental Listing Advertising. The owner or management representative will place a classified advertisement of at least thirty (30) lines briefly describing the development; its location, the units available, the rental range for both low and moderate units, the maximum income ranges for occupancy of units, the method of obtaining an application to place applicant's name on the waiting list. Additional information shall include a telephone number for additional information. Classified ads shall clearly indicate that such advertisement is for the purpose of soliciting names of people for a waiting list. Advertisements shall be placed every four (4) months. Names placed on waiting lists shall be listed in the order that they are received for the type of unit for which the household is

qualified. These ads shall be placed in the Real Estate Classified section and shall alternate between one of the daily and weekly publications within a one (1) month period.

Advertising requirements for the rental list maybe waived by action of the **FHC** at a Public Meeting at any regularly scheduled meeting.

B. Forms. Application forms and procedures for initial or first occupancy shall be subject to the approval of the **FHC** for its review, not later than one hundred and twenty (120) days in advance of the estimated first occupancy date of any unit within a project. Applications shall provide information respecting the applicant's most recent Federal Income Tax return for the immediate past two (2) annual filing periods, and data as to family size and age, and a Certification as to income from any other source.

C. Review-Summary Report: The Developer shall review all applications for set-aside dwelling unit occupancy in accordance with the standards and procedures in this Ordinance. The Developer shall file with **FHC**, summary reports containing a compilation of data taken from application forms for all unit's occupants and pending and rejecting applicants, together with the reason for any rejection. Action on all applicants, together with the reason for any rejection. Action on all applications shall at all times, comply with applicable **Fair Housing Law and Practices**. The names and addresses of applicants shall not be divulged in summary reports, provided that the **FHC** may under appropriate safeguards so as to avoid public disclosure, require production of such information.

Notwithstanding the foregoing, the **FHC**, in its discretion, shall have the right to disapprove occupancy as provided in **paragraph C** of **Section 28-52D** above.

D. Certification: Each Developer shall certify, to the FHC, the eligibility of all applicants for sale and rental units not less than ten (10) days after execution of a sales contract or vender or lease application or agreement; however, not less than thirty (30) days prior to occupancy. The Certifications shall provide information respecting applicant's compliance with all applicable affordability control standards, including a statement that price or rent shall not exceed resale and rental control provisions as contained in Section 28-56D of this Ordinance. Certification shall be made in affidavit form, subject to penalty for perjury, and personally signed by the Developer, or in the case of a corporation, the principal stockholder, or in the case of a partnership, the general or principal partner. Association Certification shall be made by the President or Chairman of the Board of Trustees. Rental occupants shall be periodically re-certified provided that all Certifications shall lapse within the period of three (3) years.

E. Low-Moderate Ratio: In acting upon applications, the Fair Housing Committee shall maintain a one-to-one low-moderate income ratio within each development project and throughout the Borough, and in addition, one-half of all two (2) and three (3) bedroom units shall be low income units.

F. Phasing Schedule: The Developer shall submit a phasing schedule for the construction of the low and moderate income units. The phasing schedule shall provide that the number of low income units constructed in each phase shall be approximately equal to the number of moderate income units constructed in that phase. The Developer may construct the first twenty (20%) percent of the market units without receiving Certificates of Occupancy for any low or moderate income units. Not more than forty (40%) percent of the market units in the development shall receive Certificates of Occupancy until at least twenty (20%) percent of the low and moderate units shall have received Certificates of Occupancy. Not more than sixty (60%) percent of the market units in the development shall receive Certificates of Occupancy until at least forty-five (45%) percent of the low and moderate income units shall have received Certificates of Occupancy. Not more than eighty (80%) percent of the market units in the development shall receive Certificates of Occupancy until at least seventy (70%) percent of the low and moderate income units shall have received Certificates of Occupancy. The Developer may receive Certificates of Occupancy for ninety (90%) percent of the market units as soon as ninety (90%) percent or more of the low and moderate-income units have received Certificates of Occupancy. The Developer may receive Certificates of Occupancy for one hundred

(100%) percent of the market unit as soon as one hundred (100%) percent of the low and moderate-income units have received Certificates of Occupancy.

Section 28-56D. RESALE AND RENTAL CONTROLS:

A. Sales: The Developer shall submit a plan for resale or rental controls to ensure that the units remain affordable to low and moderate income households for at least thirty (30) years. Where a low and moderate income unit remains unsold for a period of six (6) months, the Developer shall be at liberty to rent such unit for a period not to exceed one (1) year and thereupon the resale limitations in this Article shall automatically re-apply. The purchase of a unit shall be entitled to re-sell the unit for:

a. The original sales price plus the original sales price multiplied by seventy-five (75%) of the percentage increase in the Consumer Price Index between the date of purchase and the date of re-sale; and

b. Reimbursement of documented monetary outlays for reasonable improvements; and

c. Any reasonable costs incurred in selling the unit.

The low income units upon re-sale may be sold only to low income persons, and the moderate income units may be sold to low or moderate income purchasers. If, however, no low income purchaser is found within six (6) months, the low income unit may be sold to a moderate income purchaser, or if none is available, to any interested purchaser. If no moderate income purchaser is found for a moderate income unit within six (6) months, the unit may be sold to any purchaser. Regardless of the income of the purchaser, the re-sale controls shall remain in effect for subsequent re-sales.

B. Rentals: Where units are offered as rental units they shall continue to be offered as rental units for fifteen (15) years. After fifteen (15) years they may be sold at prices affordable to moderate income households, subject to such re-sale price controls as may be necessary to ensure that the units continue to be affordable to moderate income households for the remainder of the thirty (30) year period commencing from the date of initial rental.

C. On-going Administration of Re-Sale, Re-Rental Developer's Formula: The Developer shall contribute a fee to the Borough of Lincoln Park to defray the administrative cost of regulation to insure that set-aside units remain affordable to low to moderate income households for a period of thirty (30) years. The Developer's contribution shall be determined by the following formula:

D. Appropriate of Funds from Developer/Borough Escrow: The Borough shall charge the Developer/Borough Escrow Account to defray the cost of re-sale and re-rental administration and rental re-certification in accordance with the following schedule:

Re-Sale Administration	$300/Set-Aside Unit
Re-Rental Administration	$300/Set-Aside Unit
Rental Re-Certification	$1,200 Per Annum

The foregoing money so charged shall be payable to the general Borough revenue.

RE-SALE

Total number of set-aside units in the development x 5 (estimated number of turnovers or re-sales per unit over a thirty (30) year period) x either $300.00 (turnover cost per transaction) or x 1% of the average initial base sale price of all set-aside units in the development, whichever is greater, such sum to be divided by thirty (30) (number of years) equals the annual sum required to administer the units (Annual Sum). The

Developer's contribution shall be in the amount which, when invested in an amortized fund at 8.5% per annum, shall yield the amount of the annual sum.

RE-SALE EXAMPLE

A development containing ten (10) set-aside units would make a Developer's contribution based upon the following:

10 (units) x 5 (Turnovers) x 300 (Cost/turnover = $500 (Annual Sum)
30 year period

$5,420.00 (Developers contribution) invested at 8.5% per annum in an amortized account yields $41.66 per month or $500.00 per annum.

Developer's contribution = $5,420.00

RENTAL

Total number of set-aside units in the development x 5 (estimated number of turnovers or re-rentals per unit over a thirty (30) year period) x $300.00, (turnover cost per transaction) divided by thirty (30) (number of years) equals the annual sum required to administer the units (Annual Sum). The Developer's contribution shall be the amount, which when invested in an amortized fund at 8.5% per annum, shall yield the amount of the annual sum.

Developer shall be exempt from making any contribution for a rental project in the event the **FHC** has approved the assumption of re-rental administration of set-aside units by the Developer or a management company acting in behalf of the Developer provided that the owner of such units shall be required to make an proportionate Developer's contribution in the event and at the time that such units shall be converted from rental to condominium sale following the expiration of the period of fifteen (15) years and in accordance with the further provisions of the Affordable Renting Plan and the Master Deed filed of record. A fifteen (15) year period or the applicable lesser period shall be substituted in the formula.

All fees shall be payable at or prior to issuance of a Certificate of Occupancy for the first set-aside unit of the development, or as a condition precedent to approval of the Developer's Fair Housing Plan, if any, in the discretion of the Borough's Director of Development.

All fees authorized by this Ordinance shall be invested by the Borough in a dedicated amortized special bearing account (**ESCROW**), which account shall be subject to annual or periodic appropriation to defray administrative costs as they may occur.

If the Borough shall contract with any public or private entity to provide re-sale and re-rental administrative services, the cost thereof shall be appropriated from **ESCROW**.

The Borough shall remit to the Developer all or any part of the Developer's contribution, together with accrued interest, remaining in ESCROW at the expiration of thirty (30) years or prior thereto, if retention of all as part of such ESCROW shall not be required to defray the administrative costs of regulation of re-sale and re-rental of set-aside units.

Section 28-57D. OTHER INCLUSIONARY RELIEF:

To the extent that a Developer may prove by an economic feasibility study (economic analysis) that additional inclusionary relief may be required so as to develop a project with the required twenty (20%) percent low/moderate income housing, then such Developer may request the Planning Board or the Borough's Governing Body to further increase unit density, waive condominium fees for set-aside units or modify cost generating Ordinance standards, or to grant tax abatement to qualifying units, where authorized by law.

Additionally, following satisfaction of the Borough's Mount Laurel obligations on a community-wide basis, the Developer may request the Planning Board or the Borough's Governing Body, to further increase fair market unit density and allows set-aside unit apportionment at a radio of two (2) moderate units for one (1) low unit.

Section 28-58D. RULES AND REGULATIONS:

The **FHC** shall be authorized to Adopt By-Laws and other Rules and Procedures and to hire a Secretary or to provide clerical assistance and legal counsel, as may be required, subject to budgetary limitations. The **FHC** shall also provide a mechanism for insuring that waiting lists of certified eligible occupants shall not be less than ten (10%) percent of the total number of set-aside units in the Borough.

All **FHC** By-Laws and other Rules and Procedures shall be subject to the prior approval of the Governing Body, by Resolution or Ordinance, as may be appropriate.

Section 28-59D. PENALTY:

Any person, firm, corporation, partnership or association violating the provisions of this Article, or any Rule, Regulation or order promulgated pursuant thereto, shall be punishable by a fine not exceeding $1,000.00 or up to ninety (90) days imprisonment, or both. Each and every day that a violation continues shall constitute a separate offense.

Whenever any such fine is imposed, such fine and costs and charges incident thereto may be collected in an action of debt or in such other manner as may be provided by law.

ARTICLE VI-E

LIMITING DEVELOPMENT

Section 28-50E. PURPOSE:

The purpose of this **ARTICLE** is to limit the number of multi-family units constructed in the Borough of Lincoln Park to 890 units over-all, including 178 new set-aside units, pursuant to the terms and conditions of the settlement of an action entitled: "**MORRIS COUNTY FAIR HOUSING COUNCIL vs. BOONTON TOWNSHIP et als., SUPERIOR COURT OF NEW JERSEY, LAW DIVISION, DOCKET NO. L-6110-78 P.W.**". the limitations on processing development review applications provided for, are intended as a mechanism to allow the Governing Body sufficient time to consider and effectuate suspension of zoning in all set-aside zones as other wise authorized in the Borough Set-Aside Ordinances, provided that the Borough is not then in violation of the terms and conditions of the settlement referred to above.

Section 28-51E. LIMITATION ON DEVELOPMENT:

1. There is hereby established a Borough-wide limitation within the GA-S and TH-S ZONES, on development and the Planning Board shall not grant approval for more than 890 units (at least 178 set-aside units) through December 31, 1990. All applications shall be considered and acted upon in chronological order or being declared complete, except that this order may be modified as a result of extensions of time for Planning Board action pursuant to the Municipal Land Use Law. When preliminary site plan approvals have been granted for 890 units including at least 178 set-aside units, the Planning Board shall deny further site plan approvals and shall not process further applications.

2. If by December 31, 1987, less than 150 building permits for lower income housing have been issued or it appears to the Planning Board that less than 178 units will be constructed on approved sites prior to 1990, the Planning Board shall receive additional applications and shall consider and act upon such applications in chronological order until sufficient applications have been approved to make it realistically likely that 178 set-aside units shall be constructed and rented or sold prior to December 31, 1990.

3. The Public Advocate shall also receive annual notification on or before February 1st of each year of the total number of building permits and total number of building permits for set-aside units issued both in the previous year and in the aggregate to date.

4. Borough wide applicability. The restrictions in this Ordinance shall also be applicable to applications for development in all other zones in which the applicant proposes a gross density in excess of 4 units per acre and the provisions for set-aside of a percentage of units for low and moderate income households as defined by the provisions of **Section 28-50D** of the **AFFORDABILITY CONTROL ORDINIANCE** of the Borough of Lincoln Park.

[13]ARTICLE VI-F

AFFORDABLE HOUSING DEVELOPMENT FEES

(See Chapter 17, Article XX)

ARTICLE VII

GAR, GARDEN APARTMENT RESIDENTIAL ZONE

Section 28-60. USE REGULATIONS:

A. Within any GAR, GARDEN APARTMENT RESIDENTIAL ZONE, no premises, building, or structure shall be used and no building or structure shall be erected or altered to be used, in whole or in part for any other than an apartment house or group of apartment houses known as garden apartments subject to the following regulations:

1. The maximum number of apartments shall be no more than fifteen (15) apartments per acre, including new on-site streets.

2. The maximum building coverage of the garden apartment lot shall be no more than seventeen (17%) percent.

3. In any garden apartment building or group of garden apartment buildings there shall be a minimum of eighty (80%) percent of the apartments containing only one (1) bedroom and there shall be a maximum of twenty (20%) percent of the apartments containing two (2) bedrooms. Only one (1) and (2) bedroom apartments shall be permitted.

4. There shall be a minimum lot area of four (4) acres for any garden apartment site, including any on-site streets.

5. The number of dwelling units per building and the general plan of the building must be approved by the Municipal Agency.

6. The maximum number of stories for any building shall be two (2) and the maximum building height shall be thirty-two (32') feet. Cellars shall be permitted, but the use of any cellar must be specified in detail in the site plan. No dwelling units shall be permitted in cellars or basements. A cellar is defined as that area below the first floor level when the first floor level is at ground level. A basement is defined as that area below first floor level when the first floor level is up to but not including four (4') feet above ground level.

7. Minimum yard requirements shall be as follows:

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[13] Deleted per Ordinance 1,383 Adopted 5/21/07, Effective 6/10/07

Front yard, thirty five (35');
Rear yard, forty (40') feet;
Side yard, twenty (20') feet.

Distance between buildings shall be twice the height of the buildings.

8. Each apartment unit in each apartment building shall contain separate bedrooms, separate bathroom, separate living room and separate kitchen facilities, which kitchen facilities shall be located separate and apart from other rooms. A bedroom shall be construed as any separate room other than a dining room, living room, kitchen or bathroom.

9. The minimum floor area for each apartment unit shall be five hundred ninety-eight (598') square feet for one (1) bedroom apartments and eight hundred (800') square feet for two (2) bedroom apartments.

10. The floor plan of each garden apartment is to be approved by the Municipal Agency. The approved plan shall not be altered in any way without the consent of the Municipal Agency.

Section 28-61. LANDSCAPING:

A. All areas of a garden apartment development not used for the construction of buildings, roads, access ways, parking areas or sidewalks shall be fully landscaped and maintained according to the approved plan submitted with the site plan application. Any trees or shrubs existing in healthy natural state at the time the development was begun shall remain and be protected during construction providing such trees or shrubs are within areas designated as "**open space**" and not subject to excessive grading.

