

## Chapter 150: ZONING

[HISTORY: Adopted by the Township Committee of the Township of Sandyston 5-8-1975. Amendments noted where applicable.]

### GENERAL REFERENCES

Outdoor entertainments — See Ch. 36, Art. I.  
Building construction — See Ch. 45.  
Campgrounds — See Ch. 52.  
Driveways — See Ch. 64.  
Fire prevention — See Ch. 71.  
Flood damage prevention — See Ch. 75.  
Junkyards — See Ch. 91.  
Land use procedures — See Ch. 94.  
Subdivision of land and site plan review — See Ch. 137.  
Minimum floor areas — See Ch. 158, Art. I.

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## ARTICLE I General Provisions

### § 150-1. Title.

This chapter shall be known as the "Zoning Ordinance of the Township of Sandyston," adopted May 8, 1975.

### § 150-2. Purpose.

The purpose of this chapter is to contribute to and provide for the recreational developments in the Delaware Valley; to promote and protect the health, safety and general welfare of the public; to preserve the present environment, rural in character, insofar as possible and conserve forest cover and streams; to provide for an orderly development of service zones; to implement the design of a residential community dedicated to the preservation of open space with population densities in harmony with the geology and water resources of the Flatbrook Watershed. In execution of such purpose, this chapter regulates and restricts the height, number of stories and sizes of buildings and other structures; regulates and restricts the percentage of lot that may be occupied, the sizes of yards and other open spaces and the location and use and extent of use of buildings and structures for trade, industry, residence or other purposes.

### § 150-3. Scope.

- A. It is not intended by this chapter to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically or impliedly repealed by this chapter, or any private restrictions placed upon property by covenant, deed or other private agreement unless repugnant hereto.
- B. Where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires greater lot area or larger yards or other open spaces than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits or by such private restrictions, the provisions of this chapter shall control.

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## ARTICLE II Definitions

### § 150-4. Definitions and word usage.

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

**ACCESSORY BUILDING** — A subordinate building or structure, on the same lot with a main building, devoted exclusively to an accessory use.

**ACCESSORY USE** — A use naturally and normally incident and subordinate to the main use of the premises or lot.

**AGRICULTURE** — The use of land for farming or horticultural use or for raising poultry or domestic livestock.

**ALTERATION OF BUILDING** — A change in the supporting members of a building; an addition, diminution, change in use or conversion of a building or part thereof; or removal of a building from one location to another.

**BED-AND-BREAKFAST INN** — An inn for temporary overnight guests providing limited food service and meeting the standards of the Uniform Construction Code and the Uniform Fire Code. **[Added 12-11-2007 by Ord. No. 12-07]**

**BILLBOARDS** — An outdoor advertising sign which relates in its subject matter to products, accommodations or activities other than those found on the premises.

**BUILDING** — Anything constructed, erected or placed which requires location on or support from the ground or attachment to something requiring such support, except a licensed motor vehicle. The term "structure," as used herein, is the same.

**CAMP** — Land or water, or both, on which are located two or more cabins, tents, shelters or other accommodations of design or character suitable primarily for seasonal or temporary living, including a summer colony or day camp but not a trailer camp, rooming house, tourist home, hotel or motel.

**COMMON OWNERSHIP** — The ownership of two or more contiguous parcels of real property by one or more persons, either jointly, as tenants by the entirety or as tenants in common.

**CONTIGUOUS UNCONSTRAINED DEVELOPABLE LAND** — An area consisting of contiguous unconstrained developable area within the minimum yards of a lot consisting of land suitable for construction of a principal structure, excluding environmentally sensitive areas as defined in this chapter. **[Added 5-8-2007 by Ord. No. 5-07; amended 8-7-2007 by Ord. No. 9-07; 2-12-2008 by Ord. No. 2008-02]**

**CORNER LOT** — A lot at the junction of and having frontage on two or more intersecting streets, or a lot bounded on two or more sides by one or more streets.

**DWELLING OR APARTMENT** — A building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, including one-family, two-family and multiple dwellings, apartment-hotels, inns and boarding- and lodging houses, but not including motels, tourist cabins, trailers or trailer courts.

**ELDER COTTAGE** — A dwelling unit, owned and/or subsidized by the County of Sussex or other governmental agency and having a floor area of up to 750 square feet, that is subordinate to a principal dwelling and is occupied by not more than two people, one of whom shall be at least 60 years of age and related by blood, marriage or adoption to one or more of the residents of the principal dwelling on the lot upon which the unit is located. **[Added 1-6-1997 by Ord. No. 12-96]**

**ENVIRONMENTALLY SENSITIVE AREAS** — Areas are deemed to be environmentally sensitive if they are constrained by one or more of the following: **[Added 5-8-2007 by Ord. No. 5-07; amended 8-7-2007 by Ord. No. 9-07; 2-12-2008 by Ord. No. 2008-02]**

- (1) Wetlands and wetland transition areas;
- (2) Floodways and buffers;
- (3) Floodway fringes;

- (4) Slopes greater than or equal to 15%;
- (5) Shallow depth to bedrock less than four feet;
- (6) Seasonal high water table less than 35 inches.

**FAMILY** — One or more persons customarily living together as a single housekeeping unit, as distinguished from a group occupying a boardinghouse, lodging house, hotel or motel.

**FLOOR AREA** — The area of all floors in a building, excluding basement floors, open porches, breezeways, garages and attics in which the ceiling height is less than seven feet or the knee wall less than four feet in height.

**GARAGE, PRIVATE** — A detached accessory building or portion of a main building used for the storage of a passenger vehicle or vehicles or a permitted commercial vehicle.

**GARAGE, PUBLIC** — Any building, premises or land in which or upon which a business, service or industry involving the storage, maintenance, washing, or servicing of motor vehicles is conducted or rendered.

**HEAVY INDUSTRY** — Without limiting the generality of the term "heavy industry," it shall be deemed to include any occupation that involves the mechanical or chemical transformation of metals, glass or earths, including the collection of, buying, storing, selling or trading in discarded metal, glass, lumber, cordage or any disabled fixtures of vehicles or equipment of any kind. Examples include machine shops, forges, foundries, chemical plants, mining, junkyards or the storage of and trading in bodies or parts of disabled or discarded motor vehicles.

**HEIGHT OF BUILDINGS** — The vertical distance from the average ground level next to the foundation to the highest point of the roof, in the case of flat roofs, or, in the case of sloping roofs, to a point midway between the peak of the roof and the uppermost plate.

**HOME PROFESSIONAL OFFICE** — An office accessory to a residential use in a residential zoning district, as regulated in this chapter, for professional persons such as but not limited to accountants, architects, artists, attorneys, authors, clergymen, consultants, engineers, insurance agents, land surveyors, musicians, physicians and other doctors, planners, real estate agents and tradesmen. **[Added 3-5-1996 by Ord. No. 2-96]**

**HOSPITAL** — Any building or other facility, including a sanitarium, clinic, nursing home or convalescent home, containing beds for four or more patients and used for the diagnosis, treatment or other care of human ailments.

**HOTEL OR MOTEL** — Any structure or group of structures offering living facilities to the public.

**HOME OCCUPATION** — An occupation for gain or support customarily carried on in the home, which is conducted solely within the dwelling or accessory building, such as dressmaking, millinery, home baking, operation of a barbershop or beauty shop, the operation of an office and the like, and which is conducted by members of the family residing in the dwelling unit and which complies with all requirements of this chapter.

**IMPERVIOUS SURFACE** — Any structure or material, including but not limited to buildings, paved driveways and walkways, swimming pools and patios but excluding wooden decks, that significantly prevents absorption of stormwater into the ground. **[Added 11-15-1997 by Ord. No. 4-97]**

**INSTITUTIONAL USES** — Churches, public or private schools for general education, hospitals and public or quasipublic nonprofit uses.

**LOT** — A legally established and existing parcel or plot of land, having boundaries determinable from official records.

**LOT AREA** — The total square feet or acreage contents of a lot lying within the lot lines or boundaries, excluding any portion within a public right-of-way.

**NONCONFORMING USE, LAND OR STRUCTURE** — The term "nonconforming" shall apply to a use lawfully exercised within a structure or on land or to legally existing land or structures at the time of the adoption of this chapter, or any amendments thereto, and which do not conform to the regulations of this chapter and its amendments.

**NONPROFIT CLUBS** — Chartered nonprofit membership organizations which own and operate facilities solely for the enjoyment and recreation of the members.

**OUTDOOR SALES** — The sale, display or storage of merchandise, products, equipment or similar material or objects outside the confines of a building. The term "outdoor sales" includes, without limitation, grand opening sales, tent sales, sidewalk sales, truckload sales, special event sales, sales promotions, going-out-of-business sales, fire sales, damaged-goods sales or any other sales held outdoors. **[Added 12-11-2007 by Ord. No. 12-07]**

**PARKING AREA** — An open space, court or yard, other than a street or public right-of-way, designed with parking spaces and adequate drives or aisles for ingress and egress, maintained for the parking of motor vehicles for a fee or as a service for clients, customers or the general public.

**PARKING SPACE** — Accommodations for off-street motor vehicle parking which shall have an area of not less than 200 square feet per vehicle, exclusive of access drives or aisles, and shall be a minimum of 10 feet in width, measured perpendicular to the axis of the length, with adequate provisions for ingress and egress.

**PRINCIPAL OR MAIN USE** — The primary or predominant use of the premises.

**SERVICE ZONE** — Any area of land zoned and restricted for the erection of stores, markets and agencies in approved permanent structures and restricted primarily to occupations that provide goods and services for the benefit of residents of the township and the transient public.

**SINGLE OWNERSHIP** — The ownership by one person or by two or more persons jointly, as tenants by the entirety or as tenants in common of a separate parcel of real property not adjacent to land in the same ownership.

**TRAILERS** — Any unit employed for temporary or permanent living or sleeping purposes, mounted or mountable on wheels or some other device for the purpose of transporting said unit from place to place, whether by its own power or other motive power, or any such unit, whether it is mounted on blocks, posts or any type of foundation.

#### **YARDS**

- (1) **FRONT YARD** — An open space, unoccupied, extending across the full width of a lot and lying between the public street right-of-way and the nearest point of the principal building. Covered porches, enclosed or not, shall be considered as part of the principal building.
- (2) **REAR YARD** — An open space, unoccupied, except by an accessory building or a use, as hereinafter permitted, extending across the full width of the lot between the nearest point of the principal building and the rear lot line.
- (3) **SIDE YARD** — An open space, unoccupied, except by a use, as hereinafter specifically permitted, between the nearest point of the principal building and the side lot line, extending from the front yard to the rear yard.

- B. Word usage. The present tense shall include the future; the singular number shall include the plural and the plural the singular. The word "shall" denotes a mandatory requirement. The words "zone" and "district" are the same.

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## **ARTICLE III Zoning Districts**

### **§ 150-5. Classes of districts.**

**[Amended 10-2-1975; 8-1-1995 by Ord. No. 8-95; 8-3-1999 by Ord. No. 4-99; 11-1-2005 by Ord. No. 10-05]**

For carrying out the purpose of this chapter, the Township of Sandyston is hereby divided into the following zones, to be employed for residential, agricultural, conservation, highway village, neighborhood village and lakeside village:

**Zone        District**

Residential

A            Walpack Ridge Residential-Agricultural Valley Residential-Agricultural Mountain Residential-Agricultural

B

C

D            Medium Mountain Residential

LC          Lake Community

**Zone        District**

Conservation

E            Conservation E — Stokes State Forest and New Jersey Division of Fish and Game

W            Conservation W — Delaware Water Gap National Recreation Area

**Zone    District**

Village

V-1    Highway Village

V-2    Neighborhood Village

V-3    Lakeside Village

**§ 150-6. Zoning Map.**

**[Amended 10-2-1975; 8-3-1999 by Ord. No. 4-99]**

The aforesaid zones are bounded and further defined on the map known as the "Official Zoning Map, Sandyston Township, Sussex County, New Jersey," *Editor's Note: The Zoning Map, amendments thereto and Schedule A are on file in the office of the Township Clerk.* prepared by Delaware Valley Associates, Inc., December 31, 1998, as amended. The zoning designations of the following parcels are hereby changed as set forth on Schedule A, which is attached hereto and incorporated hereby by reference. *Editor's Note: The Zoning Map, amendments thereto and Schedule A are on file in the office of the Township Clerk.*

**§ 150-7. Determination of district boundaries.**

**[Amended 7-2-1996 by Ord. No. 4-96]**

Where uncertainty exists as to any boundary shown on the Zoning Map, the following rules shall apply for guiding the Planning Board in cases before it requiring interpretation of the Zoning Map:

- A. Zone boundaries are intended to follow streams, contact lines between geologic formation and the property lines of lots as they exist at the time of passage of this chapter, unless fixed by dimensions shown on the map.

- B. Where such boundaries are not fixed by dimensions and where they approximately follow lot lines and where they do not scale more than 10 feet distant therefrom, such lot lines shall be construed to be the actual zone boundaries.
- C. In undivided land and where a zone boundary divides a lot, the location of the boundary shall be determined by the use of the scale appearing in the Zoning Map, unless the location is shown by dimensions displayed on the map or is drawn between corners of a lot or lots.

#### **§ 150-8. Bulk standards for lots and buildings.**

**[Amended 10-2-1975]**

The standards of zoning for lot sizes applicable within a given zone or district, along with other factors relating to yards, etc., are presented in the Schedule of Limitations and Zoning Standards and made a part of the regulations of this chapter. *Editor's Note: The Schedule is included at the end of this chapter.*

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### **ARTICLE IV General Regulations and Standards**

#### **§ 150-9. Compliance required.**

Throughout the several residential and service zones of Sandyston Township, no building shall hereafter be erected, moved, structurally altered, added to, enlarged or rebuilt, nor shall any land be designed, used or altered for any purpose other than those included among the permitted uses in each zone by this chapter, as set forth by the requirements of Articles III through IX and the applicable standards and provisions.

#### **§ 150-10. Accessory buildings.**

**[Amended 1-6-1997 by Ord. No. 12-96]**

No accessory building shall be erected on any lot without a principal building being also present, nor shall any accessory building be used as a dwelling unless such accessory building is an Elder Cottage conforming with § 150-10.

- A. No accessory building shall exceed a height of 18 feet, except on farms.
- B. Accessory buildings shall be located at least 10 feet from the principal building on the same lot, and, when more than one, the various accessory buildings shall be at least six feet apart. No front yard shall be occupied by an accessory building.
- C. Accessory buildings shall be erected so as to meet the yard requirements shown in the Schedule, § 150-8.
- D. Elder cottages shall meet the following requirements:
  - (1) Not more than one elder cottage shall be located on any single lot.
  - (2) Separate and additional driveways for elder cottages are prohibited.
  - (3) Each elder cottage, together with its foundation and any other appurtenances, shall be removed and the site restored within 90 days of the death of the original qualifying occupant(s) or the date of cessation of the use of such elder cottage by such occupants due to a permanent change in the primary residency of such occupant(s).
  - (4) Adequate water supply and sewage disposal shall be provided for each unit in accordance with the health and sanitary requirements of the Township of Sandyston.

- (5) Each application to the Zoning Official, Construction Official or other appropriate officer or agency for zoning, construction or other approval or permit to allow the construction, erection or location of any elder cottage shall be supported by the following:
- (a) Name and address of the owner(s) of the premises.
  - (b) Tax sheet, block and lot numbers.
  - (c) Verification by affidavit or certification of the name, date of birth and relationship of the person(s) who will occupy the elder cottage to the person(s) residing in the principal dwelling.
  - (d) Verification from the governmental agency which owns the proposed elder cottage that such agency consents to the application and that the applicant qualifies for the governmental program which supports such housing together with a proposed form of lease establishing such agency as the owner/lessor of such elder cottage and a responsible party for the removal of the unit in accordance with this section, and naming the Township of Sandyston as an intended beneficiary of the obligations under such lease.
  - (e) A plot plan derived from an accurate survey, showing lot area and dimensions, location of the principal dwelling, location of all existing accessory buildings and structures, proposed location of the elder cottage, setbacks of the proposed elder cottage to all lot lines and other buildings and structures on the lot and location of existing and proposed water supply and sewage disposal systems.

**§ 150-11. Corner lots.**

- A. Yard requirements shall be extended beyond those of § 150-8 so that for a distance of at least 30 feet from the intersection, there shall be an unobstructed view across the lot from each street to the other.
- B. Within the area described above, no fence, wall or structure of more than 2 1/2 feet in height shall be erected nor shall any planting in the same area be permitted to exceed 2 1/2 feet in height.

**§ 150-12. Dangerous conditions.**

No permit shall be granted for the erection or occupancy of a building if its design or construction creates or is likely to create a hazard or exceptional risk of traffic congestion or to public safety.

**§ 150-13. Restrictions on principal buildings and impervious coverage.**

**[Amended 11-5-1997 by Ord. No. 4-97; 8-3-1999 by Ord. No. 4-99]**

- A. No residential lot shall have more than one principal building erected thereon.
- B. No more than 60% of the area of any residential lot that is subject to the limitations and standards of the LC Zoning District shall be covered by impervious surface.