B. Where a garden apartment development boundary line abuts a lot in a residential zone, there shall not be cut, uprooted, destroyed or taken away any existing trees, shrubbery or other planting within an area of twenty (20') feet inside the boundary line of the garden apartment development without the express consent of the Municipal Agency at the time of preliminary site plan approval. If no adequate trees, shrubs or planting exists in said twenty (20') foot area in natural state before development; such area shall be provided with a satisfactory approved plan to provide a belt of evergreen screening within such twenty (20') feet. Such screening shall have a minimum height of six (6') feet, at the time of planting.

Section 28-62. INTERIOR ROADS:

All roads and other access ways within a garden apartment development shall be private roads constructed, paved, curbed and maintained to a right-of-way width of not less than twenty-five (25') feet with a curbed radii of twenty (20') feet. However all main entrance and exit roads must be a minimum of thirty (30') feet wide. All such construction, paving, curbing and maintenance shall be completed in accordance with specifications set by the Department of Public Works of the Borough. All interior roads and access ways shall be kept open for access by all emergency vehicles and the Department of Public Works. Maintenance, cleaning and snow removal of all such roads shall be carried out by the management of the development according to the satisfaction of the Borough. Any failure on the part of the owner to comply shall result in the work being done by the Borough at the expense of the owner and, to the extent permitted by law; such expenses shall become a lien against said property.

Section 28-63. PARKING:

No parking shall be permitted on any road, or access way within the garden apartment development. All parking shall be confined to the areas specifically designated on the site plan for that purpose. Parking spaces of two hundred (200') square feet with dimensions of 9'x20' feet shall be required to the extent of one and one-half (1 ½) parking spaces for each unit built. However, a garage shall constitute one (1) parking space. Parking areas shall be paved and curbed and provided with adequate systems of storm water drainage.

Furthermore, each parking space is to be properly marked by lines and assigned to specific apartment units at least one (1) parking space to each apartment. Such marking is to be properly maintained and policed at all times. No parking area may be placed closer than twenty (20') feet to a building. Parking areas may be constructed to the rear, side and front of a building, but only providing the area is adequately services by a roadway and not to be considered a part of such roadway. The parking plan must be approved by the Municipal Agency.

Section 28-64. STREETS:

A. All traffic ingress and egress to the garden apartment site must be from an arterial street and not from a minor street. Such ingress and egress shall be in accord with the approved site plan.

B. Main entrance width, curbed radii, and traffic control shall be approved by the Municipal Agency and shall remain consistent with the existing arterial traffic.

Section 28-65. SIDEWALKS:

A. Concrete sidewalks constructed in accordance with the Borough's specification Ordinance to a paved width of not less than four (4') feet shall be provided:
   1. To and from buildings and parking areas;
   2. To and from buildings and roads or access ways;
   3. to each entrance in each building;
   4. to all service entrances;
   5. Wherever else required by the Municipal Agency at the time of site plan approval.

B. No sidewalks, with the exception of those leading to and from building entrances and exits, shall be placed closer to a building than ten (10') feet, but may be placed in landscaped areas or within required yard set back areas.

Section 28-66. GARAGES:

Garages shall not be allowed as separate structures, but may be built under the apartment structure as hereinafter provided:

A. Size: Each garage space shall be at least ten (10') feet wide and twenty-two (22') feet in depth.

B. Vehicular access to garages shall be from the side or rear of the building.

C. The entrance to such garages shall not be on any main access street or public street.

Section 28-67. CONSTRUCTION:

The outside walls of all buildings shall be of brick or stone, as approved by the Municipal Agency and in accordance with the New Jersey State Uniform Construction Code. Interior walls separating dwelling units shall be constructed with fire resistant material meeting building standards.

Section 28-68. BUILDINGS:

All principal buildings shall:

A. Provide not less than two (2) exterior exposures for each unit, each of which shall be properly pierced so as to provide through ventilation or cross ventilation for each unit.

B. Have television antennae equipment built into the building to eliminate individual antennae being erected upon the roof. This Section shall not apply to a common antenna tower.

C. Not allow any air conditioning unit to project more than two (2") inches from the face of the wall of the building in which it is installed.

D. Provide, in the basement area, no less than six hundred (600') cubic feet of storage space for each garden apartment unit in the building, to be apart from garage space requirements.

E. Provide, in an enclosed basement area, laundry facilities for the exclusive use of the occupants of the building. No outside clothes lines or clothes hanging facilities or devices shall be provided or allowed.

Section 28-69. SERVICES:

Garbage and waste disposal facilities are to be maintained, and all garbage, waste and littler to be removed at the expense of the management of the garden apartment development. Furthermore, such disposal systems shall come under the jurisdiction of the Health Department and be policed under the Anti-Litter Ordinance of the Borough. Such facilities must be shown on the site plan, and approved by the Municipal Agency.

Section 28-70. UTILITIES:

A. There shall not be permitted overhead telephone and electric transmission and service lines.

B. The installation of the water system shall be subject to the approval of the Water Department.

C. The installation of the sanitary sewer system shall be subject to the written approval of the Borough Engineer and the New Jersey Department of Environmental Protection.

Section 28-71. LIGHTING:

A. Street lighting shall be in accordance with the specifications set forth in the Ordinance of the Borough. Such lighting is to be installed at the time of construction and must be approved by the Municipal Agency.

B. Reasonable yard lighting shall be provided to illuminate the parking lots, walkways, driveways and premises at night. Such lighting arrangement should be shown on the site plan and must be approved by the Municipal Agency.

Section 28-72. MISCELLANEOUS:

A. A sign identifying an apartment project and located at the entrances to such project and limited to thirty-two (32') square feet shall be permitted. The design, location, lighting, landscaping and maintenance of such sign, shall be in accordance with the specifications and conditions determined by the Municipal Agency in accordance with **ARTICLE XII (SIGNS)** of this Chapter.

B. Recreational equipment should not be located in the front yard.

C. All principal and accessory buildings and parts thereof should be constructed in accordance with the requirements of the New Jersey State Uniform Construction Code.

D. All living rooms and bedrooms should have at least standard sized windows to provide adequate light and ventilation. Exhaust fans should not be substituted for windows in these rooms.

E. Access drives shall be at least one hundred (100') feet from any street intersections.

ARTICLE VIII

BUSINESS ZONES

[14], [15]Section 28-80. B-1 – BUSINESS ZONE:

Within the **B-1 ZONE**, no premises, lot, building or structure shall be used and no building or structure shall be used and no building or structure shall be erected or altered to be used in whole or in part for any other than the following specified purposes.

A. Permitted Uses:

1. Single family dwellings, extended family dwellings and two-family dwellings subject to the requirements for these uses in the **R-15 ZONE**
2. Stores, shops, markets where goods are sold at retail or manufactured, or personal services rendered, provided:

   a. That the manufacturing performed on the premises shall be incidental to the retail business conducted on the premises.

   b. That the engaging in any such manufacturing does not constitute a fire hazard and that no sewerage or other disposal problems exist or will be created must be certified to by the Borough Health Officer.

3. Business and professional offices, banks and fiduciary institutions.

4. Public parking lot for private passenger vehicles only, but not for the storage of used or new motor vehicles for sale or hire.

5. A dwelling above a permitted use if separated therefrom by un-pierced fire retarding walls and ceilings and provided with a separate entrance on the front façade of the building, provided, however, that in no case shall such dwelling occupy more than one story above the permitted use.

6. Restaurant, tavern grill and other eating establishment but not including transient or mobile structures.

7. Mortuary or funeral homes.

8. Motor vehicles sales rooms having enclosing walls and a roof and used or new motor vehicle sales in conjunction therewith. Open storage or vehicles is limited to fifteen (15) passenger vehicle.

B. Loading Areas.

Each business use shall provide loading and unloading facilities which must be located on the same lot and shall not be located in the required front yard area shall not be closer than ten (10') feet to the lot line of any property zoned for residential purposes.

C. Off-Street Parking.

1. The floor area as used herein is that area used or intended to be used for services to the public as customers, patrons, clients, patients, or tenants,

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[14] Amended by Ordinance 1,354 Adopted 5/15/06, Effective 6/4/06

[15] Amended by Ordinance 1,415 Adopted 12/15/08 Effective 1/4/09 – Paragraph 2, Subparagraph a & b

including areas occupied by fixtures and equipment and used for the display or sale of merchandise but not including storage area.

a. Retail stores, business offices and banks – two (2) spaces for the first one thousand (1,000') square feet of floor area or portion thereof in addition thereto.

b. Restaurant, tavern or other eating place – one (1) space for each five (5) seats.

c. Mortuary or funeral homes – one (1) space for each car used in connection with business plus one (1) space for each forty (40') square feet of assembly floor area.

d. Assembly hall, theaters, and so forth – one (1) space for each five (5) seats provided for its patrons (based on maximum seating capacity).

2. All parking spaces provided for business uses in this Section, may be located on a lot within two hundred (200') feet of the premises of the building they are intended to serve, but only if it is determined by the Municipal Agency that it is impractical to provide the required parking spaces on the same lot with the building they are intended to serve.

3. Nothing in this Chapter shall be construed to prevent collective provisions of off-street parking facilities by two (2) or more buildings or uses located in adjacent lots provided the total of such off-street parking facilities shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the standards contained in this Section and further provided that the land is owned by one (1) or more of the collective users.

4. Parking facilities may be located in any required yard space but shall not be less than ten (10') feet from any lot line; which is zoned residentially. Ingress and egress to the parker's area shall not cause a hazardous condition to exist and shall be illuminated during operating hours (and only then) if they occur after sunset.

   Illuminated shall be shielded from streets and adjoining residential properties. The parking area shall be paved with an all weather surface and properly drained.

5. Where a business structure located adjacent to an existing business structure. The side yard adjacent to said existing business need not be required, provided there is vehicle access to the rear yard or some other location; however, all other requirements pertaining to the business must be complied with.

D. Outside Display.

Business structures or uses shall not display food or goods for sale or rental purposes outside of the structure in which such activity is carried on.

E. Buffer Strip.

An area at least ten (10') feet in width and following the lot lines of the business property if adjacent to residential properties, shall be properly landscaped and maintained or equipped and maintained with suitable decorative fencing so as to form a buffer which shall screen such business properly and the uses thereon from any Residential Zone or area adjacent thereto or bordering thereon.

F. Prohibited Uses.

The following uses and activities are specifically prohibited in the **B-1 Business Zone**:

1. Dance hall, billiard room, coin operated amusement machine or device arcade.

2. Used car lot.

3. Storage or parking of trailers, whether or not occupied for living, dwelling or any other purpose.

4. Automobile laundry or car wash establishment.

G. Accessory Uses.

The following uses and activities are specifically permitted in the **B-1 Business Zone**:

1. Coin operated amusement machine or device. Such accessory use shall be subject to all requirements of the Borough's Licensing Ordinance.

Section 28-81. B-2 – SHOPPING CENTER ZONE:

Within the B-2, Shopping Center Zone, no premises, lot, building or structure shall be used and no building or structure shall be erected or altered to be used, in whole or in part, for any other than the following purposes:

A. Permitted Uses.

1. All uses permitted in the **B-1 Zone** including any two (2) or more business uses permitted in **Section 28-80** intended to be located on the same lot or in the same building and under one (1) ownership shall be deemed as being a shopping center.

2. Coin operated amusement machine or device arcades. Such use shall be subject to all requirements of the Borough's Licensing Ordinance.

B. General Requirements.

All other requirements of the B-1 Business Zone, Section 28-80 of this Chapter shall apply except:

1. Off-street parking:

Retail stores – one (1) space for each three hundred (300') square feet of floor area.

C. Buffer Strips.

An area at least ten (10') feet in width and following the lot lines of the business property shall be properly landscaped and maintained or shall be equipped and maintained with decorative fencing so as to form a buffer screen which shall screen such business property and the uses therein from any Residential zone or area adjacent thereto or bordering.

Section 28-82. B-3 – BUSINESS ZONE:

In the **B-3, Business Zone**, permitted uses are as follows:

A. Permitted Uses.

1. Restaurants. Diners and other eating establishments open to the public, but not including drive-in eating or other eating establishments where food is entirely consumed in automobiles, and where there are no eating facilities in the building itself.

2. Motels and hotels, including motor courts, motor inns, etc.

3. Bowling alleys.

4. Movie theaters but not including outdoor drive-in theaters.

B. Special Requirements.

1. There shall be not more than two (2) curb cuts in any one (1) lot, with each curb cut at least fifteen (15') feet wide and not more than twenty-five (25') feet wide, and located at least ten (10') feet from the adjoining property line, and at least twenty (20') feet from the corner of any intersection of public streets.

2. Driveways, exits, entrances, parking areas and areas used by motor vehicles must be surfaced with an asphalt or bituminous pavement which shall be graded and drained to dispose of all surface water.

3. Buffer Strip:

   a. Where the **B-3 Business Zone** abuts residentially used property or residentially zoned property, a buffer zone of at least fifty (50') feet in width following the lot lines of the **B-3** property shall be established, properly landscaped and maintained.

4. All that area between the street right-of-way line and the required building set-back line not used as driveways or pedestrian walks, shall be devoted to the planting of grass, trees, shrubs, flowers or appropriate plant materials and shall be maintained.

   All buffer strips must be landscaped; there shall be a living wall erected of non-deciduous vegetation along the entire abutting line.

5. Off-street Parking Requirements.

   Restaurants or other eating or drinking establishments, one (1) space per three (3) seats

   Theater – one (1) space per three (3) seats

   Bowling alleys – three (3) spaces per alley

   Motels, hotels or other transient accommodations, one (1) space per unit

   All uses must provide one (1) space per every two (2) employees per peak shift in addition to the spaces indicated above.

   The parking lot shall be marked and paved, graded and drained according to Borough Specifications as determined by the Borough Engineer. Each space shall be at least ten (10') feet wide and twenty (20') feet long.

   Where there is more than one (1) use on the premises, the parking requirements shall be in the sum of the components required. Off-street loading and unloading operations shall be conducted entirely within the boundaries of the lot concerned and no vehicle or conveyance shall in any manner use public streets, sidewalks, or right-of-way for loading or unloading operations other than for ingress and egress to the lot.

6. The front yard heretofore established shall be fully landscaped and maintained. In no event shall parking be permitted within the front yard nor shall any

driveways be permitted within the front yard parallel with the front lot. Parking may be permitted in front of the building, providing the fifty- (50') foot landscaped area is maintained.

C. Accessory Uses.

The following uses and activities are specifically permitted in the **B-3 Business Zone**:

1. Coin operated amusement machines or devices. Such accessory use shall be subject to all requirements of the Borough's licensing Ordinance.

[16]Section 28-83. LB – LIMITED BUSINESS ZONE:

Within the LB-Limited Business Zone, no premises, Lot building or structure shall be used and no building or structure shall be erected or altered to be used in whole or in part for any other than the following Specified purposes.

A. Permitted Uses:

1. Single family dwellings and two-family dwellings subject to the requirements for these uses in the R-15 Zone.

2. Professional and business offices, banks and fiduciary institutions.

3. Municipal buildings, including public libraries and municipal offices.

B. Off-Street Parking

All non-residential uses shall provide a minimum of one (1) parking space for each three hundred (300') square feet of floor area.

C. Landscape Buffer Zone

An area of at least ten (10") feet in width and following the lot lines of the business property, if adjacent to residential Properties, shall be properly landscaped and maintained or equipped and maintained with suitable decorative fencing so as to form a buffer which shall screen such business property and the uses thereon from any Residential Zone or area adjacent thereto or bordering hereon.