**§ 150-14. Public utilities and institutions and other conditional uses.**

**[Amended 9-1-1977]**

This section applies to such public utilities as water filtration plants, sewage disposal plants, pumping stations, sanitary landfills, high-voltage lines and substations. It also applies to such institutions as private or public schools; hospitals; clinics; convalescent, rest or nursing homes;

and to government buildings; clubs, as regulated in § 150-28C; and other recreational facilities. Inasmuch as such uses and structures may be inimical to the public health, safety and general welfare if established without due consideration of all relevant factors, they are conditionally permitted in Zones A, B, C and D under the terms of this chapter, to be established only after review and approval by the Planning Board, and the following procedure is therefore ordained for their establishment:

- A. An application for a conditional use permit shall be made to the Planning Board, accompanied by a site plan showing the entire site and upon which shall be shown the location of all existing or proposed structures, along with such fences and safety devices as may be required by the nature of the use and such landscaping as will bring the facility into harmony with the character of the residential zone in which it is located. In the case of institutional uses, proof must be submitted that at least five acres of land are to be used and that the proposed buildings do not cover more than 25% of the lot area and that no structure will be closer than 75 feet to any street line or 50 feet to any property line. In the case of schools, the acreage occupied must be sufficient to provide for adequate and rapid permeation of effluent from waste treating systems without polluting the groundwater resources. In the case of hospitals, nursing homes, etc., where occupants are cared for on a twenty-four-hour basis, the area occupied shall be sufficiently large so that the density shall not exceed that of the zone involved, assuming five persons per family, including patients and service personnel, unless the building or buildings are connected with an approved sewage-treating facility. Off-street parking spaces shall be provided in accordance with the requirements of § 150-17B and 150-19. Service or storage yards which are not fully compatible with the character of residential zones shall be shown to be necessary adjuncts of the proposed use to the satisfaction of the Planning Board and be considered accordingly.
- B. After a hearing on the application, the Planning Board may order the issuance of a conditional use permit if, from the evidence adduced at the hearing, it shall find that the proposed conditional use and each proposed structure:
  - (1) Is reasonably necessary for the convenience of the community and is a use permitted in the zone as a conditional use.
  - (2) Will not be detrimental to the owners of properties in the vicinity in their use and enjoyment thereof.
  - (3) Will not create undue traffic congestion or other safety hazards.
  - (4) Will have available an adequate supply of potable water and will be served by a sanitary waste disposal system which will be acceptable to the appropriate authorities.
  - (5) Complies with all area and yard requirements, height limits or other requirements contained in this chapter.
  - (6) Is designed so as to conform to and harmonize with the general character of the area and will not adversely affect the safe and comfortable enjoyment of properties in the zone.
  - (7) Will not constitute a substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and this chapter.
- C. The Planning Board may require the submission of preliminary building plans and such other information as it may require for full consideration of the application and, to that end, may employ technical experts, any expense incurred thereby to be charged to and borne by the applicant.
- D. The Planning Board may impose such reasonable conditions upon the issuance of a conditional use permit as it may deem necessary to protect the public interest and promote the purposes of zoning as set forth in § 150-2 of this chapter. Specifically, but not by way of limitation, the Planning Board may impose conditions calculated to provide adequate off-street parking facilities, adequate open areas, adequate and attractive fences and other safety



devices, where required, and sufficient landscaping, including shrubs, trees and lawns, and adequate maintenance thereof.

- E. High-voltage overhead transmission lines shall be subject to site plan review and approval by the Planning Board.
- F. Outdoor sales. It shall be unlawful for any person or entity to conduct an outdoor sale without first having obtained a zoning permit from the Zoning Officer of Sandyston Township for said sale. Outdoor sales which have been approved by a site plan granted by the Land Use Board and farm stands are excluded from the definition of "outdoor sales" and are not regulated by the provisions of this section. **[Added 12-11-2007 by Ord. No. 12-07]**
  - (1) The Zoning Officer may issue a permit for the outdoor sale, provided that the following requirements are satisfied:
    - (a) The outdoor sale is in a zone district where retail businesses and establishments are permitted.
    - (b) The applicant has complied with the application procedure and has received a zoning permit pursuant to this section.
  - (2) Application requirements. Any person desiring to hold an outdoor sale, as defined in this article, shall file with the Land Use Administrator, 30 days prior to the opening day of said sale, a written application containing the following information:
    - (a) The name and address of the owner of the property where the sale is to be held.
    - (b) The name and permanent address of the applicant for the permit.
    - (c) A description of the place where the sale is to be held, including the street address and the tax lot and block on the Sandyston Township Tax Map.
    - (d) The name of the business operating the sale, including the corporate name, trade name and business name of the business.
    - (e) The nature of the occupancy of the property, whether by ownership, lease or sublease.
    - (f) The dates on which the sale is to be conducted.
    - (g) A description of the merchandise, products, equipment, material or objects to be sold outdoors.
    - (h) A letter from the company, firm or organization for which the applicant purports to work, authorizing the applicant to act as its representative and make application for the permit.
    - (i) A letter from the individual or entity owning the real property consenting to the outdoor sale.
    - (j) A full and complete statement of facts regarding the sale, including a description of the sale and the reason therefor, and the manner in which the sale will be conducted.
  - (3) The Land Use Administrator shall deliver the application to the Township Zoning Officer.
  - (4) The applicant shall pay a fee in the sum of \$15 to the Sandyston Township at the time of the filing of the application.
  - (5) Processing of application. Following the filing of an application for a permit for an outdoor sale and upon the satisfaction of all requirements herein, the Township Zoning Officer shall issue the zoning permit for the outdoor sale for which the application is made.
  - (6) Regulations governing the operation of outdoor sales. The following regulations shall be complied with in the operation of the outdoor sale:
    - (a) The items offered for sale in the outdoor sale shall be the same goods as sold inside the building.

- (b) The outdoor sale shall be conducted for a time period of no more than 120 days annually.
  - (c) The zoning permit for the outdoor sale shall specify the dates for which the license is issued. The duration of the sale shall be limited to those dates.
  - (d) The applicant shall display the zoning permit for the outdoor sale prominently on the property where the sale is being located.
  - (e) All items from the outdoor display must be brought in every evening throughout the duration of the sale.
  - (f) The hours of operation of the outdoor sale shall be limited to the periods between 9:00 a.m. and 9:00 p.m.
  - (g) The premises shall be completely cleaned of debris upon the completion of the sale, including the adjacent street or highway.
  - (h) Any zoning permit issued hereunder shall not be assignable or transferable.
- (7) Violations and penalties. Any person, firm or corporation violating any of the provisions of Subsection F shall, upon conviction therefor, be subject to a fine not to exceed \$500 or imprisonment in the county jail for a term not to exceed 90 days, or both. Each day of the sale in violation of any or all of the provisions of Subsection F shall constitute a separate offense.
- (8) Revocation of permit. In addition thereto, the Zoning Officer may revoke any permit granted hereunder after reasonable opportunity for the permittee to be heard for any violation of the provisions of this Subsection F or any other chapter of the Code of Sandyston Township which may affect the operation of the permittee's business.

#### **§ 150-15. (Reserved)**

*Editor's Note: Former § 150-15, Yards, was repealed 11-1-2005 by Ord. No. 10-05.*

#### **§ 150-16. Height limit exceptions.**

**[Amended 12-14-1993 by Ord. No. 7-93]**

The height limitations of this chapter shall not apply to church spires, silos, belfries, chimneys on dwellings, ventilators, skylights, bulkheads, antennas and necessary mechanical appurtenances usually carried above the roof level.

#### **§ 150-17. Off-street parking spaces.**

**[Amended 5-1-1986]**

A. Off-street parking in residential and nonresidential districts shall be provided as follows:

| <b>Use</b>                | <b>Minimum Number of Required Spaces</b>  |
|---------------------------|---|
| Assembly hall, auditorium | 1 for each 100 square feet of gross floor area or 1 for each 4 seats, whichever is greater          |
| Bank                      | 8 for each teller window  |
| Bowling alley             | 4 for each alley  |
| Church, house of worship  | 1 for each 3 seats or 1 for each 72 inches of seating space when benches rather than seats are used |
| Club                      | 20, plus 1 additional for each 200 square feet of gross floor area                                  |

|   |  |
|---|--|
| College   | 1 for every 2 students   |
| Community center  | Same as auditorium   |
| Dwelling  |  |
| Single-family detached  | 2  |
| Two-family  | 1.5 per dwelling unit  |
| Townhouse   | 1.5 to 2.0 per dwelling unit, depending upon number of bedrooms and availability of visitor parking. (Note: The number of required spaces may be increased to accommodate variations in geographical location, number of bedrooms and age of occupants.) |
| Multiple-family   | 1.5 to 2.0 per dwelling unit, depending upon number of bedrooms and availability of visitor parking  |
| Grade school  | 1 for each teacher and employee, plus 10 percent   |
| High school, prep school                                      | 10 for each classroom  |
| Funeral home, mortuary  | 10, plus 1 for each 50 square feet of space devoted to chapel or slumber rooms   |
| Hospital  | 1.5 for each bed   |
| Industrial use  | 1 for each employee on maximum shift, plus 10 percent, or 1 for each 300 square feet of gross floor area   |
| Manufacturing use   | Same as industrial use   |
| Motels and hotels   | 1 for each room  |
| Nursing home  | 1 for each 2 beds  |
| Office, general and professional                              | 1 for each 250 square feet of gross floor area   |
| Restaurant  | 1 for each 2 seats devoted to service  |
| Research laboratory   | 1 for each employee on the maximum shift, plus 10%, 1 for each 250 square feet of gross floor area   |
| Retail store, service business                                | 1 for each 200 square feet of floor area   |
| Shopping center   |  |
| 10 to 25 acres  | 6 for each 1,000 square feet of gross floor area   |
| 26 to 50 acres  | 5.5 for each 1,000 square feet of gross floor area   |
| 50 acres or more  | 5.3 for each 1,000 square feet of gross floor area   |
| Skating rink  | 1 for each 120 square feet of rink area  |
| Service station   | 2 for each bay, plus 1 for each service vehicle  |
| Storage warehouse   | 1 for each employee on maximum shift, plus 10 percent, or 1 for each 750 square feet of gross floor area   |
| Theater   | 1 for each 4 seats   |
| Wholesale store, motor vehicle establishment, furniture store | 1 for each 400 square feet of gross floor area, plus 1 for each employee on maximum shift  |

- B. For any use permitted in the residential or nonresidential districts for which specific parking requirements have not been designated, the minimum number of spaces shall be determined by the number of employees, visitors or customers that can be expected at any time.

#### **§ 150-18. Off-street loading and unloading space.**

For all buildings or parts thereof hereafter erected in the service zones, there shall be provided and maintained one off-street loading space, which shall be at least 10 feet in width and 25 feet in length and shall have a fourteen-foot clearance above grade.

#### **§ 150-19. General requirements for all nonresidential off-street parking areas.**

##### **[Amended 5-1-1986]**

- A. All off-street parking areas shall be paved with macadam. The paving shall consist of two inches of bituminous concrete surface course, three inches of bituminous stabilized base and four inches of dense-graded aggregate base material. **[Amended 12-11-2007 by Ord. No. 12-07]**
- B. Adequate drainage shall be provided for throughout the parking area.
- C. General illumination throughout the parking area shall be 0.5 footcandle. All lighting shall be arranged as to reflect the light down, away from all adjacent residential buildings, residential districts or streets.
- D. Each parking space shall be line-painted and shall have a minimum width of 10 feet and a minimum depth of 20 feet. Where required, curbing shall be either poured concrete or Belgian block.
- E. The off-street parking area shall be effectively screened on any side which adjoins or faces premises situated in any residential district or institutional premises by a solid, uniformly painted fence or wall not less than four feet nor more than six feet in height, maintained in good condition; provided, however, that where the adjacent owners agree, in writing, a screening of hedge or other natural landscaping may be substituted for the required fence or wall.
- F. The off-street parking area shall be subject to approval of the Planning Board to ensure its adequacy, relation to traffic safety and protection of the adjacent properties and to further assure that all requirements of this Article are complied with.
- G. No part of any off-street parking area shall be closer than 10 feet to any residential district line, residential property line, institutional building or street right-of-way and no closer than three feet to any building.
- H. No part of any off-street parking or loading area shall be used for commercial repair work or servicing of any kind.
- I. All such parking space shall be considered to be required space on the lot on which it is located unless otherwise stated in writing and shall not otherwise be encroached upon or reduced in any manner.

#### **§ 150-20. Prohibited uses and activities.**

The following are specifically prohibited in any zone in Sandyston Township:

- A. Airports and heliports.
- B. Auction markets.
- C. Automobile wrecking yards, junkyards or disassembly yards. *Editor's Note: See also Ch. 91, Junkyards.*
- D. Heavy industry, as defined in § 150-4A.
- E. Billboards, signboards, commercial signs and devices not expressly related to the business or profession being conducted on the premises or otherwise specifically permitted by ordinance.

- F. Carousels, merry-go-rounds, roller coasters, open-air theaters, Ferris wheels, whirl-a-gigs, pony or train rides, midways, side shows, carnivals and similar outdoor commercial recreational activities, lunch counters, road stands and the like, without special review by the Board of Adjustment.
- G. Migrant labor camps or housing.
- H. Sand- and gravel pits and other mining operations.
- I. Seasonal cottages, bungalow colonies or camps which are owned and operated as a commercial enterprise for profit or income, without review and approval by the Planning Board.
- J. Trailers for dwellings, business, mobile home parks or storage.
- K. Outdoor shows, concerts, festivals, dances, performances, exhibitions and other gatherings where more than 1,000 persons are in attendance or where attendance by more than 1,000 persons is contemplated. **Editor's Note: See also Ch. 36, Amusements.**
- L. Communications towers for the transmission or reception of radio, television, telephone or other communications. **[Added 12-14-1993 by Ord. No. 7-93]**

**§ 150-21. Garages, service stations, repair establishments and car laundries.**

- A. Garages, service stations, repair establishments and car laundries shall be prohibited in all residential zones and shall be permitted only in service zones subject to review of site plans and final approval by the Planning Board as accorded other conditional uses. Plans for the construction of a new building or the alteration of an old one for the servicing, repair or cleaning of motor vehicles, including the sale of fuel and lubricant, shall be submitted to the Planning Board, in writing, with documents, including the following: **[Amended 9-1-1977]**
  - (1) A site plan, drawn to scale, showing entrances, exits, driveways and the locations of all lifts, tanks, pumps and other essential mechanical features. Architectural features should be in harmony with other business or service buildings in the zone.
  - (2) The width of all streets upon which the premises abuts.
  - (3) The location, use and type of all buildings within three hundred (300) feet of the boundary of the premises.
  - (4) Where the applicant is other than the owner of the premises, the written consent of the owner must be included as part of the application.
  - (5) The lot or parcel occupied shall have a street frontage of at least 125 feet and an average depth of 100 feet or more. The walls of the principal building shall be at least 25 feet or more from the nearest property lines, and gasoline filling stations shall have their pumps and other service facilities at least 20 feet from any street right-of-way. No motor repair work shall be performed in the open. All automotive parts, dismantled or wrecked vehicles and similar articles shall be screened from public view in a manner satisfactory to the Planning Board. No drain lines shall discharge into a sanitary sewer system or into a brook or stream.
- B. In proceeding with its review and public hearing, the Board may require such changes in the yard, location of buildings, pumps, accessories, parking areas, entrances and exits as it may deem best to ensure safety and to minimize traffic difficulties and may require the installation and maintenance of fences or natural plantings so as to screen outdoor activities from adjacent properties and public streets before any permit may be issued to any applicant for the erection or operation of any of the aforesaid facilities. **[Amended 10-2-1975]**

**§ 150-22. Conversion of buildings.**

The conversion of any building into a dwelling shall not be permitted unless the new building and resulting occupancy comply with the requirements governing new construction in such zone.

**§ 150-23. Undersized lots.**

**[Amended 7-2-1996 by Ord. No. 4-96]**

An existing lot in single ownership at the time of the passage of this chapter, which has an area of less than the zone requirements, may be utilized for any permitted use, provided that the yard requirements are met. If the yard requirements cannot be met, the Planning Board shall determine the extent to which such yards may be reduced. The separate use of two or more adjacent, undersized lots in common ownership, where there is no practical possibility of obtaining additional land, shall be determined by the Planning Board, taking into account the effect upon the character of the neighborhood.

**§ 150-24. Home occupations.**

**[Amended 3-5-1996 by Ord. No. 2-96; 7-2-1996 by Ord. No. 4-96]**

A home occupation, as defined in this chapter, may be introduced or maintained in any residential zoning district as an accessory use, provided that the same shall be introduced or maintained in accordance with the following requirements:

- A. The occupation shall be naturally and normally incident and subordinate to the main use of the premises or lot.
- B. The accessory use shall not involve more than 25% of the area of the dwelling.
- C. The occupation shall be conducted entirely inside the residence.
- D. The home occupation shall be conducted solely by one or more members of the family occupying the residence, except that no more than one non-family member may be employed in such use.
- E. Exterior evidence of the accessory use shall be limited to one nameplate in accordance with § 150-52A.
- F. The accessory use shall have no appreciable adverse impact upon the use and enjoyment of adjacent properties, including but not limited to the following:
  - (1) No machinery or electrical equipment shall be employed which shall cause interference with radio and telecommunications transmissions and reception in adjacent residences;
  - (2) No sounds shall be allowed to emanate from the use as shall be audible outside the property lines.
  - (3) There shall be no outdoor display or sale of articles or products.
  - (4) No home occupation use shall be conducted or maintained in such a way as to create a nuisance.

**§ 150-25. Home professional office.**

**[Amended 3-5-1996 by Ord. No. 2-96; 7-2-1996 by Ord. No. 4-96]**

A home professional office, as defined in this chapter, may be introduced or maintained in any residential zoning district as an accessory use, provided that the same shall be introduced or maintained in accordance with the following requirements:

- A. Site plan approval shall be obtained pursuant to § 137-12.
- B. The number of employees shall be limited to two, inclusive of the professional practitioner.
- C. Not more nor fewer than two off-street parking spaces shall be provided for the accessory use.
- D. The accessory use shall be limited to 25% of the interior area of the residence exclusively.
- E. The home professional office shall otherwise comply with the requirements of § 150-24, Home occupations, except that the requirements of this section shall control wherever the provisions of the two sections are in conflict.