Section 28-84. BASIS FOR DELIBERATION BY MUNICIPAL AGENCY:

The Municipal Agency shall take into consideration the public safety, health and welfare and shall specifically pass on the following:

A. Site layout with respect to arrangements and width of driveways on the site and private access roads.

B. Height, bulk and arrangements of building.

C. Provisions for off-street parking space and off-street loading and unloading space, if necessary and access thereto.

D. Provisions for open space areas on the site.

E. Display of signs, which must comply with **ARTICLE XIII (SIGNS)** of this Chapter.

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[16] Amended by Ordinance 1,354 Adopted 5/15/06 Effective 6/4/06

F. Roadway parking areas and loading and unloading areas, grading, resurfacing and installation of drainage on the site – all to such extent and in such manner as the Municipal Agency may deem to be required by the circumstances of the particular case and as governed by the requirements of this Article.

G. Provision for buffer strips where required and location of planting of evergreens to provide effective screening. The Municipal Agency to be guided by other provisions of this Chapter governing buffer strips and plantings.

Section 28-85. OFFICE/RESEARCH ZONE (O/R):

A. Purpose. The **O/R ZONE** is established to encourage Development of low intensity non-retail uses in Flood Prone Areas of the Borough. Property limited to Office and Research Use generally encourages periods of use limited to regular working hours and regular work days. Such use thereby lessens utilization of a necessity for use of emergency and other public services, as compared to other zoned uses in the Borough, at times of flooding. Said use, along with the conditions set forth in this Section, will result in a reduced risk of property damage and personal injury and will enable reasonable use of land area with a minimum impact upon surrounding flood prone areas.

B. Permitted Principal Uses.

1. Office building for professional, executive, engineering or administrative purposes.

2. Structures and uses devoted to research, design or experimentation not involving nuclear, hazardous, or toxic research or any nuisance factors such as noise, dust, smoke, fumes, odors and the like.

3. Banks and Savings institutions.
4. Federal, State and Municipal Offices.

C. Permitted Accessory Uses.

1. Off-street parking and loading areas in conformance with **Section 28-85(E) (6)** and **Section 28-85(E) (4)**, herein.

2. Detention/Retention Facilities.

D. Conditional Uses.

1. Public utility buildings, structures or facilities subject to site plan approval.

E. Prohibited Uses.

1. Experimentation or other testing involving animals or organic materials and substances;

2. Research, design, and product development involving nuclear, radio active, hazardous or toxic research.

3. Uses and activities generating noise, dust, smoke, fumes and odors, and otherwise a violation of the standards set forth in **Section 28-103 G** & **H**, dealing with air pollution and odors.

4. Manufactured, assembly or packaging processes or activities.

5. Distribution of any manufactured, assembled or packaged product or component.

6. Genetic research.

7. Research, involving toxic materials or hazardous waste.

8. All research shall be incidental to the main use of the building and be restricted to not exceed forty-five (45%) percent of the gross floor area of the building.

F. Other Requirements.

1. Each lot within the **O/R ZONE** shall be developed in accordance with a plan as a single entity containing one or more structures with appurtenant common areas to accommodate one primary office and/or research use and any other permitted accessory uses incidental to the primary use.

2. One (1) space for parking shall be provided for each two (2) hundred fifty (250') square feet of gross floor spaced.

   a. Design of off-street parking areas shall be subject to the following requirements.

      1. Each parking space for a passenger vehicle shall be 9' x 18' feet.

      2. Suitable walkways shall be provided within parking areas.

      3. The parking lot shall be paved, marked, graded and well drained.

      4. Except as provided in Paragraph "E" 3 below, a minimum of twenty-five (25') feet of grassed and landscaped area shall be provided between the parking lot and the property line.

      5. Loading facilities and delivery access shall be provided.

3. A landscaped buffer with planting so as to form a living visual barrier to minimize the impact of the Office and/or Research development shall be provided in an area of one hundred (100') feet in width following lot lines of any Office and/or Research property where adjacent to an existing or proposed public street (except for access drives or pedestrian walks), or where adjacent to any **RESIDENTIAL ZONE**. Such landscaping shall be approved by the Municipal Agency.

4. No loading area shall be located on the side of a building or structure facing any Borough Street or Federal or State highway. All loading areas shall be appropriately screened from view where such area faces an adjacent residentially zoned or residentially developed area.

5. To the reasonable extent possible, parking and loading areas shall occupy the ground level area beneath the building or structure so as to minimize the need for additional impervious surface beyond the building itself and so as to comply with the provisions of the Borough Storm Water management Ordinance.

6. Maximum impervious surface shall not exceed fifty (50%) percent of the lot area.

7. The exterior finish of buildings shall comply with **Section 28-109A** of the Borough Zoning Ordinance entitled: **BUILDING REQUIREMENTS AND LANDSCAPING**.

8. No waste material shall be dumped upon or be permitted to remain upon any part of the plot outside of the buildings construed thereon in any Office/Research District. No plot shall be used for either temporary or permanent display or storage of materials or equipment.

9. Permitted work hours shall be limited to the hours of 7:00 AM to 10:00 PM. Monday through Saturday.

ARTICLE IX

CR, COMMERCIAL RECREATION ZONE

Section 28-90. PURPOSES:

The Governing Body hereby finds and declares that the area designated for **Commercial Recreation** is subject to frequent periodic flooding; and that it is an area critically important for the retention of flood water during periods of flooding; and that as a marchland area it is one of the most vital, biologically productive and ecologically sensitive areas in the Borough.

The purpose and objectives of this Zone are:

A. To encourage the establishment of commercial recreation areas;

B. To maintain and operate property in such a way as to conform with the flooding characteristics of the flood plain area;

C. To reasonably limit any activities that night adversely affect the environmental characteristics of the area;

D. To encourage activities that are of an outdoor recreation or outdoor education nature and are essentially non-structural requiring little or not filling, dredging, removing or otherwise altering the present state of the land, unless specifically permitted;

E. And to provide an opportunity and facilities for observation and study of the various types of flora and fauna that are indigenous to the area.

Section 28-91. PERMITTED USES:

Within the **CR, Commercial Recreation Zone**, no premises, lot, building or structure shall be used and no building or structure shall be erected or altered to be used; in whole or in part, for any other than the following purposes:

A. Outdoor recreation areas.

B. Parks

C. Arboretums

D. Accessory structures and parking required in the maintenance and general support of the recreational activities not to exceed fifteen (15%) percent of the total lot area. All such structures and parking shall be incidental to the main recreational use, unless otherwise specifically permitted.

E. Bridle paths, bicycle, walking and jogging trails.

F. Field sports facilities, country clubs, and parks.

G. Golf courses.

H. Wildlife conservation areas.

I. Picnic areas, campgrounds, including day camps.

J. Outdoor and indoor tennis and other racquet courts.

K. Outdoor private and community swimming pools.

L. Environmental education centers.

M. Model airplane flying including line control and radio control.

N. Archery ranges and indoor target ranges.

O. Snack bars or restaurants directly related and incidental to a main permitted use but not including transient or mobile structures.

P. The retail sale of goods or services which are directly related and incidental to a main permitted use but not including transient or mobile structures.

Q. All other uses are specifically prohibited.

Section 28-92. PARKING AND CIRCULATION:

A. There shall be one parking space for each employee on the maximum shift and, additionally, the parking area shall be sufficiently large to accommodate all visitors and/or patrons for the proposed use. Where there is doubt as to the ultimate number of such visitors and/or patrons, then areas shall be designated and set aside for expansion of off-street parking areas, if necessary.

B. Off-street parking areas shall not contain direct access to public streets, but shall be provided with access drives.

C. Access drives and off-street parking areas shall be surfaced with a suitable material, graded and well drained.

D. Internal roadways shall be at least twenty (20') feet in width for two-way traffic and twelve (12') feet in width for one-way traffic and shall not enter a public street within fifty (50') feet of an intersection. Parking on internal roadways shall be prohibited.

Section 28-93. PERFORMANCE STANDARD REGULATIONS:

Any use in the **CR**, **Commercial Recreation Zone** shall conform to the minimum performance standards in **Section 28-107** of this Chapter. Initial and continued compliance with said performance standards shall be required of every use. Prior to issuance of any building permit or Certificate of Occupancy for a use in any Commercial Recreation Zone, the Governing Body may require any applicant to furnish at his expense a Certificate of a recognized testing laboratory as evidence of compliance with such standards. In the event of complaint to or on request of the Governing Body at any further date, submission of a similar Certificate of Compliance may be required according to specifications set forth by the Governing Body.

Section 28-94. DEVELOPMENT REVIEW CRITERIA:

No development plan shall be approved unless the Municipal Agency shall have found that the proposed facility:

A. Will adhere to the performance standards in **Section 28-107** of this Chapter.

B. Conforms with all applicable New Jersey Department of Environmental Protection air, water and radiation emission and effluent standards and all applicable water quality criteria and air quality standards and applicable state noise standards.

C. Will not emit air and water effluent in excess of the existing dilution, assimilative and recovery capacities of the air and water environments at the sire and within the surrounding region during and after construction.

D. Provides for the handling and disposal of litter, trash and refuse in such a manner as to minimize adverse environmental effects and the threat to the public health, safety and welfare.

E. Would result in minimal feasible impairment of and risk to the regenerative capacity of water aquifers or other ground or surface water supplies.

F. Would cause minimal feasible interference with and risk to the natural functioning of plant, animal, fish and human life processes at the site and within the surrounding region during and after construction.

G. Is located or constructed as to neither endanger human life or property not otherwise impairs the public health, safety and welfare.

H. Would result in minimal practicable degradation of and risk to unique or irreplaceable land types, historical or archeological areas, and existing scenic and aesthetic attributes at the sire and within the surrounding area during and after construction.

I. Will not alter the existing grades by more than the number of cubic yards of soil needed to raise the grade from the existing elevation to the base flood elevation for a maximum fifteen (15%) percent of the lot area. The absolute maximum average volume of soil per acre; which is permitted to be graded or disturbed is two thousand six hundred and sixty-two (2,662) cubic yards.

J. We will not lower existing contours to an elevation of ten (10') feet below the elevation of the mean annual water table as determined by the Borough Engineer.

Section 28-95. BUFFER STRIP:

An area of at least one hundred (100') feet in width and following lot lines of commercial recreational property where adjacent to all other zones, improved public rights-of-way and adjacent lots of the same zone shall be maintained in its natural vegetation or landscaped with plantings where needed and maintained to form a living visual barrier. N o buildings, structures or parking areas shall be allowed in buffer strip areas.

[17]ARTICLE IX-A

CR-PWS Commercial Recreation-Public Water and Sewer Zone

Section 28-96 PURPOSES:

The purposes of the CR-PWS Zone are (a) to further the purposes and objectives of the Commercial Recreation Zone as set forth in Section 28-90 and (b) to provide appropriate locations for facilities providing the essential services of public water supply and/or sewage treatment to the Borough of Lincoln Park.

Section 28-97 PERMITTED USES

Permitted uses within the CR-PWS Zone shall include and be limited to the following:

A. Any use permitted in the CR Commercial Recreation Zone.

B. Governmental facilities devoted to the collection, treatment, storage and distribution of potable water to residential, industrial and/or commercial establishments within the Borough of Lincoln Park only or within the Borough of Lincoln Park and a surrounding region of which the Borough of Lincoln Park is part.

C. Governmental facilities devoted to the collection, treatment and disposal of organic waste and wastewater generated by residential, industrial and/or commercial establishments within the Borough of

[17] Added by Ordinance 1,490 Adopted 8/20/12 Effective 9/15/12

Lincoln Park only or within the Borough of Lincoln Park and a surrounding region of which the Borough of Lincoln Park is a part.

Section 28-98 REQUIRED BUFFER

All uses permitted within the CR-PWS Zone shall maintain a minimum 100-foot deep buffer along any lot line abutting a residential zone and a 50 foot deep buffer along any other lot line and/or any public right-of-way. The required buffer shall be maintained in its natural state, and shall be supplemented with new plantings where needed to maintain a living visual barrier. No buildings, structures or parking areas shall be allowed within the required buffer.

SECTION 28-99 OTHER REQUIREMENTS

All uses in the CR-PWS Zone shall comply with the requirements of Sections 28-92 (regarding parking and circulation), 28-93 (regarding performance standards), and 28-94 (regarding development review criteria) of this Ordinance.

ARTICLE X

INDUSTRIAL ZONE

Section 28-100. PURPOSES:

The purposes of the **Industrial Zones** are to provide protective zone for a part like development of industry that is based on the performance of an industry, as well as the type of industry. In order to secure this type of development, the various criteria herein described must be met. These criteria have been established so as to provide a healthful operating environment for industry, for the protection of industry from the encroachment of commercial and residential uses adverse to the operation and expansion of such industry and to protect industries within the district from the adverse effect of other incompatible industries, and at the same time, to reduce to a minimum the impact of industries on surrounding non-industrial land uses; to lessen traffic congestion; to prevent detrimental effects to the use or development of adjacent properties or the general neighborhood; to minimize pollution and the negative impact or industrial development on the environment; and to promote the health, safety, morals, comfort and welfare of the present and future inhabitants of the districts.

The **Industrial Zones** shall consist of a **TI, Transitional Industrial Zone**, **I, Industrial Zone**, **AI, Airport Industrial Zone** and a **PI, Planned Industrial Zone**.

[18]Section 28-101. TI, TRANSITIONAL INDUSTRIAL ZONE:

Within the **TI, Transitional Industrial Zone**, no premises, lot, building or structure shall be used and no building or structure shall be erected or altered to be used in whole or in part for any other than the following purposes:

A. Permitted Uses.

1. Research, experimental and testing laboratories.

2. Business and professional offices.

3. Printing plants.

4. Municipal buildings.

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[18] Amended by Ordinance 1,354 Adopted 5/15/06 Effective 6/4/06

5. Banks or savings institutions.

6. Warehouses-provided that loading and unloading operations shall be prohibited each day between the hours of 10:00 PM and 7:00 AM.

7. Retail outlet sales incidental and occasional to the main permitted use provided that the sales area shall not exceed two (2%) percent of gross floor area of the structure.

8. Airport offices and hangers for storage of aircraft but only within a **TI, Transitional Zone**, immediately abutting an **AI, Airport Industrial Zone**, provided that inflammable materials shall not be stored in any part of the hanger.

9. All other uses shall be specifically prohibited.

10. Landscaping and lawn service establishments subject to the following:

    a. No temporary structures, other than that incidental to the main use on-site, shall be permitted.

    b. No retail sales of any item shall be permitted.

    c. All parking shall be unpaved gravel parking at the following specifications: 4 inches of quarry processed stone, 2 inches of ¾ inch clean stone on top.

    d. Only machinery used in connection with and in the operation of the business conducted on-site shall be kept on-site. All machinery shall be stored in an area screened from view on all sides when not in use.

    e. Sanitary facilities shall be provided on-site as required by the **NJDEP** and approved by the **NJDEP** and Borough Health Department.

B. Special Requirements.

1. Except for employees and visitor parking all operations in the TI, Transitional Industrial Zone including but not limited to loading and unloading of supplies and equipment shall be conducted entirely within an enclosed building.
2. There shall be a landscaped buffer area of at least one hundred (100') feet in width, and following lot lines of industrial property where adjacent to residential zones, except where separated by a railroad or any public street or highway. Such landscaping shall be approved by the Municipal Agency.

3. No warehouse loading facility or garage door shall be located on the side of a building or structure facing the nearest residential zone.

Section 28-102. PI, PLANNED INDUSTRIAL ZONE:

Within the **PI, Planned Industrial Zone**, no premises, lot, building or structure shall be used and no building or structure shall be erected or altered to be used in whole or in part for any other than the following purposes:

A. All industrial uses shall be permitted, provided that such uses comply with the performance standards as herein provided and provided further than such uses shall not be otherwise specifically prohibited.

B. Special Requirements.

1. An area of at least one hundred (100') feet in width and following lot lines of any industrial property where adjacent to an existing public street or any residential

zone shall be landscaped with plantings so as to form a living visual barrier so as to minimize the visual impact of the industrial development on adjacent residential properties.

2. Each lot shall be developed in accordance with the plan as a single entity containing one or more structures with appurtenant common areas to accommodate one (1) primary industrial use and any other uses incidental to the primary use.

[19]Section 28-103. I, INDUSTRIAL ZONE:

Within the **I, Industrial Zone**, no premises, lot, building or structure shall be used and no building or structure shall be erected or altered, to be used in whole or in part for any other than the following purposes:

A. Permitted Uses.

1. All industrial uses are permitted provided that such uses comply with the performance standards as herein provided and provided further that such uses shall not be otherwise specifically prohibited.

2. Landscaping and lawn service establishments subject to the following:

a. No temporary structures, other than those incidental to the main use on-site, shall be permitted.

b. No retail sales of any item shall be permitted.

c. All parking shall be unpaved gravel parking at the following specifications: 4 inches of quarry processed stone, 2 inches of ¾ inch clean stone on top.

d. Only machinery used in conjunction with and in the operation of the business conducted on site shall be kept on site. All such machinery shall be stored in an area screened from view on all sides.

e. Sanitary facilities shall be provided on site as required by the NJDEP and approved by the NJDEP and Borough Health Department.

B. Special Requirements.

1. Except for customer and employee parking, no more than ten (10) licensed or unlicensed vehicles shall be parked outside any auto body and repair shop and all such vehicles shall be screened from any public street and surrounding properties by the main building, natural vegetation or plantings and other screening methods as shall be required by the Municipal Agency.

2. An area of at least fifty (50') feet in width and following lot lines of industrial property where adjacent to non-industrial properties shall be properly landscaped and maintained to form a buffer strip.

Section 28-104. AI, AIRPORT INDUSTRIAL ZONE:

Within the **AI, Airport Industrial Zone**, no premises, lot, building or structure shall be erected or altered to be used in whole or in part for any other than the following purposes:

A. Permitted Uses:

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[19] Amended by Ordinance 1,354 Adopted 5/15/06 Effective 6/4/06

1. All uses permitted in the **I, Industrial Zone.**

2. Airports, airport offices, hangars for storage of aircraft, shops for repair and maintenance of aircraft, gasoline filling stations used only for the operation and maintenance of aircraft, and other necessary buildings incidental to the operation and maintenance of aircraft, provided that inflammable materials shall not be stored in any part of the hangar except in a lean-to attached thereto and partitioned therefrom by fireproof walls in accord with standard practices.

B. Special Requirements.

An area of at least fifty (50') feet in width and following lot lines of industrial property where adjacent to non-industrial properties shall be properly landscaped and maintained to form a buffer strip.

Section 28-105. LIMITED SEASONAL RETAIL USE:

Retail outlet sales, incidental and occasional to the main permitted use, shall be permitted in all Industrial Zones between the hours of 9:00 AM and 7:00 PM for three (3) consecutive days, once annually, during the month of December of each year.

[20]Section 28-106. PROHIBITED USES IN ALL INDUSTRIAL ZONES:

The following uses shall be prohibited in all industrial zones: processes of assembly, manufacture or treatment constituting an unusual nuisance by reason of odor. Smoke or noise, when placed in proximity to residential or business areas including but not limited to the manufacture of animal black, lamp black, or bone black, the manufacture or refining of asphalt, the manufacture or processing of cork, fertilizer, linoleum or oil cloth, soap and glue or gelatin; the tanning, curing, storage or cleaning of hides and skins; the rendering of tallow or other fats; slaughterhouses; the manufacture of paint, oil and varnish, boiler works or drop forges; smelting mills, foundries, forges, rolling mills; stock yards; vinegar manufacturer; starch, glucose or dextrin manufacturing; and the production of power except by diesel generators for emergency power and solar and wind energy collectors. Any process of assembly, manufacture, or treatment constituting an unusual hazard of fire, explosion or chemical fumes and gases, including but not limited to the manufacture or bulk storage of fireworks or other explosives; the manufacture or bulk storage of ammonia, chlorine or bleaching powder, pyrexin plastic manufacture of article therefrom; rubber or gutta percha manufacture or treatment; wood pulling or scouring; sulphurous, sulfuric, nitric, picric, carbolic or hydrocholiric acid manufacture; disinfectant, insecticide or poison manufacture; and the manufacture of poisonous or noxious gases except when they are limited by-products of permitted processes. Junkyards or automobile wrecking yards, or yards used for the storage of discarded automobiles and yards used for the handling or storage of scrap paper, rags, bottles or other refuse, the production, manufacture, extraction, distillation or refinement of raw materials for fragrances or flavors.

The keeping of hogs.

The erection of a building or the structural alteration of a building for dwelling purposes, except that dwelling quarters in connection with any industrial establishment may be established in industrial districts for watchmen and caretakers and their families employed upon the premises.

Public parking garage.

Truck or bus terminals.

Any process or experimentation which utilizes radioactive material or results in the production of radioactive wastes or by-products.

Used car lots.

Trailer courts as defined in the **TRAILER COURT CODE OF NEW JERSEY.**

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[20] Outdoor Storage Amended by Ordinance 1,503 Adopted 4/15/13 Effective 5/5/13

The processing of garbage or other refuse matter by the use of an incinerator or other means designed to dispose of animal or vegetable matter, trash, ashes or other refuse matter, either as a principal or accessory use, including the use of land within the industrial district of the Borough for the dumping of garbage for the purpose of using the same as landfill in connection with a sanitary landfill plan.

Dog Kennels.

Amusements or commercial recreational uses such as animal zoos, carrousels, roller coasters, whirligigs, merry-go-rounds, Ferris wheels or similar amusements.

Drive-in, "Fast-Food" restaurants.

Tank farms.

Retail stores and shops, except as otherwise permitted.

Outdoor theaters and bowling alleys.

Schools, churches, hospitals, sanitariums, correctional institutions, cemeteries, mortuaries and funeral homes.

Soil mining operations such as sand, gravel or clay pits or any other extractive industry.

Stone yard or monument works.

Outdoor display of food and merchandise.

Outdoor storage of automobiles, trucks, or commercial vehicles, machinery and supplies, provided that this provision shall not prohibit the outdoor storage of such vehicles, equipment, machinery and supplies (a) incidental to the main use, (b) effectively screened from the public street and surrounding properties by the main building, natural vegetation or plantings, and/or other screening methods as shall be required by the Municipal Agency, and (c) not located within any buffer area required by Sections 28-101.B.2,28-102.B1,28-103.B.2 and/or 28-104.B. Overnight parking of any automobile, truck, or commercial vehicle shall be deemed to be outdoor storage. Notwithstanding anything to the contrary above, in the P-I and T-1 Zones, (d) no more than a combined total of sic (6) automobiles, trucks and/or commercial vehicles may be stored outdoors on any lot and (e) the area devoted to all other outdoor storage may not exceed five percent (5%) of the area of the footprint of the principal building.

Outdoor storage of excavation and construction equipment.

Section 28-107. PERFORMANCE STANDARDS REGULATIONS:

Any use in an **Industrial Zone** shall conform to the performance standards in **Section 28-107**. Initial and continued compliance with performance standards shall be required of every use. Prior to the issuance of any building permit or Certificate of Occupancy for use in any **Industrial Zone**, the Governing Body may require any applicant to furnish at his expense, a Certificate of recognized testing laboratory as evidence of compliance with such standards. In event of complaints to or on request of the Governing Body at any further date, submission of a similar certificate of compliance may be required in accordance with the specifications prescribed by the Governing Body.

A. Fire and Explosion Hazards.

All activities involving, and all storage of, inflammable and explosive materials shall be provided, at any point, with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires is prohibited at any point. The relevant provisions of State and Local laws and regulations shall also apply. In determining the acceptability if an applicant as to health and hazard to the community, under **Chapter 17 (DEVELOPMENT REVIEW ORDINANCE)** of the Code of the Borough of Lincoln Park, the judgment of the Municipal Agency shall prevail.

B. Noise.

1. General – No noise shall be conveyed across lot lines so as to interfere unreasonably with the comfortable enjoyment of life and property in the Borough. All provisions of the State of New Jersey's "**NOISE CONTROL ACT OF 1971**" as amended and augmented and the following provisions stated, whichever shall be more stringent, shall be complied with. Conformance with said provisions shall not be deemed conclusive proof of the non-existence of either a nuisance or the more subjective state of annoyance.

   The following shall be exempt from the provisions of this Section:

   Construction
   Taxing, landing and taking off of aircraft
   Stationary, non-emergency signaling devices
   Explosives, firearms and similar devices
   Emergency signaling devices
   Domestic power tools
   Refuse collection vehicles
   The un-amplified human voice
   Railway locomotives and cars
   All agricultural activities

2. The sound pressure levels emanating from any source of acoustic noise, excepting those sources enumerated in **Subsection C** of this **Section** shall not exceed at any time the maximum values of Table 1 when measured in the designated octave and in accordance with the referenced American National Standards, at any point on the lot line of the lot containing the noise source, or at one hundred (100') feet from the noise source, whichever shall be less.

3. There shall be no noise emanating from any building or equipment which exceeds the values given in Table 1 in any octave band of frequency. The sound pressure level shall be measured with sound level meters and/or analyzers conforming to United States of America Standard Specification for General Purpose Sound Level Meters, **S1.4-1961**, or latest revisions, United State of America Standard Specifications for Octave, Half-Octave and Third-Octave Band Filter Sets, **S1.11-1966** or latest revision, published by United State of American Standards Institution, New York, NY.

TABLE 1

SOUND PRESSURE LEVEL DECIBLES

Re 0.0002 dyne-cm 2

POINT OF MEASUREMENT

Octave Bank for Center Frequency In cycles Per Second	Property Line	Residential Zone Boundary
31.5	76	65
63	74	67
125	68	66
250	63	59
500	57	52
1,000	52	46
2,000	45	37
4,000	38	26
8,000	32	17

C. Glare.

No source of light shall cause direct, reflected or sky reflected glare exceeding one (1) candle foot. Said glare shall be measured at any point greater than fifty (50') feet from the boundary of the property from which it emanates.

No source of light shall cause a color rendering effect perceptible without the aid of instruments at or on any portion of a residential or recreational zone or area.

This regulation shall not apply to such lights or beacons as may be required for compliance with safety standards or regulations of the Borough, County, State or Federal Government or their agencies.

D. Shock.

No use shall be permitted which disseminates any shock or vibration detectable by the unaided human senses beyond the boundaries of the lot on which such use is located. Detection of said shock and vibration may be made without the use of measuring instruments.

E. Electrical Disturbance.

No activities shall be permitted which produce electrical disturbance adversely affecting the operating of any equipment at any point outside the lot.

All machines, engines, equipment or processes which are inherently capable of generating electromagnetic interference whether radiated or conducted or both shall be designed or modified to conform to all applicable requirements of the "**THE COMMUNICATIONS ACT OF 1934" Section 15 and 18 of the Rules and Regulations of the Federal Communications Commission** and all future amendments or revisions which shall be enacted by the **Federal Communications Commission**.

F. Radioactive Radiation.

No activities are permitted which would raise the radiation above the normal background level beyond the boundaries of the lot.

G. Air Pollution.

All provisions of the New Jersey Air Pollution control code shall apply.

H. Odors.

No odorous material may be emitted into the atmosphere in quantities sufficient to be detected by the human senses without instruments at any point along the property line or at any point outside of the property lines for periods aggregating more than five (5) minutes in any hour.

I. Solid, Liquid and thermal Waste.

No waste shall be discharged into any water course other than the public sewer. All methods of waste disposal shall be approved by the Borough Health Department and the New Jersey Department of Environmental Protection.

Section 28-108. LOT PARKING REQUIREMENTS:

A. More than one (1) building or structure may be built on any one (1) lot provided that the total area of the buildings does not exceed the maximum lot requirements as set forth in **ARTICLE III, SCHEDULE OF GENERAL REQUIREMENTS** of this Chapter and provided that all in the minimum lot and yard requirements are complied with and further provided that each building or structure is related to one (1) main permitted use on each lot, except as otherwise specified by Ordinance.

B. Off-street parking is required in the following amount in relation to floor area:

1. One (1) space for each one thousand (1,000') square feet of gross floor area used for warehousing and distribution.

2. One (1) space for each five hundred (500') square feet of gross floor area used for manufacturing.

3. One (1) space for each four hundred (400') square feet of gross floor area used for offices.

C. The design of off-street parking areas shall be subject to the following requirements:

1. Each parking space for a passenger vehicle shall be 9'x20' feet.

2. Suitable walkways shall be provided between cars and buildings.

3. The parking lot shall be paved, marked, graded and well drained.

4. A minimum of ten (10') feet of grass and landscaped area shall be provided between the parking lot and the property line except where lot line delineates between Industrial and Residential Zones, such landscaped area would be in addition to any buffer area requirements.

5. A minimum of fifty (50') feet of grassed and landscaped area shall be provided between the parking lot and any public road or street.

6. All roadways intended for ingress and egress shall be so designed as not to disrupt traffic on the public roads and streets.

7. Loading facilities – Off-street loading and unloading facilities shall be provided for each establishment. No loading docks will be permitted in any areas defined as "**FRONT YARDS**".

Section 28-109. BUILDING REQUIREMENTS AND LANDSCAPING:

A. All buildings with the exception of airport hangars must be finished with brick or stone veneer, split face or rib block or any other finished materials of aesthetic and structural quality meeting the approval of the Municipal Agency. All airport hangars must have one of the above or a metallic façade.

B. Landscaping.

1. All that area between the street right-of-way line and the required building set-back line not used as driver or pedestrian walks shall be devoted to planting of grass, trees, shrubs, flowers or appropriated plant materials and shall be suitably maintained.

2. All buffer strips must be landscaped; there shall be a living wall erected of non-deciduous vegetation along the entire residential zone line. The Municipal Agency may require decorative fencing for further screening purposes.

C. Outdoor Storage.

All materials and equipment shall be stored in completely enclosed buildings or shall be otherwise screened by such walls, fences and landscaping as may be permitted by this Chapter and determined by the Municipal Agency to be adequate to appropriately screen such materials and equipment from outside the boundaries of the lot. No outdoor storage or display shall be permitted in the set-back zones.

ARTICLE XI

RESIDENTIAL LOT CLUSTER DEVELOPMENT

Section 28-110. PURPOSE:

The purpose of this Article is to provide a method of developing residential dwellings which; will preserve usable open space, conservation areas, flood plains, recreation and park areas and lands for other public purposes.

Section 28-111. RESIDENTIAL LOT CLUSTER DEVELOPMENT STANDARDS:

In the **R-15**, **R-20** and **R-40 Zones**, **LOT CLUSTER DEVELOPMENTS** may be permitted, subject to the approval of the Municipal Agency in accordance with the following standards:

A. The minimum size of a tract of land proposed for development under the **LOT CLUSTER DEVELOPMENT** provisions of this Article shall be twenty (20) acres.

B. Land area equal to a minimum of twenty-five (25%) percent of the tract of land proposed for development shall not be included in building lots, but shall be set aside for conservation, open space, recreation and park area or similar purposes not including street rights-of-way, driveways, parking areas, utility stations and buffer strips.