#### **§ 150-26. Floodplain areas.**

**Editor's Note:** See also Ch. 75, Flood Damage Prevention. **[Amended 7-11-1985; 1-7-1991 by Ord. No. 9-90]**

- A. No building for human habitation or occupancy or for the housing of livestock or other animals shall be erected on the floodplains of the Big or Little Flatbrooks and tributaries. The alteration or disturbance in and around freshwater wetland areas and the discharge of dredge or fill material into state open waters are subject to the regulations and provisions of N.J.A.C. 7:7A, Freshwater Wetlands Protection Act.
- B. Septic tanks and related components of sewage disposal systems, including trenches, are prohibited within 150 feet of the Big and Little Flatbrooks and tributaries and anywhere in the township where groundwater is found to occur less than 24 inches below the surface of the ground, as per regulations and provisions of N.J.A.C. 7:9A, Standards for Individual Subsurface Sewerage Disposal Systems, commonly known as "Chapter 199."

#### **§ 150-26.1. Aquifer protection and well testing.**

**[Added 5-8-2007 by Ord. No. 6-07]**

- A. This aquifer protection and well testing section is adopted to ensure the adequacy of potable groundwater supply for residential and commercial development in areas not served by public water supply and to ensure that such water is safe for human consumption and use. Abandoned and faulty wells may cause pollutants to reach the aquifer, creating risk to life safety of residents drawing water from that source. These provisions are established to promote the health, safety and welfare of the citizens of the Township of Sandyston. These provisions do not excuse any person or entity from complying with all other relevant requirements and obligations imposed by state and federal laws and regulations and other local ordinance provisions.
- B. General provisions.
  - (1) A plot plan with locations of all existing wells must be submitted with all development applications. Every reasonable effort, including records search and field investigations, must be employed to locate existing wells. The assistance of a licensed well driller should be sought when subsurface wells (where well casing does not come above ground surface) are probable (e.g., old farmsteads, abandoned houses, foundations). If there are no existing wells, a letter from the applicant's engineer so stating must be submitted. A field inspection may be required.
  - (2) A statement of intent as to which wells, if any, are to remain in use and which wells are to be abandoned must be submitted to the Township for each development project. Well status must also be designated on the plot plan referred to in Subsection B(1) above.
  - (3) All existing wells which do not meet New Jersey Department of Environmental Protection (NJDEP) standards for the construction of public noncommunity and nonpublic water systems set forth in N.J.A.C. 7:10-12 et seq. must be brought up to those standards or

certified sealed by a licensed well driller prior to site improvements. Temporary exception can be made for wells in use and existing wells, which will be used as monitor wells during pumping tests. Requests for a temporary exception must be made to the Township Engineer.

- (4) All wells which are to be abandoned in accordance with § 150-26.1B(2) must also be sealed and certified by a licensed well driller prior to site alteration or improvements and aquifer well testing.
- (5) Joint patterns should be taken into consideration when locating well and septic systems. Because vertical joints are abundant, every reasonable effort shall be made to ensure that wells and septic systems are not located along the same joint line, and to maximize separation.
- (6) A wellhead protection area may be reserved as open space on the up-gradient side of the cluster of domestic wells in a subdivision. Location and size of the wellhead protection areas for each subdivision will be determined on a case-by-case basis.

C. Aquifer testing for commercial/industrial/multifamily residential development.

- (1) Projected water demand of the project must be determined in accordance with NJDEP standards for the construction of public noncommunity and nonpublic water systems set forth at N.J.A.C. 7:10-12 et seq.
- (2) If the project water demand is 100,000 gallons per day (gpd) or more, the applicant must obtain a water diversion permit from the NJDEP. Pumping tests must be in accordance with NJSG GSR 29, Guidelines for Preparing Hydrogeologic Reports for Water-Allocation Permit Applications. A copy of the permit application must be submitted to the Township for review.
- (3) If the projected water demand is less than 100,000 gpd but greater than or equal to 50,000 gpd, at least two observation wells are required in accordance with the testing procedure set forth at Subsection C(2) above. One observation well should be located along the structure, and one across the structure from the test/production well. Existing wells, on and off site, may be used as observation wells with the property owner's permission. Any owner of an existing well within 500 feet of the zone of influence, whichever is the greater of the test/production well may request monitoring of that well as an observation well at the applicant's expense. Locating and accessing the well shall be at the observation well owner's risk and expense. The owner of the observation well shall sign a release holding the well tester harmless for any inconvenience. The observation well should be sampled for coliform before and after the pumping test. The applicant is required to chlorinate and resample any observation well contaminated with coliform during testing.
- (4) For any test conducted under Subsection C hereof, water samples shall be collected near the end of the pumping test and analyzed for the following:
  - (a) pH.
  - (b) Hardness.
  - (c) Fe.
  - (d) Mn.
  - (e) Nitrate.
  - (f) Chloride.
  - (g) Coliform bacteria.
  - (h) VO scan.
  - (i) Pesticides.
  - (j) Herbicides.



- (5) Additional tests as required by the Private Well Testing Act of 2002, N.J.S.A. 58:12A-26 et seq., shall also be completed. The pumping rate and total gallons pumped should demonstrate that the needed water is available without detrimental impact on the aquifer or nearby wells.
  - (6) The test/production well site shall be chosen by the applicant's hydrogeologist to maximize yield and minimize interference with other wells. The hydrogeologist shall be responsible for the design and supervision of the pumping test.
  - (7) A geologic and hydrogeologic report containing appropriate maps, well logs, pumping test data, information on nearby wells, on-site water balance, results of the water analyses, discussion of the adequacy of the water supply and local/regional effects on the water table, and recommendations must be prepared by the applicant's hydrogeologist and submitted to the Township for review.
  - (8) The report described in Subsection C(7) above shall be reviewed by the Township Engineer who may require additional testing or information.
  - (9) Monies to cover all review expenses must be deposited in an escrow account prior to preliminary site plan approval in accordance with the requirements of N.J.S.A. 40:55D-53.1 et seq.
- D. Aquifer testing for single-family residential developments. For all major subdivisions, an aquifer test and hydrogeologic report shall be submitted and reviewed prior to granting of preliminary subdivision approval. Aquifer testing and data to be included in the report are as follows:
- (1) The average daily, peak day, and average yearly water demand for each subdivision of six or more lots must be determined according to guidelines set forth at N.J.A.C. 7:10-12.7. Peak day is twice the average daily demand.
  - (2) Test wells.
    - (a) The minimum number of test wells required is based on the number of lots and the acreage of the tract to be developed, as follows:
 

| <b>Number<br/>of lots</b> | <b>Wells</b>   |
|---------------------------|--|
| 6-10                      | 2 test wells, 1 pumping test   |
| 11-25                     | 3 test wells, 1 pumping test   |
| 26-50                     | 4 test wells, 1 pumping test   |
| More than<br>50           | 4 test wells plus one additional test well for additional 25 lots or part thereof; at least 4 test wells per 100 acres. More wells may be needed depending on geology and well yield; one pumping test per each 50 lots or part thereof. |
    - (b) Each pumping well must have an observation well within 500 feet. More pumping tests than indicated above may be needed to pump the estimated water demand of a project in a twenty-four-hour period, depending on the yield of the test wells.
  - (3) Wells should be located by applicant's hydrogeologist on lots in such a manner that they may become the domestic supply for that lot. Locations should take into consideration:
    - (a) Area distribution of test wells on the tract;
    - (b) Geologic variability beneath the site;
    - (c) Topography;
    - (d) Geologic structures, joints, faults, etc.; and
    - (e) Two wells in each group should be located on adjacent proposed lots and along the dominant joint direction. One of these wells should be the pump-testing well in each

group.

- (4) Wells must be constructed in accordance with standards for the construction of public noncommunity and nonpublic water systems set forth at NJDEP, N.J.A.C. 7:10-12 et seq. Each test well must have a locking cap.
- (5) Pumping test(s).
  - (a) The pumping test(s) shall be designed by the applicant's hydrogeologist to pump at least the average daily water demand and preferably the peak day demand at the highest rate possible. For 50 or more lots, the peak day demand plus 20% additional must be pumped.
  - (b) The pumping test(s) must last at least four hours and up to 24 hours. Test(s) must be conducted in accordance with standard methods. All test wells shall be monitored for drawdown by reliable methods; dip tubes should be installed for this purpose in a pumping well. Discharge must be metered and channeled away from the wellhead. The pumping test must be followed immediately by a standard recovery test to 90% recovery in the pumping well. If the water level has not recovered to 90% in one hour, a water level should at least be taken the following morning to be sure that the level has recovered to 90% of static.
  - (c) The pumping rate, total gallons pumped, amount of drawdown and recovery rate should demonstrate that the needed water is available without detrimental impact on the aquifer or nearby wells.
- (6) Water samples must be collected near the end of the pumping test(s) and be analyzed as per Subsection C(4) above, or as required by the Township Engineer. Projects of 50 or more lots must comply with public community water supply testing standards.
- (7) A geologic and hydrogeologic report containing appropriate maps, well logs, pumping test data, information on nearby wells, on-site water balance results of the water analyses, discussion of the adequacy of the water supply and local/regional effects on the water table, and recommendations must be prepared by the applicant's hydrogeologist and submitted to the Township Engineer for review. For developments of 50 or more lots, the hydrogeologic report must also be reviewed by NJDEP.
- (8) The report required in Subsection D(7) above shall be reviewed by the Township Engineer who may require additional testing or information.
- (9) Monies to cover all review expenses must be deposited in an escrow account prior to preliminary site plan approval in accordance with the requirements of N.J.S.A. 40:55D-53.1 et seq.