C. The open space area saved shall be permanently devoted to one or more of the following open space uses: woodland conservation areas, game preserves, wild fowl refuges, pedestrian walkways, cycling (excluding motorized cycles) and bridle trails, stream preservations, water shed protection, flood control areas, parks, playgrounds and ball fields.

D. Prior to any final approval, an open space organization shall be established pursuant to **ARTICLE XIV** of Chapter 17, (**DEVELOPMENT REVIEW ORDINANCE**) of the Code of the Borough of Lincoln Park to own and maintain common open space areas established pursuant to this Article or such common open space areas shall be dedicated to and accepted by the Borough.

E. Not in excess of fifty (50%) percent of the total open space of the area required in Subsection B above shall be located in any one of any combination of the following: a flood plain having an existing grade four (4') feet or more below the base flood elevation, floodways, areas with a slope greater than fifteen (15%) percent, watercourses or bodies of water or areas deemed unsuitable for recreational purposes due to environmental reasons.

F. While nothing herein contained shall be deemed to require that as a condition of **LOT CLUSTER DEVELOPMENT** project approval, a Developer must make available lands for public use which are proposed as open space, the Borough may, at any time and from time to time, accept a voluntary dedication of said land or any interest therein for public use and maintenance provided that such dedication shall not prohibit the installation of underground public utilities.

G. No building or structure shall be located within seventy-five (75') feet of any development boundary line, provided that fifty (50') feet of such area may be utilized as any required buffer strip.

H. A buffer strip of at least fifty (50') feet in width shall be provided along any zone boundary line except where a **RESIDENTIAL LOT CLUSTER DEVELOPMENT** abuts an **R-15**, **R-20** and **R-40** Zone. The Municipal Agency may require a buffer strip in excess of fifty (50') feet for good planning reasons including but not limited to the need to additionally buffer uniquely sensitive areas having ecological, historical or archeological significance fully taking into consideration the tract size, the total quantum of land devoted to require buffer strip, the effect thereof upon the development proposal and the impact upon surrounding properties.

L. All churches, hospitals, nursing homes and philanthropic uses shall abut a public, major or secondary road as defined by the circulation plan element of the Master Plan.

Section 28-123. PUBLIC UTILITIES:

Public and private utilities, such as towers, antennas, substations, telephone exchanges and associated buildings for the operation, storage and maintenance of electronic and radio equipment shall be allowed as provided.

A. Plans, specifications and plot plans, and a statement setting forth the need and purpose of the installation are first filed with the Municipal Agency by the applicant and approved by said Agency.

B. Proof is furnished to the Municipal Agency that the proposed installation in a specific location is necessary and convenient for the efficiency of the public and private utility system or the satisfactory and convenient provision of service by the utility to the neighborhood or area in which the particular use is to be located. The design of any building to be used in connection with such facility shall conform to the underlying district height and set back requirements, the general character of the particular area and shall not adversely affect the safe and comfortable enjoyment of property rights of the zone in which it is located; adequate and attractive fences and other safety devices, sufficient landscaping including shrubs, trees and lawn shall be provided and maintained.

C. Except for antennas mounted on public buildings or publicly owned structures and mechanical and electronic appurtenances, all public and private utility structures shall comply with the height restriction of that zone in which the facility shall be located. No antenna mounted on a building or structure shall exceed seven (7') feet in height.

D. Public and private utilities shall conform to the following standards:

1. Minimum lot area 15,000' square feet.

2. Front yard set back 35' feet.

3. Rear yard set back 35' feet.

4. The combined total side yard set back requirements may be reduced by six (6") inches for each foot a lot is less than the required lot width measured at the front street line for the zone in which such lot is located provided that no principal buildings shall be placed nearer than ten (10') feet to one side property line, and there shall be one side yard conforming to the side yard required for the zone in which the property is located.

5. All buffer area requirements as specified for the zone in which the subject property is located shall be complied with.

E. The Municipal Agency shall than decide the matter in accordance with the procedure herein provided for the issuing of conditional uses in Chapter 17, **ARTICLE VI**, **Section 17-87** of the Code of the Borough of Lincoln Park.

Section 28-124. PUBLIC GARAGE OR GASOLINE STATION:

A public garage or gasoline station may be permitted only in the **B1** and **B3 BUSINESS ZONES** provided:

A. A site plan therefore which shall show in detail the exact location of such garage or gasoline station with such measurements of distance as are required hereunder, the number of tanks to be installed, the dimensions and capacity of each tank, the depth at which the tanks will be placed below the ground, the number of pumps to be installed, the type of structure and accessory buildings to be constructed and the number of automobiles to be garaged shall be first approved by the Municipal Agency. Such site

plan approval shall also encompass the judgment of the Municipal Agency as to the effect of the use on the comprehensive planning of the Borough.

B. No such public garage or gasoline station shall be constructed or placed on any lot which possesses a lot line located less than one thousand (1,000') feet from any public or private school offering courses of general educational instruction, hospital, church, theater or library, and further provided that all gasoline or oil pumps shall be located at least twenty-five (25') feet from the street line and no such garages or gasoline stations shall be erected or constructed within one thousand (1,000') feet of the nearest lot line of any existing garage or gasoline station.

C. All other requirements set forth in the schedule of requirements for the **B1** or **B3 BUSINESS ZONE**, whichever is applicable.

[21]Section 17-125. "RESERVED"

[22]Section 28-126. CONDITIONAL USES IN INDUSTRIAL (I) ZONE:

A. The following are conditional uses or conditionally permitted uses in the I-Industrial Zone:

1. Indoor and outdoor recreation areas.
2. Parks.
3. Arboretums.
4. Accessory structures and parking required in the maintenance and general support of the on-site recreational activities.
5. Bridal paths, bicycle, walking and jogging trails.
6. Field sports facilities, and country clubs.
7. Golf courses.
8. Wildlife conservation areas.
9. Picnic areas, campgrounds, including day camps.
10. Outdoor and indoor tennis and other racquet courts.
11. Outdoor and indoor private and community swimming pools.
12. Environmental education centers.
13. Archery ranges and indoor target ranges.
14. Snack bars or restaurants directly related and incidental to the main recreational use on-site, but not including transient or mobile structures.
15. The retail sale of good or services; which are directly related and incidental to the main recreational use on-site.
16. Locker rooms, shower facilities, toilet facilities, related and incidental to the main recreational use on-site.

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[21] Marked RESERVED by Ordinance 1,354 Adopted 5/15/06, Effective 6/4/06

[22] ADDED by Ordinance 1,301 Adopted 4/7/03, Effective 4/29/03

17. Party rooms, catering areas, dining facilities related and incidental to the main recreation use on site.
18. Meeting rooms, congregation areas, related and incidental to the main recreational use on-site.

19. Office areas, meeting rooms, related and incidental to the main recreational use on-site.

B. The preceding uses and structures are permitted provided that same meet all of the following conditions:

1. Applicant for such use approval shall submit a detailed site plan to the Municipal Reviewing Agency. Such site plan shall detail all proposed uses and structures.

2. There shall be a minimum lot size often ten (10) acres.

3. The lot subject to such uses in the **I INDUSTRIAL ZONE** shall be located within the New Jersey State Flood Hazard Area.

4. A minimum of 50% of the lot shall remain in its natural vegetated state.

5. The lot subject to such uses in the **I INDUSTRIAL ZONE** may not be located adjacent to any residential zone and shall be located to the west of Beaver Brook Road.

ARTICLE XIII

SIGNS

Section 28-130. PURPOSE:

The attractiveness of the Borough of Lincoln Park contributes to the general welfare economic well-being of its citizens, property owners, and business people. Reasonable control of signs promotes a desirable visual environment and enhances public safety. The purpose of the regulations and standards that follow are: to encourage the effective use of signs as a means of communication; to maintain and enhance the aesthetic environment of the Borough; to improve traffic safety; to minimize the possible adverse effect of signs on property values; and to enable fair and consistent enforcement of these sign regulations. This Sign Ordinance Adopted under the zoning authority of the Borough in furtherance of the more general purposes set forth in **Section 28-1** of this Chapter.

Section 28-130.1 DEFINITIONS:

For the purposes of this Article, the terms and words set forth below shall be defined as follows:

"SIGN" for the purposes of this Ordinance the term "SIGN" shall mean and include every object, device, frame, figure, character, mark, point, fixture, graphic design, picture, stroke, stripe, trademark, model, emblem, placard, symbol, display, light, logo or reading matter, which is used or intended to be used or intended to be used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means including words, letters, figures, designs, symbols, colors, illumination, or projected images, when the same is placed in the view of the general public.

"ADVERTISE" giving, attempting to give, or intending to give notice, information or warning to any person by any means.

"ATTRACTION BOARD" a sign used to display or list current or future attractions or events to be held on the premises where such sign is located.

"AWNING" a structure made of cloth, metal or other material affixed to a building in such a manner that the structure may be raised or retraced to a position against the building.

"BANNER/PENNANT" a sign intended to be hung either with or without a frame, possessing characters, letters, illustrations or ornamentations applied to paper, plastic or any flexible fabric of any kind.

"BEACON" a stationary or revolving light which flashes or projects illumination, single color or multi-colored, in any manner which is intended to attract or divert attention; except, however, this term is not intended to include any kind of lighting device which is required or necessary under the safety regulations described by the Federal Aviation Agency or similar agencies.

"BILLBOARD OR OUTDOOR ADVERTISING SIGN" a sign which directs attention to a business, industry, profession, commodity, service or entertainment not sold or offered upon the premises where the sign is located.

"BULLETIN BOARD" any sign erected by a public or non-profit organization.

"CANOPY/MARQUEE" a structure, other than an awing, made of cloth, metal or other material with frames affixed to a building and/or supported on the ground.

"DISPLAY" SURFACE AREA" the entire rectangular geometric area within a single continuous perimeter enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures, together with any material or color forming an integral part of the display or which differentiates the sign from the background on which it is placed. Structural supports bearing no sign copy shall not be included in the display surface area. The display surface area of a two-faced sign shall be considered to be the area of the largest single face, providing both faces are directly parallel to each other.

"ENFORCEMENT OFFICIAL" Zoning Official or designee.

"ERECT" to build, construct, attach, fabricate, hand, place, suspend or affix any object, including but not limited to the painting or lettering of any sign, insignia, or letters painted or otherwise affixed to the exterior surface of any structure.

"FLAG" any fabric, banner or bunting containing distinctive colors, patterns, or symbols used as a symbol of a government, political subdivision organization, club, company or other entity.

"MUNICIPAL REVIEW AGENCY" Governing Body, Planning Board, Board of Adjustment or designee.

"PREMISES" property and buildings contained thereon.

"SIGN, A-FRAME OR SANDWICH SIGN" an A-shaped temporary and easily movable ground sign usually two-sided used for advertising commodities, services or entertainment usually conducted upon the premises where the sign is located.

"SIGN, BUSINESS" a sign which directs attention to a business, profession, activity, commodity, service or entertainment conducted, sold, or offered upon the premises where such sign is located, or within the building in or on which such sign is affixed.

"SIGN, CONSTRUCTION" a sign identifying the person, firm or corporation involved in the design, construction, demolition, financing or development of a project and placed upon the premises where and during the time the project is under construction.

"SIGN, DIRECTIONAL" a sign, which provides direction or instruction to guide persons to facilities intended to serve the public, including by way of example, and not limited to, signs identifying restrooms, public telephones, public walkways, parking areas and other similar facilities. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered directional.

"SIGN, DIRECTORY" a sign which indicates the name and/or address of the occupant of the premises, the name and/or address of the premises, and/or identification of any permitted use, business or occupation which may exist on the premises.

"SIGN, FLASHING" an illuminated sign in or on which the artificial source of illumination is not maintained stationery and/or constant in intensity and/or color at all times, when such sign is illuminated. For purposes of this Article, any moving, illuminated sign, shall be deemed a flashing sign.

"SIGN, GROUND" a sign supported by structures or supports or upon the ground and not attached or dependent for support from any building, the highest point of such sign or any attached structure being no more than seven (7') feet high measured from the ground.

"SIGN, FREESTANDING; SIGN, POLE" any sign, other than a ground sign, supported by structures or supports or upon the ground and not attached or dependent for support from any building.

"SIGN, ILLUMINATED" a sign in or on which an artificial source of illumination is utilized.

"SIGN, MOVING OR ANIMATED" a sign which revolves, rotates, swings, undulates or otherwise contains any moving part or device which gives the visual impression of movement, including electronically controlled copy or lighting changes; excluding flags, pennants or banners.

"SIGN, NEON" self-illuminating electric signs usually constructed of glass tubing containing a vapor or gas configured to form a display or lettering.

"SIGN, OFF-PREMISE" a sign which directs attention to a person, business, profession, activity, commodity, service or entertainment conducted on premises other than the premises where such sign is located.

"SIGN, PERMANENT" any sign other than a temporary sign.

"SIGN, POLITICAL" a sign identifying or calling attention to any political candidate, issue, party or view point.

"SIGN, PORTABLE" a sign not permanently affixed to the ground or other structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported on a vehicle or trailer.

"SIGN, PROJECTING; SIGN, ATTACHED" a sign affixed parallel to the exterior surface of any building or structure.

"SIGN, REAL ESTATE (FOR SALE/FOR LEASE/FOR RENT" a temporary sign which is used to offer for sale, lease or rent, all or any portion of the premises upon which such sign is placed.

"SIGN, REAL ESTATE (SOLD)" a temporary sign which is used to indicate that all or a portion of the premises offered for sale, lease or rent, upon which the sign is placed, has been sold, leased or rented.

"SIGN, REAL ESTATE (OPEN HOUSE)" a temporary sign which is used to advertise a public viewing of premises offered for sale, lease or rent upon the premise where such sign is placed.

"SIGN, RELOCATION" a temporary sign which is used to indicate that a business has relocated to another premise.

"SIGN, ROOF" a sign erected or maintained, in whole or in part, upon, against or directly above the roof or parapet line of a building.

"SIGN, TEMPORARY" a sign erected, affixed or maintained, intended or designed to be erected, affixed or maintained, on premises for a short, usually fixed, period of time, including, but not limited to signs relating to a particular season, holiday, campaign, sale or promotion of limited duration.

"SIGN, WALL" a sign affixed to the vertical face of any structure.

"SIGN, WARNING" a sign giving notices to the public of the existence of danger or the need for increased caution or circumspection.

"SIGN, WINDOW" a temporary sign, attached to, placed upon, located in, or painted upon a window or door of a building which is intended for viewing from the exterior of such building.

"SHOPPING CENTER" any single or multi-tenanted commercial building located in the **B-2 ZONE**.

Section 28-130.2 BRIGHTNESS; GLARE:

All signs shall be so designated, located, shielded and directed so as to prevent the casting of glare or direct light from artificial illumination upon adjacent public roadways or adjacent property.

Section 28-130.3 GENERAL SPECIFICATIONS:

All signs permitted by this Article shall be erected in accordance with the following provisions:

A. No sign shall be erected. Constructed or maintained so as to obstruct any fire escape, required exits, windows, doors, wall openings or other area intended as a means of ingress and egress.

B. No sign shall be erected, constructed or maintained so as to obstruct or interfere with any building opening required or intended for ventilation.

C. All signs shall be located in such a way that it maintains adequate horizontal and vertical clearance from all utility lines.

D. No sign shall be erected. Constructed or maintained in any public right-of-way, with the exception of warning, directional or traffic signs.

E. No sign shall be erected, constructed or maintained so as to obstruct or interfere with any existing warning, directional or traffic signs.

F. No sign shall be erected, constructed or maintained on property or rights-of-way owned or controlled by the Borough of Lincoln Park without the permission of the Governing Body of the Borough.

G. Unless a more restrictive standard or requirement is set forth herein, all signs must comply with the standards and requirements of the applicable **B.O.C.A. NATIONAL BUILDING CODE** and the **UNIFORM CONSTRUCTION CODE ACT (N.J.S.A. 52:27D-119 et seq.)**

Section 28-131. PROHIBITED SIGNS:

The following signs are hereby expressly prohibited for erection, construction, repair, alteration or relocation within the Borough of Lincoln Park, except as otherwise permitted in this Article:

A. "A" Frame or sandwich board signs, and sidewalk or curb signs, except as a temporary sign, as provided for in **Section 133.1** and **133.3** of this Article.

B. Banners, pennants, streamers, pinwheels, balloons and other gas filled devices, except as a temporary sign, as provided for in **Section 133.1** and **133.3** of this Article.

C. Billboards and off-premise signs, except as a temporary sign, as provided in **Section 133.3** of this Article.

D. Moving or animated signs and/or flashing, flickering, tracer or sequential lighting, signs or beacons.

E. Portable signs, except as a temporary sign, as provided for in **Section 133.1** and **133.3** of this Article.

F. Attached or projecting signs which project more than twelve (12") inches beyond the exterior surface to which it is affixed.

G. Roof signs.

H. signs placed on or affixed to motor vehicles and/or trailers, parked on a public right-of-way, public property or private non-residential property visible from a public right-of-way or public property, whose purpose is to advertise a product, business, profession, activity, commodity, service or entertainment conducted, sold or offered upon the same, adjacent or nearby property. This is not intended to prohibit the casual sale from private residential property of no more than one (1) vehicle, boat or trailer and signs incident thereto.

I. Signs, which are attached or otherwise affixed to trees or other living vegetative matter or telephone poles.

J. Signs painted on an exterior wall, fascia parapet or chimney of a building or on a fence.

K. Signs, which imitate, interfere with or obstruct the view of any authorized traffic control signal, sign or other device.

L. Any advertisement which uses a series of two (2) or more signs placed in a line parallel to the road or in a similar fashion, all carrying a single advertisement message, part of which is contained on each sign.

M. Signs using any material, which sparkles or glitters.

Section 28-132. EXEMPT SIGNS:

The following signs are hereby exempt:

A. **AWNING, CANOPY** and **MARQUEE SIGNS**: Signs, not exceeding an aggregate display surface area of four (4') square feet.

B. **DIRECTIONAL** or **INSTRUCTIONAL SIGNS**: Display signs, not exceeding four (4') feet in display surface area, and containing no advertising of a commercial nature.

C. **FLAGS**: Flags, emblems.

D. **GOVERNMENTAL SIGNS**:

E. **HOLIDAY DECORATIONS**: Signs or other decorative materials temporarily displayed on traditionally accepted civic, patriotic or religious holidays, and containing no advertising of a commercial nature.

F. **INTERIOR SIGNS**: signs, which are fully located within the interior of any building.

G. **NAME AND ADDRESS PLATES**: A single non-illuminated sign not exceeding one (1') square foot.

H. **NO TRESPASSING, NO DUMPING, NO PARKING, TOWING** and **OTHER SIMILAR SIGNS:** Not exceeding two (2') square feet in display surface area.

I. **PLAQUES**: Plaques, nameplates or memorial signs, directly attached or affixed to the exterior wall of a building, not exceeding four (4') square feet in aggregate gross surface area, and containing no advertising of a commercial nature.

J. **POLITICAL SIGNS**: Political signs not exceeding the maximum aggregate gross surface area of any sign permitted in the zone where placed.

K. **PUBLIC SIGNS** and **NOTICES**:

L. **SIGNS ON VEHICLES**: Signs placed on or affixed to vehicles and/or trailers incidental to the primary use of the vehicle or trailer but not signs where the apparent purpose is to

advertise a product or direct people to a business or activity located on the same or nearby property.

M. **VENDING MACHINE SIGNS**: Permanent, signs on vending machines, indicating only contents and pricing or instructional information not exceeding four (4') square feet.

N. Any sign specifically required by Ordinance.

O. **RELOCATION SIGNS**: Relocation information signs for a period of thirty- (30) days restricted to the present location not to exceed four (4') square feet.

P. **WINDOW SIGNS**: Temporary window signs not to exceed thirty-five (35%) percent of total storefront window area or fifty (50%) percent of the area of the display window, such signs shall not be displayed for any period exceeding thirty (30) days.

Q. **GARAGE SALES**: Garage sales signs located in the premises only, not exceeding two (2') square feet and containing the date of sale. Such sign shall be removed within twenty-four (24) hours of the last day of sale.

Section 28-133. TEMPORARY SIGNS; GENERAL REQUIREMENTS:

A. Temporary signs shall not project more than six (6') feet in height.

B. Temporary signs shall not be located within fifteen (15') feet of any point of vehicular access.

C. Temporary signs shall be non-illuminated and non-moving.

Section 28-133.1 TEMPORARY BUSINESS SIGNS:

Temporary business signs indentifying a limited activity, service, product, sale of promotion of limited duration upon the premises and shall not exceed four (4') square feet and display shall be limited to seven (7) days.

Section 28-133.2 TEMPORARY CONSTRUCTION SIGNS:

One (1) temporary construction sign indentifying the parties involved in the construction to occur or occurring on the premises on which the sign is placed shall not exceed thirty-two (32') square feet and be maintained solely during the period of active construction.

Section 28-133.3 TEMPORARY EVENT SIGNS:

Temporary event signs announcing a campaign, drive, activity, or event of a civic, philanthropic, educational, religious or eleemosynary organization for non-commercial purposes shall be subject to the following:

A. Any temporary event sign shall not interfere or obstruct access, activity or vision along any public right-of-way.

B. Any temporary event sign shall not be maintained for a period in excess of thirty – (30) days prior to the date of which the campaign, drive, activity or event advertised is scheduled to occur and shall be removed within three (3) days of termination.

Section 28-133.4 TEMPORARY REAL ESTATE SIGNS:

Temporary real estate signs shall be subject to the following:

A. There shall be no more than one (1) temporary real estate sign for each lot.

B. One (1) temporary real estate sign (open house) shall be permitted on each lot for a period of forty-eight (48) hours.

C. AREA:

1. Temporary real estate signs shall not exceed six (6') square feet in display surface area for each exposed face.

2. On lots with public roadway frontage exceeding two hundred fifty (250') feet and square footage in excess of one (1() acre, temporary real estate signs shall not exceed twenty (20') square feet in aggregate display surface area.

D. LOCATION:

Temporary real estate signs shall be located only upon the premises. Off-premises real estate signs shall not be permitted.

Section 28-134. PERMANENT SIGNS; GENERAL REQUIREMENTS:

Section 28-134.1 PERMANENT SIGNS; RESIDENTIAL ZONES OR USES:

For all residential zones or uses, only the following signs are permitted, and only if accessory and incidental to a permitted use upon the premises where the sign is located.

A. One (1) externally illuminated residential development sign indicating the name of the development shall be permitted at each point of vehicular access to the development from a public roadway and shall be placed no closer than fifteen (15') feet of any public or private roadway or driveway. Signs may not exceed twenty (20') square feet in display surface area nor project above the ground higher than seven (7') feet.

B. Institutional Attraction/Bulletin Boards. One (1) attraction board, wall or ground sign displayed by civic, philanthropic, educational and religious organization identifying activities, events and services involving the organization occupying the premises on which the attraction board is to be erected but containing no commercial advertising material of any kind shall be permitted subject, however, to the following:

1. The display surface area shall not exceed twenty (20') square feet nor located within fifteen (15') feet of any point of vehicular access from a public roadway.

2. Sign height shall not exceed fifteen (15') feet.

C. Exempt Signs. As provided by **Section 28-132** of this Article.

Section 28-134.2 PERMANENT SIGNS; NON-RESIDENTIAL ZONES AND USES:

A. **Business Zones (B-1, B-2, B-3, LB, and CR)** and **Uses**: for all **Business Zones**, only the following signs are permitted and only if accessory and incidental to a permitted use upon the premises where the sign is located:

1. **Business Use Signs**: Business use signs shall be subject to the following:

a. **WALL SIGNS:**

1. **Number**. There shall be not more than one (1) wall sign for each business.

2. **Area:** The display surface area of a wall sign shall not exceed ten (10%) percent of the area of the building wall, including doors and windows, to which the sign is to be affixed or thirty-two (32') square feet, whichever is less.

3. **Location:** A wall sign may be located on the outermost wall of any principal building but shall not project more than twelve (12') inches from the wall to which the sign is to be affixed. The location and arrangement of an overall building sign plan shall be subject to the review and approval of the Municipal Review Agency as part of the Site Plan Process.

4. **Height:** A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed or twenty (20') feet, whichever is less.

5. **Special Conditions:** Where a principal building is devoted to two (2) or more permitted uses, such overall building wall sign shall be subject to review and approval of the Municipal Agency.

b. **GROUND SIGNS:**

1. **Number**: There shall not be more than one (1) ground sign for each lot or principal building.

2. **Area:** The display surface area of a ground sign shall not exceed thirty-two (32') square feet.

3. **Location:** A ground sign may be located in any required yard but shall not extend over any lot line or within fifteen (15') feet of any point of vehicular access and/or within seven (7') feet of any public roadway.

c. **FREE STANDING SIGN:**

1. **Number:** There shall be no more than one (1) freestanding sign for each principal building.

2. **Area:** The display surface area of a free–standing sign shall not exceed thirty-two (32') square feet.

3. **Location:** a free-standing sign may be located in any required yard but shall not extend over any lot line, or within fifteen (15') feet of any point of vehicular access or within seven (7') feet of any public roadway.

4. **Height:** a free–standing sign shall not project higher than twenty (20') feet.

d. **AWNING, CANOPY** and **MARQUEE SIGNS:**

1. **Number:** There shall not be more than one (1) awning, canopy, or marquee sign which does not exceed a display surface area of four (4') square feet for each principal building.

2. **Area:** The display surface area of an awning, canopy or marquee sign shall not exceed fifty (50%) percent of the gross surface area of the smallest face of the awning, canopy or marquee to which such sign is to be affixed.

3. **Location:** a sign may be affixed to or located upon any awning, canopy or marquee. The location and arrangement of all such signs shall be subject to the review and approval of the Municipal Review Agency, as part of the process.

4. **Height:** An awning, canopy or marquee sign shall not project higher than the top of the awning, canopy or marquee to which such sign is to be affixed.

2. **Shopping Center Signs:** Shopping Center Signs shall be subject to the following:

a. **WALL SIGNS:**

1. **Number:** There shall not be more than one (1) wall sign for each principal tenant or use contained in a shopping center except that where a tenant or use abuts two (2) or more streets, additional such signs, one (1) oriented to each abutting street, shall be permitted.

2. **Area:** The display surface area of a wall sign shall not exceed ten (10%) percent of the tenant's or use's proportionate share of the building wall to which the sign is to be affixed or forty (40') square feet, whichever is less.

3. **Location:** A wall sign may be located on the outermost wall of any principal building but shall not project more than twelve (12") inches from wall to which the sing is to be affixed.

The location and arrangement of an overall building sign plan shall be subject to the review and approval of the Municipal Review Agency, as part of the Site Plan process.

4. **Height:** A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed or twenty (20') feet, whichever is less.

b. **FREE STANDING SIGNS:**

1. **Number:** There shall not be more than one (1) free-standing sign for each shopping center.

2. **Area:** The display surface area of a freestanding sign shall not exceed sixty (60') square feet.

3. **Location:** A free standing sign may be located in any required yard but shall not extend over any lot line or within fifteen (15') feet of any point of vehicular access from a public roadway.

4. **Height:** A free standing sign shall not project higher than twenty-five (25') feet, as measured from base of sign or grade of the nearest adjacent roadway, whichever is less.

c. **AWNING, CANOPY**, and **MARQUEE SIGNS:**

1. **Number:** There shall not be more than one (1) awning, canopy or marquee sign which does not exceed a display surface area of four (4') square feet.

2. **Area:** the display surface area of an awning, canopy or marquee sign which does not exceed a display surface area of four (4') square feet.

3. **Location:** A sign may be affixed to or located upon any awning, canopy or marquee. The location and arrangement of all such

signs shall be subject to the review and approval of the Municipal Review Agency, as part of the Site Plan process.

4. **Height:** An awning, canopy or marquee sign shall not project higher than the top of the awning, canopy or marquee to which such sign is to be affixed.

d. **ATTRACTION BOARDS:**

1. **Type:** Shopping center attraction boards shall be ground signs or free standing signs.

2. **Number:** Each shopping center may erect a single attraction board to be used in identifying special, unique or limited activities, services, products or sales of limited duration occurring within the shopping center in which the attraction board is to be located.

3. **Area:** The display surface area of a shopping center attraction board shall be included within the permitted aggregate display surface area for all ground signs and free standing signs located on the premises.

4. **Location:** A shopping center attraction board may be located in any required yard but shall not extend over any lot line within fifteen (15') feet of any point of vehicular access from any lot to a public roadway, and shall be contiguous with or attached to any other permitted ground sign located on the premises.

5. **Height:** A shopping center attraction board shall not project higher than fifteen (15') feet, as measured from the base of sign or grade of the nearest adjacent roadway, whichever is higher.

e. Shopping center signs shall only be permitted in the **B-2 Business Zone**.

3. **Institutional Attraction/Bulletin Boards:** Attraction boards displayed by civic, philanthropic, educational and religious organizations identifying activities, events and services involving the organization occupying the premises on which the attraction board is to be erected but containing no commercial advertising material of any kind shall be subject to the following:

1. **Type:** Institutional attraction boards may be either wall signs or ground signs.

2. **Number:** There shall not be more than one (1) institutional attraction board for each principal building.

3. **Area:** The display surface, area of an institutional attraction board shall not exceed twenty (20') square feet for each exposed face nor exceed an aggregate gross surface area of forty (40') square feet, whichever is less.

4. **Location:** An institutional attraction board may be located in any required yard but shall not extend over any lot line or within fifteen (15') feet of any point of vehicular access from a public roadway.

5. **Height:** An institutional attraction board shall not project higher than fifteen (15') feet, as measured from base of sign or building

to which the sign is to be affixed or the grade of the nearest adjacent roadway, whichever is higher.

4. **EXEMPT SIGNS:** as provided by **Section 28-132** of this Article.

B. **Industrial Zones (TI, PI, I, AI)** and **Uses**: For all industrial zones and uses, only the following signs are permitted and only if accessory and incidental to a permitted use upon the premises where the sign is located:

1. **Office** and **Industrial Use Signs**: Office and industrial use signs shall be subject to the following:

a. **Wall Signs:**

1. **Number:** There shall not be more than one (1) wall sign for each principal building except where the building abuts two (2) or more streets, additional such signs, one (1) oriented to each abutting street, shall be permitted. If the principal building contains two (2) or more tenants, a single wall sign for each tenant shall be permitted, so long as the total aggregate display surface area of all signs does not exceed the maximum area requirements of **Section 28-136(B) (a) (2).**

2. **Area:** The gross surface area of a wall sign shall not exceed ten (10%) percent of the area of the building wall, including doors and windows, to which the sign is to be affixed or fifty (50') square feet, whichever is less.

3. **Location:** The location and arrangement of all office and industrial park signs shall be subject to the review and approval of the Municipal Review Agency, as part of the Site Plan process.

4. **Height:** An office or industrial park sign shall not project higher than fifteen (15') feet, as measured from base of sign or grade of the nearest adjacent roadway, whichever is higher.

b. **Directory Signs:** Directory signs indicating only the names of the occupants of the premises in which the sign is to be located but containing no advertising material of any kind shall be subject to the following:

1. **Type:** Directory signs may be either wall signs or ground signs.