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## **ARTICLE V Residential Zones A, B, C and D**

### **§ 150-27. Purpose; compliance required.**

- A. All land in the A, B, C and D Zones is intended primarily for the erection and occupancy of single-family detached dwellings regulated in land usage according to the provisions of the schedule displayed in § 150-8.
- B. Within these zones, no lot or structure shall be used and no structure shall be erected or altered to be used in part or whole unless it complies with the yard and building requirements displayed in § 150-8 and all applicable provisions and regulations provided in Article IV and the regulations hereinafter provided. *Editor's Note: Former Subsection C, Flag lots, added 12-1-1977, which immediately followed this subsection, was repealed 4-5-1990 by Ord. No. 2-1990. For current provisions, see § 150-28C(4).*
- C. Bed-and-breakfast inns. Bed-and-breakfast inns shall be permitted subject to the conditions

as hereafter set forth: **[Added 12-11-2007 by Ord. No. 12-07]**

- (1) Bulk standards. The lot and structure shall comply with minimum requirements for the zone as provided in § 150-8.
- (2) Accessory use. All bed-and-breakfast inns must be an accessory use to a single-family dwelling. Every operator must be a permanent resident of the property.
- (3) Parking. Two parking spaces must be provided for the residents, one space for each nonresident employee during the peak employee shift and one space per guest room.
- (4) Limitations on guests/rooms. No more than five guestrooms may be available for lodging, and not more than 12 guests may be accommodated at one time.
- (5) Nonresident employees. No more than two nonresident employees may work on any single shift.
- (6) Food service. No cooking facilities shall be permitted within any guest rooms. Food may be served by the innkeeper only to registered guests, employees and residents of the building. The only food services available to guests shall be breakfast and afternoon tea.
- (7) Maximum length of stay. The maximum length on an uninterrupted stay shall be 30 days or not more than 30 days in any period of 60 consecutive days.
- (8) Septic and water. Proof must be provided to the Township Health Officer that sufficient septic and water facilities are available to the site.
- (9) Permit. A permit must be obtained from the Township in order to operate a bed-and-breakfast. This permit shall be issued for any appropriate site meeting all zoning, health, safety, fire and building codes. It shall be renewed annually upon inspection and approval by the Township's inspectors. This permit process does not require an annual Land Use Board approval for a conditional use following the initial approval, unless the use is expanded beyond that level permitted by code or Land Use Board resolution.
- (10) Signs. Only one freestanding or facade sign may be erected, which may be wood and illuminated by exterior lighting. The sign area shall not exceed six square feet. Freestanding signs shall be set back 20 feet from the property line and not exceed a height of four feet.
- (11) Fees. Every initial application (either for a new bed-and-breakfast inn or an application made by a new owner of an existing inn) shall be accompanied by payment of an application fee of \$75 to cover the cost of processing said application. A renewal license fee of \$75 shall be paid during the month of January each year.
- (12) Revocation of licenses. The Township Committee may revoke any license on its own motion or on the objection of any taxpayer or inhabitant of the Township for good cause shown, at any time during the period for which the license was issued, after a hearing is provided to the licensee following the complaint, in writing, and after at least seven days' notice to the licensee setting forth the ground of complaint.

**§ 150-28. Permitted uses.**

A. The following principal uses are permitted:

- (1) Single-family detached houses with a minimum floor area of 1,000 square feet.
- (2) Agriculture, including the sale of seasonal farm produce grown on said farm, or truck gardens. The keeping of goats or hogs is prohibited on lots of less than five acres, provided that no farm shall contain more than five brood sows.

B. The following accessory uses are permitted:

- (1) Private garages, toolsheds and pools.

- (2) Home occupations and professional practices as limited by the provisions of §§ 150-24 and 150-25.
  - (3) Temporary produce stands on residential lots of up to 100 square feet for the sale of produce grown on such lot, and provided that no such structure shall remain in the front yard of such lot for more than a total of eight months of any calendar year, and provided that such structure shall have no utility service or connections of any kind. **[Added 3-7-1995 by Ord. No. 2-95]**
  - (4) Elder cottages as regulated by the provisions of § 150-10. **[Added 1-6-1997 by Ord. No. 12-96]**
- C. The following conditional uses are permitted after review and approval by the Planning Board, pursuant to the provisions of § 150-14 of this chapter: **[Amended 9-1-1977]**
- (1) Public schools, libraries, museums, parks, playgrounds, golf courses or municipal or recreational facilities.
  - (2) Clubs, organized and operated by a membership organization exclusively for pleasure, recreation or other nonprofit purposes, with no parts of the proceeds to benefit any member, stockholder, officer or owner. The minimum lot size shall be five acres, which shall be owned by the club, and such club shall not be open to the general public or paying guests or any commercial recreation of any kind and shall not constitute a nuisance. Plans, plats and site plans for facilities to be operated by such an organization shall be subject to review and approval by the Planning Board prior to any construction.
  - (3) Institutions, hospitals, clinics and convalescent and nursing homes.
  - (4) Flag lots. In accordance with the following specifications and standards: **[Added 4-5-1990 by Ord. No. 2-1990]**
    - (a) The flag lot created shall contain at least four acres, or 130% of the required acreage in the zone (whichever is greater) and exclusive of the access strip.
    - (b) Each flag lot shall have access to an existing public road by way of an access strip which shall be conveyed as a part of the flag lot. The access strip shall have a width of no less than 50 feet fronting on such existing public road and shall be at least 50 feet in width from its point of intersection with that road to its point of intersection with the rear line of the flag lot created. The access strip shall remain open and unbuilt upon at all times and shall be located immediately adjacent to a side property line. The pole shall be improved in accordance with the Driveway Ordinance of the township. *Editor's Note: See Ch. 64, Driveways.*
    - (c) No access strip shall be located within 330 feet of any other access strip.
    - (d) The lot shall be deemed to front on such access strip and the required lot width at the street line shall be measured along the access strip and all other requirements of the appropriate zone district shall relate to the access strip.
    - (e) The entire portion of the required lot area shall be on one side of the access strip.
    - (f) Any flag lots created shall not be further subdivided, nor may the access strip be used as access to any other lot or tract of land, unless all improvements required by the Land Subdivision Chapter *Editor's Note: See Ch. 137, Subdivision and Site Plan Review.* have been installed, including the construction of a street or road leading from the public road to all lots proposed to be served, which meets all of the design and construction standards as set forth in the Road Ordinance. *Editor's Note: See Ch. 134, Streets and Sidewalks, Art. I, Road Design and Construction.*
    - (g) The Planning Board may, at its discretion, allow the access strip to bisect the newly created flag lot.

## § 150-29. Prohibited uses.

None of the uses prohibited in § 150-20 shall be permitted in any of the residential zones.

**§ 150-30. Off-street parking.**

Off-street parking in all residential zones shall be according to the spaces specified in § 150-17A, with the additional requirement that no parking area for more than five vehicles shall have an entrance or exit for vehicles within 200 feet of a school, church, hospital, public building or institution on the same side of the street.

**§ 150-31. Incongruous buildings.**

No building or use which is so markedly incongruous with the character of the neighborhood as to materially affect the value of the adjacent or nearby property shall be constructed, erected or used.

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**ARTICLE VI Residential Zone LC [Amended 8-3-1999 by Ord. No. 4-99]**

**§ 150-32. Compliance required.**

Within this zone, no lot or structure shall be used and no structure shall be erected or altered to be used in part or whole unless it complies with the area, yard and building requirements provided in § 150-8 and all the applicable regulations and provisions in Article IV and the regulations hereinafter provided.

**§ 150-33. Permitted uses.**

- A. The following principal uses are permitted:
  - (1) Single-family detached houses with a minimum floor space of 1,000 square feet.
- B. The following uses are permitted:
  - (1) Accessory buildings, including private garages and toolsheds, as permitted in § 150-10.
  - (2) Off-street parking, as permitted in § 150-17A.
  - (3) Home occupations and professional practices, as limited by the provisions of §§ 150-24 and 150-25.
- C. The following conditional uses are permitted:
  - (1) Social clubs of a nonprofit character, as provided for in § 150-28C.
  - (2) Bed-and-breakfast inns, subject to the conditions set forth in § 150-27C. **[Added 12-11-2007 by Ord. No. 12-07]**

**§ 150-34. Prohibited uses.**

- A. No structure or use shall be permitted in the LC Zone other than those provided for in § 150-33.
  - B. Hospitals, clinics, nursing and privately operated institutions and all uses and structures prohibited in §§ 150-20 and 150-21 shall be prohibited in the LC Zone.
  - C. The raising of poultry and the keeping or raising of domesticated livestock shall not be permitted in the LC Residential District. **[Amended 10-2-1975]**
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## **ARTICLE VII Conservation Zone W**

### **§ 150-35. Description of zone.**

This zone shall include all land and property that has been or is to be purchased by the federal government for the purposes of the Delaware Water Gap National Recreation Area and the Tocks Island Reservoir.

### **§ 150-36. Standards.**

**[Amended 1-25-1993 by Ord. No. 2-93]**

Within this zone, no premises, lot or structure shall be used and no structure shall be erected or altered to be used in part or in whole unless it complies with the area, yard and building requirements provided in § 150-8 and all the applicable regulations and provisions of Article IV and the regulations hereinafter provided.

### **§ 150-37. Permitted uses.**

The following uses are permitted:

- A. Principal: single detached houses used as a residence for not more than one family.
- B. Accessory: accessory buildings, including private garages and toolsheds, as permitted in § 150-10, and elder cottages as regulated by the provisions of § 150-10. **[Amended 1-6-1997 by Ord. No. 12-96]**
- C. Conditional: none.

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## **ARTICLE VIII Conservation Zone E**

### **§ 150-38. Description of zone.**

The standards provided in this Article shall apply to privately owned land and improvements thereon situated in or adjacent to Stokes State Forest District and New Jersey fish and game lands not included in any other zone.

### **§ 150-39. Compliance required.**

Within this zone, no premises, lot or structure shall be used and no structure shall be erected or altered to be used in part or whole unless it complies with the area, yard and building requirements provided in § 150-8 and all the applicable regulations and provisions of Articles IV and V and the regulations hereinafter provided.

### **§ 150-40. Permitted uses.**

- A. The following primary uses are permitted:
  - (1) Single-family detached houses with a minimum floor area of 1,000 square feet.
- B. The following accessory uses are permitted:
  - (1) Home and professional occupations, as provided for in §§ 150-24 and 150-25.
  - (2) Off-street parking, as required in § 150-17A.

- (3) Private garages, toolsheds and pools, as permitted by § 150-10.
- (4) Elder cottages are regulated by the provisions of § 150-10. **[Added 1-6-1997 by Ord. No. 12-96]**
- C. The following conditional uses are permitted:
  - (1) Social clubs of a nonprofit character, as provided for in § 150-28C.
  - (2) Flag lots, as provided in § 150-28C(4), subject to the specifications and standards set forth therein. **[Added 4-5-1990 by Ord. No. 2-90]**
  - (3) Bed-and-breakfast inns, subject to the conditions set forth in § 150-27C. **[Added 12-11-2007 by Ord. No. 12-07]**

#### **§ 150-41. Prohibited uses.**

- A. No structure or use shall be permitted in the E Zone other than those provided for in § 150-40.
- B. Hospitals, clinics and nursing and privately owned institutions and all uses and structures prohibited in §§ 150-20 and 150-21 shall be prohibited in the E Zone.

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### **ARTICLE IX V-1 Highway Village Zone [Amended 10-2-1975; 10-4-1984; 12-14-1993 by Ord. No. 7-1993; 8-1-1995 by Ord. No. 9-95; 11-1-2005 by Ord. No. 10-05]**

#### **§ 150-42. Purpose.**

The occupations or uses intended for this zone are village highway enterprises, restricted to the highway portion of the Village Center in Hainesville as well as Tuttle's Corner, provided that the performance standards of § 150-48 are complied with.

#### **§ 150-43. Compliance required.**

Within these zones, no premises, lot or structure shall be erected or altered to be used, in whole or in part, unless it complies with the schedule of § 150-8, the applicable regulations of Article IV, the following regulations and all other regulations that may be provided by the Planning Board.

#### **§ 150-44. Permitted uses.**

The following uses are permitted:

- A. Light industries, such as small machine shops, woodworking or cabinet shops, and the warehousing and fabrication of materials and the like, provided that water demands and its efficient disposal can be properly provided for, including jobbing and wholesaling, without detriment to the community.
- B. Public utilities as provided for in § 150-14.
- C. Stores, shops and markets where goods are sold or personal services rendered, including food stores, bakeries, variety stores, sports shops, gift shops, drugstores, beauty and barber shops and stores selling appliances.
- D. Crafts production and sale.
- E. The offices of doctors, dentists, insurance and real estate agents or brokers and similar professions.

- F. Stores selling and repairing boats and their fittings.
- G. Banks and fiduciary institutions.
- H. Garages, service stations, repair establishments and car laundries, as provided for in § 150-21.
- I. Telephone exchanges, telegraph and express offices and public service installations, but excluding communications towers for the transmission or reception of radio, television, telephone or other communications.
- J. Information centers and government buildings, federal, state and local.
- K. Hotels, motels, restaurants, bars, taverns and inns and bed-and-breakfast establishments.
- L. Theaters, auditoriums and other similar places of public assembly.
- M. Signs, as regulated in Article X.
- N. The outdoor display and sale of seasonal farm produce.
- O. Stores and related yards for the sale of lumber and other building supplies.

**§ 150-44.1. Accessory uses.**

The following accessory uses shall be and are hereby permitted in said zone:

- A. Combined and or mixed use of the principal building as a single-family dwelling and a commercial establishment, subject to the following conditions:
  - (1) The dwelling unit shall be a residential unit for occupancy by the owner's family.
  - (2) The commercial unit shall be used for a permitted use as provided under this article.
  - (3) The commercial unit must be operated by or under the supervision of the resident owner or a member of the owner's family.

**§ 150-45. General regulations.**

- A. Retail or wholesale stores offering goods for sale may manufacture or process goods on the premises as long as the operation is incidental to the primary purpose and the products are also sold retail or wholesale on or off the premises.
- B. Accessory structures which are clearly incidental to the primary or principal structure may be permitted, provided that they are harmonious with other structures of the zone and also meet the approval of the Planning Board.
- C. No goods or supplies or materials shall be kept, stored, displayed or operated on outside the confines of the building unless the same is so screened by a special planting or fence, as approved by the Planning Board, so that they are not visible from any adjacent residential zone or any public street. This regulation shall not apply to the display and sale of seasonal farm produce and nursery stock.

**§ 150-46. Prohibited uses.**

The following uses are prohibited:

- A. Any use not permitted in § 150-44.
- B. Any of the uses listed in § 150-20.
- C. Hospitals, nursing homes and boardinghouses, tourist homes, tourist cabins or trailer courts



or unlicensed trailers or more than one licensed trailer.

- D. Lunch counters or road stands which are open-air stands. Enclosed stands are permitted to serve through openings, in the V-1 Zone.
- E. Open-air drive-in theaters.
- F. The aboveground storage of crude oil and any of its products or other inflammable materials.
- G. Heavy industry.
- H. Used car lots, except where such use is accessory to the franchised new car dealer.
- I. Industrial operations within the V-1 Zone.
- J. Warehousing, jobbing or wholesale distribution of commodities in the V-1 Zone, except where such is incidental to the primary purpose.

#### **§ 150-47. Site plan review.**

Site plans for any of the permitted uses, professionally prepared, shall be submitted to the Planning Board for approval before any building may be erected, and no building permit shall be issued until a site plan has been approved.

- A. Site plans shall include a set of drawings, scale not more than one inch equals 50 feet, showing the following:
  - (1) The size of lot and all lot line dimensions.
  - (2) Building setbacks, side lines and rear yard distances.
  - (3) The location of all proposed buildings.
  - (4) The location of off-street parking areas, with dimensions showing parking spaces, access drives, traffic circulation and the location and description of any lighting in connection with the parking area.
  - (5) The location and description of all proposed signs.
  - (6) The type of surface, paving and curbing.
  - (7) Fully adequate and safe provisions for the disposal of sewage wastes, taking into account the nature of the soil and the future installation of central sewage treating units for each V-1 Zone. **[Amended 4-4-2006 by Ord. No. 2-06]**
  - (8) All landscaping, fences, walls or similar facilities to be provided.
  - (9) Plans for the preservation of trees and the planting of new trees, shrubbery, lawns and walks so as to provide a natural, effective and harmonious addition to the landscape.
  - (10) The location of all structures within 100 feet of the property.
  - (11) Preliminary plans and elevations for all proposed buildings.
  - (12) The location and dimensions of all proposed drainage facilities, including but not be limited to all pipes, inlets, manholes, outlets, connections, dry wells and retention basins. All proposed stormwater control measures shall conform to the standards set forth in the New Jersey Residential Site Improvement Standards, N.J.A.C. 5:21-1.1, and/or the requirements in Chapter 138, Stormwater Control, as applicable. **[Added 4-4-2006 by Ord. No. 2-06]**
- B. In reviewing said site development plan, the Planning Board shall consider the following factors;
  - (1) That the provisions of this chapter, with respect to height, minimum lot area, mandatory open spaces and the like, are complied with.

- (2) That adequate provision is made for off-street parking in accordance with the provisions of this chapter.
  - (3) That adequate provisions are made for the disposal of stormwater, as approved by the Township Engineer.
  - (4) That the location, design and construction of any building is not likely to involve undue risk due to traffic congestion or other hazards to the public safety.
  - (5) That the design or construction of any building or use will not be so markedly incongruous with the character of the neighborhood as to materially affect the value of adjacent or nearby property.
  - (6) That ingress to and egress from the lot or tract is adequate and will not unduly impede or obstruct the flow of traffic upon the public street.
  - (7) That there shall be no objectionable smoke, fumes, dust, odors or noises emanating from any building or use.
- C. In approving any site plan, the Planning Board may impose such reasonable conditions as it may deem necessary in the public interest.