2. **Number:** There shall not be more than one (1) directory sign for each industrial building.

3. **Area:** The aggregate display surface area of a directory sign shall not exceed five (5') square feet for each occupant located in the building or complex.

4. **Location:** A directory sign may be located in any required yard but shall not extend over any lot line or within fifteen (15') feet of any point of vehicular access to a public roadway.

5. **Height:** A directory sign shall not project higher than seven (7') feet.

c. **Exempt Signs:** As provided in **Section 28-132** of this Article.

Section 28-135. PERMITS; APPLICATIONS; FEES:

A. Applications for sign permits shall be submitted to the Director of Development and shall contain and/or have attached thereto the following information.

1. The name, addresses, and telephone numbers of the applicant, the owner of the premises on which the sign is to be erected and affixed, the owner of the sign, and the person, firm or corporation to be erecting or affixing the sign.

2. The location of the building, structure or lot on which the sign is to be erected or affixed (street address and lot and block number).

3. A site plan or sketch of the property showing accurate placement thereon of the proposed sign.

4. An elevation drawing depicting the proposed sign showing accurately how it will appear.

5. If required by the Enforcement Official, two (2) blueprints of the plans and specifications of the sign to be erected and affixed. Such plans and specifications shall include details of dimensions, materials, color and weight.

6. If required by the Enforcement Official, a copy of stress sheets and mounting calculations prepared by a licensed Engineer showing that the sign is adequately designed for dead load and wind pressure in any direction as may be required by this Article and applicable State and Federal regulations.

7. The written consent of the owner(s) of the building, structure or property on which the sign is to be erected or affixed.

8. For temporary signs, the duration of time the sign shall be maintained on the premises.

9. If the application is for an existing building, current color photographs of all exposed exterior walls of the building shall be submitted.

10. Such other information as the Director of Development may reasonably require to determine compliance with this and other applicable Ordinances.

B. A separate application and fee shall be required for each sign to be erected, constructed, repaired, altered, replaced or relocated

C. Fees: Each sign requiring a sign permit shall require the following fees:

1. **Initial Permit Fee:** Each application for a sign permit shall be accompanied with a fee in conformance with the following schedule:

a. **Non-illuminated Signs, Permanent:** Twenty-five ($25.00) dollars plus twenty-five ($.25) cents for each square foot of display surface area for each exposed face of the sign.

b. **Illuminated Signs, Permanent:** Thirty-five ($35.00) dollars plus thirty-five ($.35) cents for each square foot of display surface area for each exposed face of the sign.

c. **Non-illuminated Signs, Temporary:** Twenty-five ($25.00) dollars for each sign.

d. **Illuminated Signs, Temporary:** Thirty-five ($35.00) dollars for each sign.

e. **Real Estate Signs (For Sale/For Lease/For Rent) (Open House):** No fee (except where more than the permitted number of signs is allowed by Resolution of the Board of Adjustment and in such case the fee shall be five ($5.00) dollars for each additional sign).

2. The foregoing fees shall be in addition to any other fees that may be required by statute or other applicable law (i.e. building permits, electrical permits, etc.).

Section 28-136. PRE-EXISTING, NON-CONFORMANCE SIGNS:

A. **Continuance:** Any sign lawfully existing before the effective date of this Article, may be continued in operation and maintained indefinitely as a pre-existing, non-conforming sign, except in such cases where any such sign is found to be unsafe or unlawful as provided by **Section 28-137**. However, no pre-existing, non-conforming sign shall be enlarged, expanded, extended or increased.

B. **Abandonment:** A non-conforming sign shall be adjudged and deemed abandoned where there occurs a destruction of such sign, cessation of use of such sign or where the product, service, place, activity, person, institution, business or solicitation advertisement is discontinued on the premises where such sign is located, for a period of ninety (90) days or more from the date of destruction, cessation or discontinuance.

C. **Destruction:** If any non-conforming sign shall be destroyed then such replacement sign shall be constructed in conformance with the provisions of this Ordinance.

Section 28-137. REMOVAL OF CERTAIN SIGNS:

A. Any sign which advertises a business, profession, activity, commodity, service, occupant or entertainment no longer being conducted, sold or offered in or from the premises on which the sign is located, shall be removed within one hundred eighty (180) days from the cessation of such business, profession, activity, commodity, service, occupancy or entertainment by the permit holder or the owner, tenant, occupant, or other person in control of the building or premises on which the sign is located.

B. If the Enforcement Official determines that any sign is unsafe, insecure or dilapidated thereby posing a threat to public health and safety, he shall give written notice to the permit holder or the owner, tenant, occupant or other person in control of the premises on which the sign is located. The sign shall be removed, repaired or otherwise made safe and/or secure within ten (ten) days of receipt of the notice from the Enforcement Official.

Section 28-138. ADMINISTRATION AND ENFORCEMENT:

A. The Director of Development or his designee, is hereby designated the Enforcement Official for this Article. The Enforcement Official shall be responsible for review and issuance of permits, conduct of inspections, issuance of notices of violation, removal of signs as permitted by this Article and maintenance of records.

B. Any person aggrieved by any action, order, requirement, decision or interpretation by the Enforcement Official, may appeal to the Zoning Board of Adjustment of the Borough of Lincoln Park.

Section 28-139. PENALTIES FOR VIOLATIONS:

A. Any person, firm or corporation who erects, constructs, repairs, alters, replaces, relocates or maintains any sign without first obtaining a sign permit or fails to comply with any provision of this Article shall be subject, for each and every violation, to a fine of up to one thousand ($1,000.00) dollars or imprisonment or community service up to ninety (90) days, or both. Each day that a violation continues shall constitute a separate offense.

B. With the exception of the notice required by **Section 28-137**, nothing herein shall be construed as requiring notice of violation as a pre-requisite for prosecution for violation of this Article.

ARTICLE XIV

PROHIBITION OF ABANDONED AND UNLICENSED VEHICLES IN ALL ZONES

Section 28-140. GENERAL:

The keeping, storage or abandonment of any motor vehicle not currently used for transportation, and not licensed for operation in the current year, upon lands within the limits of the Borough of Lincoln Park, is hereby declared to be contrary to the public health, safety and welfare of the inhabitants of the Borough, in that the exposure to view of such motor vehicles is unsightly and detrimental to the character and appearance of the Borough. For the purposes of this Article, any house trailer, truck trailer or tractor shall be deemed a motor vehicle and within the intendment of this Regulation.

Section 28-141. ABANDONED VEHICLES:

No person shall keep, store, abandon or leave upon any lot, or parcel of private property within the Borough any of the following:

A. A motor vehicle having an expired registration for more than three (3) months, and not currently used for transportation.

B. Used machinery or equipment.

Section 28-142. EXEMPTION:

Nothing contained herein shall be deemed to prohibit the following upon any lot or parcel or private property:

A. The placing, keeping, or storing of any such motor vehicle, machinery or equipment in a garage or other enclosed structure.

B. The keeping of motor vehicles on a bona fide care or used car lot where the same is offered for sale.

C. The storage of farm machinery

D. Upon the issuance of a special annual permit by the Zoning Officer therefore, one unlicensed vehicle may be kept upon any lot or parcel of private property under the following conditions:

1. The vehicle shall be kept on a designated space surfaced with suitable material.

2. There shall be adequate parking on the lot for all vehicles, which shall not otherwise encroach upon the front, side and rear yard requirements in the zone.

3. The permit shall be prominently displayed on the vehicle, so as to be readily visible to an inspector.

4. There shall be no permit fee.

5. A special permit can be renewed once for a period of one (1) year.

6. No permit shall be issued without presentation of a certificate of ownership.

Section 28-143. ACTION BY THE GOVERNING BODY:

Whenever it shall appear to the Governing Body of the Borough of Lincoln Park, that the presence upon any lands within the municipality of a motor vehicle not currently used of licensed or any unused machinery or equipment is detrimental to the general health, safety and welfare in that it is unsightly, the owner or tenant of other occupier of such land shall be required to remove therefrom such motor vehicle, machinery or equipment or to place the same in a garage or other enclosed structure within five (5) days after receipt by such owner or tenant of written notice to do so from the Borough Clerk or Zoning Officer. This notice may be served personally upon the owner, tenant or other occupier of such land, or may be directed to such person by certified mail.

Section 28-144. ENFORCEMENT:

This Article shall be enforced by the Building Inspector and Zoning Officer.

ARTICLE XV

NON-CONFORMING USES AND BUILDINGS

Section 28-150. CONTINUANCE:

Except as otherwise provided in this Article, the lawful use of land or buildings existing at the date of the Adoption of this Chapter (6/12/78) may be continued, although such use or building does not conform to the regulations specified by this Chapter for the zone in which such land or building is located. However, no non-conforming building shall be enlarged, expanded, extended or increased so as to extend a greater distance into the minimum yards required for the zone in which it is located, unless the total minimum yard distance requirements of this Chapter are maintained and all other requirements of this Chapter relating to the zone in which said non-confirming building is located are complied with. Nothing herein contained shall be construed as permitting the extending or expanding of any non-conforming use of the re-establishing of any non-conforming use after its abandonment.

Section 28-151. ABANDONMENT:

A non-conforming use shall be adjudged and deemed abandoned when there occurs a cessation of any such use or activity by an apparent act, or failure to act, on the part of the tenant or owner to re-instate such use within a period of one (1) year from the date of cession or discontinuance.

Section 28-152. RESTORATION:

If any non-conforming building shall be destroyed by reason of windstorm, fire, explosion or other act of God or the public enemy to an extent of less than twice the recorded assessed valuation, then such destruction shall be deemed partial destruction and may be re-built, restored or repaired.

Nothing in this Article shall be construed as preventing the strengthening or restoring to a safe condition of any wall, floor or roof; which has been declared unsafe by the Building Inspector.

Section 28-153. REVERSION:

No non-conforming use shall, if once changed into a conforming use, be changed back again into a non-conforming use.

ARTICLE XVI

ADMINISTRATION

Section 28-160. ENFORCEMENT:

The provisions of this Chapter shall be administered and enforced by the Building Inspector and Zoning Officer of the Borough. In no case shall a permit be granted for the use of any lot or for the construction or alteration of any building or structure, where the proposed construction, alteration or use thereof would be in violation of any provision of this Chapter. It shall be the duty of the Building Inspector and Zoning Officer and their duly authorized assistants, to cause any building plans for premises to be inspected or examined and to order in writing, the remedying of any conditions found to exist in violation

of any provision of this Chapter and he shall have the right to enter any building or premises during the daytime in the course of his duties, provided that, except in emergency situations, he has notified the owner thereof at least twenty-four (24) hours prior to such entry.

Section 28-161. RECORDS:

It shall be the duty of the Building Inspector and Administrative Officer to keep a record of all applications for permits and a record of all permits issued, with a notation of all special conditions involved. He shall file and safely keep copies of all plans submitted, and the same shall form a part of the records of his office and shall be available for the use of the Governing Body and of the officials of the Borough of Lincoln Park.

The Building Inspector shall prepare a monthly report for the Governing Body, summarizing all building permits and certificates issued by him and all complaints or violations and the action taken by him. A copy of each such report shall be filed with the Planning Board at the same time it is filed with the Governing Body.

Section 28-162. FEES:

All fees paid to the Building Inspector shall be transmitted by him at regular intervals to the Borough Treasurer and he shall maintain a written record of all fees paid to them.

Section 28-163. CERTIFICATES AND PERMITS:

A. **Building Permits:** All applications for building permits shall be made in the manner prescribed in the New Jersey State Uniform Construction Code.

B. **Certificates of Occupancy:** No building or premises or any part thereof hereafter created, located, erected, changed, altered, converted or enlarged, wholly or partly, shall be used or occupied, or permitted or caused to be used or occupied, unless a Certificate of Occupancy has been issued of that premises in accordance with the requirements of the New Jersey State Uniform Construction Code. The Certificate shall certify that the structure or use complies with the provisions of this Chapter.

1. **Revocation:** On the serving of notice of any location of any of the provisions or requirements with respect to any lot, building or structure or use thereof, or of land as specified in this Chapter, the Certificate of Occupancy for such use shall thereupon, without further action, be null and void until such time as the violation is removed.

2. **Filing:** A duplicate copy of the Certificate of Occupancy shall be filed with the Tax Assessor. A record of all Certificates of Occupancy shall be kept in the office of the Building Inspector. Copies shall be furnished on request, to the Planning Board or to any person having a proprietary or tenancy interest in the building or land affected.

Section 28-164. AMENDMENTS:

A. The regulations, limitations and restrictions of this Chapter, including the Zoning Map, may be amended, changed, modified or repealed by the Governing Body in accordance with **N.J.S.A. 40:55D-62.**

B. In addition to the notice required by law, notices of such hearing shall be mailed to any civic associations in the Borough; which shall have registered annually on or before January 1st, their name and address, for this purpose with the Borough Clerk. Failure to give such notices by mail shall not, however, invalidate any such amendment, change modification or repeal. No amendment or change shall become effective unless the Ordinance containing such amendment shall first have been submitted to the Planning Board for review. The Planning Board shall have a reasonable time, not less than thirty-five (35) days for consideration and report. In the case of an unfavorable report by the

Planning Board, such amendment or change shall not become effective except by a favorable vote of a majority of the fully authorized membership of the Governing Body.

C. A protest against any proposed amendment or revision of a Zoning Ordinance, may be filed with the Borough Clerk, signed by the owners of twenty (20%) percent or more of the area either (1) of the lots or land included in such proposed change, or (2) of the lots or land extending two hundred (200') feet in all directions therefrom inclusive of street space, whether within or without the Borough. Such amendment or revision shall not become effective following the filing of such protest except by the favorable vote of two-thirds (2/3) of all members of the Governing Body.

ARTICLE XVII

MISCELLANEOUS

Section 28-170. VIOLATIONS AND PENALTIES:

For any and every violation of the provisions of this Chapter, the owner, contractor or other person or persons interested as lessee, tenant or otherwise, in any lot, building, structure or premises where such violation has been committed or shall exist, shall for each and every violation be subject to a fine of not more than one thousand ($1,000.00) dollars or ninety (90) days imprisonment or both, at the discretion of the court or judicial officer before whom a conviction may be had. For each and every day that a violation continues after ten (10) days, written notice by the Building Inspector or Zoning Officer either served personally or by registered mail, the violator shall be subject to prosecution for separate offenses for each day the offense or violation continues after service of such notice. This provision shall not be construed as requiring the service of notice as prerequisite to prosecution for a single offense.

Section 28-171. ADJUSTMENT OF DEFINITIONS:

Whenever a term is used in this Chapter which is defined in the Municipal Land Use law, such term is intended to have the meaning set forth in the definition of such term found in said statute, unless a contrary intention is clearly expressed from the context of this Chapter.

Section 28-172. REPEALS:

All Sections of the Code of the Borough of Lincoln Park or any other Ordinances of the Borough of Lincoln Park containing provisions of this Chapter shall be and are hereby to the extent of such inconsistency, repealed.

Section 28-173. SEVERABILITY OF CHAPTER:

If any section, paragraph, subdivision, clause or provision of this Chapter shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this Chapter shall be deemed invalid and effective.

Section 28-174. TITLE:

This Chapter shall be known and may be cited as the Zoning Ordinance of the Borough of Lincoln Park.

Section 28-175. COPY TO BE FILED WITH COUNTY PLANNING BOARD:

The Borough Clerk shall file a copy of this Chapter with the County Planning Board as required by law.

SECTION TWO: Pursuant to the provisions of **CHAPTER 396, P.L. 1977**, the full text of this Ordinance shall not be published in full, however, in lieu thereof, there shall be public or abbreviated newspaper notice of Introduction in the form hereto annexed indicating the time and place of the Public Hearing and the place where the proposed Ordinance is on file and available for public inspection. Additionally, this Ordinance and any amendments shall be on file in the Office of the Borough Clerk and

available for public inspection and copies of the within Ordinance published in pamphlet or similar form shall be available in the Office of the Borough Clerk for sale to the public at cost.

[23]ARTICLE XVIII

DEVELOPMENT FEE IN LIEU OF CONSTRUCTION

Section 28-180. PURPOSE:

In Holmdel Builder's Ass'n v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., and the State Constitution subject to the Council on Affordable Housing (COAH) developing rules. The purpose of this Ordinance is to establish standards for the collection, maintenance and expenditure of development fees pursuant to COAH's rules. Fees collected pursuant to this Ordinance shall be used for the sole purpose of facilitating or providing low and moderate income housing. This Ordinance shall be interpreted within the frame work of COAH's rules on development fees.

Section 28-181. DEFINITIONS:

As used in this Article, the following terms shall have the meanings indicated:

"COAH" means the New Jersey Council on Affordable Housing

"DEVELOPMENT FEES" means money paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted in COAH's rules.

"SUBSTANTIVE CERTIFICATION" means a determination by COAH approving a municipality's housing element and Fair Share Plan in accordance with the provisions of the Fair Housing Act and Rules and Criteria as set forth herein. A grant of substantive certification shall be valid for a period of six (6) years in accordance with the terms and conditions contained therein.

Section 28-182. RESIDENTIAL DEVELOPMENT FEES:

Developers of the lands zoned **TH/ACHS** may pay a fee in lieu of constructing a low or moderate income housing unit in the total amount per low or moderate income housing unit of Twenty Thousand and 00/100 Dollars ($20,000.00).

Section 28-183. COLLECTION OF FEES:

A. The development fee shall be estimated prior to the issuance of building permits and shall be based on the total number of affordable units which otherwise would be construed on the property. The total amount of the fee shall then be divided by the total number of market rate units to be constructed on the property and a prorated development fee shall be fixed per market rate unit (the "Prorated Development Fee").

B. Developers shall pay fifty (50%) percent of the Prorated Development Fee calculated for each market rate unit in the building to the Borough at the issuance of the first building permit for each separate building containing a market rate unit.

C. Developers shall pay the remaining Prorated Development Fee to the Borough at the issuance of each certificate of occupancy for each unit as issued for each building containing a market rate unit.

Section 28-184. HOUSING TRUST FUND:

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[23] Added in its entirety by Ordinance 1,224 Adopted April 19, 1999 Effective May 9, 1999

A. There is hereby created an Interest-Bearing Housing Trust Fund under the control of the Chief Financial Officer of the Borough of Lincoln Park for the purpose of receiving development fees pursuant to this Ordinance. All developments fees paid by developers pursuant to this Ordinance shall be deposited in this fund. No money shall be expected from the Housing Trust Fund unless the expenditure confirms to a spending plan approved by COAH.

B. If COAH determines that the Borough is not in conformance with COAH's rules on development fees, COAH is authorized to direct the manner in which all development fees collected pursuant to this Ordinance shall be expended. Such authorization is pursuant to this Ordinance, COAH's rules on development fees and the written authorization from the Governing Body to the Chief Financial Officer.

Section 28-185. USE OF FUNDS:

A. Money deposited in the housing trust fund may be used for any activity approved by COAH for addressing the Borough's low and moderate income housing obligation. Such activities may include, but are not necessarily limited to: housing rehabilitation, new construction, regional contribution agreements, the purchase of land for low and moderate income housing extensions and/or improvements of roads and infrastructure for low and moderate income housing sites, assistance designed to render units more affordable to low and moderate income households and administrative costs necessary to implement the Borough's housing element. The expenditure of all money shall conform to a spending plan approved by COAH.

B. At least thirty (30%) percent of the revenue collected shall be devoted to render units more affordable. Examples of such activities include, but are not limited to: down payment and closing cost assistance, low interest loans and rental assistance.

C. No more than twenty (20%) percent of the revenues shall be expended on administrative costs necessary to develop, revise or implement the housing element. Examples of eligible administrative activities include; personnel, consultant services, space costs, consumable supplies and rental or purchase of equipment directly associated with plan development or plan implementation.

D. Development fee revenues shall not be expended to reimburse the Borough for housing activities for housing activities that preceded substantive certification.

Section 28-186. EXPIRATION OF ORDINANCE:

Development fees collected pursuant to this Ordinance shall be disbursed only pursuant to the terms of an approved COAH spending plan regardless of the expiration of this Ordinance. This Ordinance shall expire if:

A. COAH dismisses or denies the Borough's petition for substantive certification;

B. COAH revokes substantive certification or its certification of this Ordinance;

C. Substantive Certification expires prior to the Borough's filing an Adopted housing element with COAH, petitioning for Substantive Certification or receiving COAH's approval of this Ordinance;

D. COAH's approval to collect development fees expires.

[24]ARTICLE XIX

RIGHT TO FARM

[24] Added by Ordinance 1,354 Adopted 5/15/06 Effective 6/4/06

Section 28-187. PURPOSE:

This Ordinance is intended (a) to retain and promote farming and agricultural activities in appropriate locations within in the Borough of Lincoln Park, (b) to protect the operation of commercial farms from nuisance actions where approved and recognized methods of agriculture production are followed, and (c) to provide public notice that commercial farming involves activities that may affect adjoining properties such as, but not limited to, generation of noise, odors, fumes, dust, smoke, insects, operation of machinery, storage and disposal of manure and compost, and application by spraying or otherwise of fertilizers, soil amendments, herbicides arid pesticides.

Section 28-188. WHERE PERMITTED:

Notwithstanding anything to the contrary elsewhere in this Chapter, commercial farms shall be a principal permitted use in the following zones:

a) R-40
b) I, PI, TI and AI
c) OR
d) CR

Section 28-189. PERMITTED ACTIVITIES:

Commercial farms that comply with the requirements of this Section shall be permitted to engage in the following activities in all zones where commercial farming is a principal permitted use:

a) Production of agricultural arid horticultural crops, trees, apiary and forest products, livestock, poultry, and other commodities as described in the Standard Industrial Classification for agriculture, forestry, fishing and trapping, or included under the corresponding classification under the North American Industry Classification System;

b) Processing and packaging the agricultural output of the commercial farm;

c) Operation of a farm market as an accessory use to the commercial farm, including the construction of a building and parking area in conformance with the standards set forth in **Section 28-191**;

d) Replenish soil nutrients and improve soil tilth;

e) Control pests, predators and diseases of plants and animals;

f) Clear woodlands using open burning and other techniques, install and maintain vegetative and terrain and other physical facilities for water and soil conservation and surface water control in wetlands areas;

g) Conduct on-site disposal or organic agricultural wastes;

h) Conduct agriculture-related education and farm based recreational activities provided that the activities are related to marketing the agricultural or horticultural output of the commercial farm;

i) Erection of essential agricultural buildings including those dedicated to processing and packaging of the output of the commercial farm;

j) Construction of fences;

k) Pick-your-own operations;

l) Grazing of farm animals and use of range for fowl;

m) Use of farm equipment, including irrigation pumps, aerial and ground seeding arid spraying, tractors, harvest aides, and bird control devices;

n) The application of manure and chemical fertilizers, insecticides and herbicides;

o) Installation of wells, ponds, and other water resources for agricultural purposes such as irrigation, sanitation and marketing preparation; and

p) Engage in any other agricultural activity as determined by the State Agriculture Development Committee and Adopted by Rule or Regulation pursuant to the provisions of the Administrative Procedure Act, **N.J.S.A. 52:14B-1, et seq**.

The right to engage in these farming activities shall exist on weekdays, weekends, and holidays, during all hours of the day and night.

To qualify to engage in the activities permitted by this Section, a commercial farm and its operations must: a) conform to agricultural management practices recommended by the State Agriculture Development Committee and Adopted pursuant to the Administrative Procedure Act, **N.J.S.A. 52:14B 1,** et seq., or the commercial farm's specific operations or practices must have been determined by the Morris County Agriculture Development Board to constitute a generally accepted agricultural operation or practice, b) conform to all relevant Federal and State statutes, rules and regulations, c) not pose a direct threat to public health and safety, and d) in the case of any commercial farm engaged in the production, raising or keeping of livestock, poultry, or other animals maintain a 50 foot setback between all property lines and all areas of the commercial farm devoted to the production, raising or keeping of such livestock, poultry, or other animals.

Section 28-190. COMPLAINTS AGAINST COMMERCIAL FARMS:

Any person who considers himself aggrieved by the operation of a commercial farm shall file a complaint with the Morris County Agricultural Development Board prior to instituting any action in any court.

Section 28-191. FARM MARKETS:

Farm markets shall comply with the following regulations:

a) Except as permitted by **Subsection f)** and **g)** below, all farm markets shall be located within a fully enclosed building.

b) Floor area occupied by a farm market building shall not exceed the greater of a) 1,000 square feet, or b) 0.25% of the total area of the lot on which the building is located.

c) No farm market building shall exceed one story or 20 feet in height.

d) Farm market buildings shall comply with the following setback requirements:

i) Setback from a public right-of-way: 50 feet

ii) Setback from any other property line: 50 feet

e) A farm market building shall be permitted a maximum of one business sign. The sign shall be freestanding. Maximum permitted sign area shall be 32 square feet. Only external illumination shall be permitted. Maximum permitted sign height shall be 6 feet. The sign must be setback at least 15 feet from any point of vehicular access and at least 7 feet from any public right-of-way.

f) Pick-your-own operations and Christmas tree sales (including sales where purchasers are required or permitted to cut their own tree) shall be exempt from the requirements of this **Section 28-191**.

g) Notwithstanding the provisions of **Subsection a)** above, farm markets may provide for other seasonal outdoor operations (in addition to those in **Subsection f)** above) subject to the limitations of this Subsection. The area occupied by such other seasonal outdoor operations shall not exceed the area permitted for a farm market building on the lot in question. Such other seasonal outdoor operations shall be limited to March 1st through November 30th of each calendar year.

Section 28-192. OTHER FARM BUILDINGS:

Farm buildings other than buildings devoted to farm markets ("non-farm-market buildings"), including greenhouses, shall comply with the following requirements:

a) Floor area occupied by greenhouses used for growing agricultural or horticultural products shall not exceed 30% of the total area of the lot on which such greenhouses are located. Floors are occupied by other non-farm-market buildings shall not exceed 5% of the total area of the lot on which the buildings are located.

b) Non-farm-market buildings shall not exceed two stories or 32 feet in height.

c) Non-farm-market buildings shall comply with the following setback requirements:

i) Setback from a public right-of-way: 50 feet

ii) Setback from any other property line: 50 feet

Section 28-193. COMMERCIAL FARM PARKING:

Commercial farms shall provide parking in conformance with the requirements of this Section.

a) One on-site parking space shall be provided for each 350 square feet of floor area used for the wholesale or retail marketing of the agriculture output of the farm and/or products that contribute to farm income.

b) One on-site parking space shall be provided for each 500 square feet of outdoor area used for the wholesale or retail marketing of the agriculture output of the farm and/or products that contribute to farm income.

c) One on-site parking space shall be provided for every two non-resident employees of the farm.

d) Parking shall be provided in conformance with the requirements of the Residential Site Improvement Standards for any residence located upon or within the commercial farm.

All parking areas for commercial farms shall have a gravel surfaces constructed of a minimum of 6 inches of gravel, quarry processed stone, or other porous stone without asphalt binder, except for handicap parking, which shall be paved. Parking spaces within gravel surface area shall be delineated by landscape ties installed flush to the ground surface, wheel stops, or other suitable methods approved by the Planning Board.

Section 28-194. RESIDENTIAL BUFFERS:

When reviewing an application for construction of a building or greenhouse on a commercial farm, the Planning Board may require a landscape buffer between the buildings or greenhouse and any adjoining properties zoned or used for residential purposes. Buffer areas shall be maintained in their natural state unless the reviewing board determines that they do not provide an effective buffer. When the reviewing board determines existing vegetation is not effective, the Board may require new evergreen plantings to enhance the buffer.

Section 28-195. ZONING PERMITS:

No building shall be erected, constructed, reconstructed, or altered on a commercial farm, or used as a farm market, or for any purpose other than commercial farming activities until a Zoning Permit has been issued by the Zoning Officer confirming that such activity complies with all applicable provisions of the Development Review Ordinance.

Section 28-196. SITE PLAN APPROVAL:

No building permit or zoning permit shall issue for the erection, construction, reconstruction, or alteration of any building on a commercial farm, or for the use of any such building as a farm market, or for any purpose other than commercial farm activities until a site plan for such activity is first submitted to and approved by the Planning Board.

[25]Section 28-197 FENCES AND WALLS:

A. Permitted Accessory Structures:

Fences and Walls in excess of 18 inches in Height shall constitute permitted accessory structures in all zones. Such fences and walls shall be subject to the standards set forth below.

B. General Requirements:

(1) The finished side of every fence must face the property adjoining the lot on which the fence is erected.

(2) No fence or wall shall be erected or maintained at height or in a location that would limit or restrict sight distance required for any street or driveway under the Residential Site Improvement Standards, N.J.A.C. 5:21-1.1 et seq., or any other regulation of the Borough of Lincoln Park, the County of Morris, or the State of New Jersey.

(3) No fence may contain razor ribbon or barbed wire.

(4) Electrified fences are prohibited.

(5) No fence shall be constructed or maintained in any manner which creates an unreasonable risk of harm to persons or animals.

(6) No fence or wall shall be erected or maintained closer than six inches to any property line.

(7) Fences constructed above or on top of retaining walls shall be separated from the retaining wall below by a horizontal distance equal to the height of the retaining wall or the fence, whichever is greater. Fences and walls constructed in compliance with this spacing requirement shall be deemed to constitute separate structures for purposes of calculating height. Otherwise, such fences and walls shall be deemed to constitute one structure for purposes of height calculations. Fences less than 25% solid that do not exceed 4 feet in height shall be exempt from the requirements of this Section 28-197B(8)

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[25] Added by Ordinance #1,552 Adopted on 9/21/15 Effective Date 10/11/15

C. Fences and Walls Located Closer to the Street than the Principal Building:

(1) No wall except a retaining wall shall be erected or maintained closer to a street line than the closest point of the principal building. Such retaining walls shall not exceed four feet in height.

(2) Fences erected or maintained closer to a right of way than the closest point of the principal building shall not exceed 4 feet in height.

(3) No fence which is 25% solid or more shall be erected or maintained closer to any street line than the principal building except for a decorative fence such as a picket fence.

D. Fences and Walls in Side and Rear Yards:

(1) No fence or wall erected or maintained in any side or rear yard shall have a height exceeding six feet, except that security fences in the side and/or rear yards of properties located in the– I, TI, Ai, and PI Zones shall be permitted to be up to eight feet in height.

(2) Fences and Walls erected in side and rear yards may be up to 100% solid.

E. Fences or Walls for Swimming Pools, Hot Tubs, and Similar Facilities:

Swimming pools, hot tubs, and similar facilities hall be screened from all adjoining properties by a sold fence or wall as per Appendix G Swimming pools, spas and hot tubs" of the 2009 International Residential Code.

F. Fencing for Certain Athletic Facilities:

The provisions of the Section 28-197 shall not apply to fences for athletic fields or tennis courts on public property or public or private school property.

G. Zoning Permit Required

No fence or wall regulated by this section shall be erected, constructed, installed, altered, modified, enlarged or extended except in accordance with a Zoning Permit issued by the Zoning Officer.