**§ 150-48. Performance standards.**

- A. Before the issuance of a building permit for any industrial use permitted in any V-1 Zone, the site plan submitted for the Planning Board shall include a description of any proposed machinery or process, its operation and products, as well as a signed affidavit by the applicant and the owner acknowledging his understanding of those performance standards set forth and his agreement to conform to the same at all times.
- B. If there is any reasonable doubt that the intended use will not conform to any of the performance standards, the Planning Board shall request a sufficient deposit from the applicant for each such section in doubt, to be used to defray a reasonable proportion of the cost of a special report from an expert consultant qualified to advise on the conformance with the required standards. Said report shall be made within 30 days of the request for such study. The applicant shall have the right to approve the selection of any expert consultant. Agreement must be reached, as to the consultant, by the Planning Board and the applicant. A copy of the report shall be promptly furnished to the applicant. If nonconformance is found by the consultant, the applicant shall correct said nonconformance before further consideration for approval is made.
- C. Approval by the Planning Board shall be rendered in the form of a written report authorizing the issuance of a building permit and further authorizing the issuance of an occupancy permit, conditioned upon the applicant's completed buildings and installations in operation conforming to a reasonable application of the performance standards. Any portion of any requested deposit not used for the special report and services of a consultant shall be returned to the applicant.
- D. The following regulations must be complied with:
  - (1) Fire and explosion hazards. All activities or operations shall be carried on in such a manner and with such precaution against fire and explosion hazards as to produce no hazard, as determined by the New Jersey Inspection Bureau, to a use on adjacent property. Such activity or building shall provide fire-extinguishing devices sufficient in view of the nature and extent of the fire risk as determined by the Chief of the Fire Department, according to the requirements of the Fire Prevention Code for the Township of Sandyston. *Editor's Note: See Ch. 71, Fire Prevention.*
  - (2) Smoke, fumes, gases, dust and odors. There shall be no emission of any smoke, fumes, gas, dust, odors or any other atmospheric pollutant, vibration or noise which will disseminate beyond the boundaries of the lot occupied by such use.

- (3) Liquid or solid waste. No industrial operations shall discharge untreated industrial waste of any kind into any reservoir, pond or lake or stream. All methods of sewage and industrial waste treatment and disposal shall be approved by the township and New Jersey State Health Departments. Effluent from a treatment plant shall at all times comply with the Health Department's standards applicable for mingling with the streams of New Jersey. No effluent shall contain any acids, oils, dust, toxic metals, corrosives or other toxic substance in solution or suspension which would create odors or discolor, poison or otherwise pollute the stream in any way.
- (4) Glare. There shall be no direct or sky-reflected glare exceeding 1.5 footcandles, measured at the property line of the lot occupied by such use. This regulation shall not apply to lights used at the entrances or exits of service drives leading to a parking lot.

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## **ARTICLE IXA V-2 Neighborhood Village Zone [Added 8-1-1995 by Ord. No. 8-95; amended 11-1-2005 by Ord. No. 10-05]**

### **§ 150-48.1. Permitted uses.**

The following principal uses shall be and are hereby permitted in the V-2 Neighborhood Village Zone:

- A. Commercial establishments as provided under § 150-44C, D, E, G, J, K, L, M and N.
- B. Single-family detached dwellings.

### **§ 150-48.2. Accessory uses.**

The following accessory uses shall be and are hereby permitted in said zone:

- A. Any use naturally and normally incident and subordinate to the main use of the premises or lot.

### **§ 150-48.3. Conditional uses.**

The following uses shall be and are hereby conditionally permitted in said zone:

- A. Combined and/or mixed use of the principal building as a single-family dwelling and a commercial establishment, subject to the following conditions:
  - (1) The dwelling unit shall be a residential unit for occupancy by the owner's family only.
  - (2) The commercial unit shall be used only for a permitted use as provided under this article.
  - (3) The commercial unit must be operated by or under the supervision of the resident owner or a member of the owner's family.
  - (4) Commercial use parking is permitted in the side and rear yards only.
- B. Bed-and-breakfast inns, subject to the conditions set forth in § 150-27C. **[Added 12-11-2007 by Ord. No. 12-07]**

### **§ 150-48.4. Prohibited uses.**

The following uses are prohibited:

- A. Any uses not listed in §§ 150-48.1, 150-48.2 and 150-48.3.

#### **§ 150-48.5. Site plan review**

Site plans must be submitted to the Planning Board for review and approval of all mixed commercial/residential uses.

- A. Site plans must be prepared in accordance with the requirements of Chapter 137 and § 150-47.

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### **ARTICLE IXB V-3 Lakeside Village Zone [Added 11-1-2005 by Ord. No. 10-05]**

#### **§ 150-48.6. Permitted uses.**

The following principal uses shall be and are hereby permitted in the V-3 Lakeside Village Zone:

- A. Commercial establishments as provided under § 150-44C, D, E, G, J, K, L, M and N.
- B. One single-family residential use above the building.
- C. Bed-and-breakfast inns, subject to the conditions set forth in § 150-27C. **[Added 12-11-2007 by Ord. No. 12-07]**

#### **§ 150-48.7. Prohibited uses.**

The following uses are prohibited:

- A. Any uses not listed in § 150-48.6.

#### **§ 150-48.8. Site plan review.**

Site plans for any permitted uses shall be submitted to the Planning Board for approval before any building may be erected, and no building permit shall be issued until a site plan has been approved.

- A. Site plans shall be prepared in accordance with the requirements of Chapter 137 and § 150-47.

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### **ARTICLE X Signs**

#### **§ 150-49. Permit required; exceptions; definitions.**

##### **[Added 3-5-2002 by Ord. No. 1-02]**

- A. No sign, temporary sign or portable sign shall be constructed or displayed unless a permit shall have first been obtained from the Land Use Administrator, but excluding:
- (1) Official public notices and notices posted by public officers in the performance of their duties.
  - (2) Governmental signs for the control or direction of traffic and other regulatory purposes.
  - (3) Flags or emblems of the United States, the State of New Jersey or their political

subdivisions. A flagpole may not exceed 30 feet above ground level, and the pole shall be set back from all property lines at least the height of the pole. Residential, nongovernmental flags, not exceeding 15 square feet. **[Amended 11-1-2005 by Ord. No. 10-05]**

- (4) Temporary signs for a period not to exceed 30 days, totaling not over seven square feet of surfaces area on any lot, appertaining to campaigns, drives or events of civic, philanthropic, education or religious organization.
- (5) Signs posted in conjunction with doorbells or mailboxes, none exceeding 36 square inches in surface area.
- (6) Small, nonilluminated instructional signs, none exceeding 1 1/2 square feet in surface area.
- (7) Address signs, not more than one for each street frontage of each principal use on a lot, and none exceeding 72 square inches in surface area, showing only the numerical address designations of the premises upon which they are situated. All address signs shall be prominently displayed and written in contrasting colors to the color of the structure or background against which said signs are placed in order to facilitate emergency identification for public service employees.
- (8) Decals, numerals names, addresses, hours, credit information, etc., attached to doors or windows and all of which occupy a total area of one square foot or less.
- (9) Signs identifying or urging voter support for a particular election issue, political party, or candidate for public office.

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

**PORTABLE SIGN** — A sign that is not permanently affixed to a building, structure or the ground.

**SIGN** — Any identification, description, illustration or device which is visible from any public place, whether located on private property or public property, which directs attention to a product, location, service, place, activity, person, institution or business, generally including columns status, roof color or design, any exterior situated merchandise or any emblem, paint, banner, pennant, or placard designed to direct customers to or advertise, identify or convey information, said items still constituting a sign with or without information, except permitted non-copy internal window displays. For the purpose of this section, signs shall also include all sign structures.

**TEMPORARY SIGN** — A portable sign or banner that is used in connection with a situation, circumstances or event that is designed, intended or expected to take place or to be completed within a reasonably short period of time after the erection of such sign, or is intended to remain on location where it is erected or placed for a period not more than 90 days per year.

#### **§ 150-50. Sign area measurement.**

The area of a sign shall be computed as the total square foot content of the background, upon which the lettering, illustration or display is presented. If there is no background, the sign area shall be computed as the product of the largest horizontal dimension and the largest vertical dimension of the lettering, illustration or display. When there is no well-defined frame or edge, the area shall be that defined by a projected, enclosed, four-sided geometric shape (straight sides) which most closely outlines the sign. This shall not be construed to include the supporting members of any sign which are used solely for such purpose. For signs with two sides, the maximum area requirement shall be permitted on each side. Signs with more than two sides or revolving signs are prohibited.

**§ 150-51. General regulations.**

- A. No signs shall be placed so as to interfere with or be mistaken for a traffic light or similar safety device. Reflective signs are prohibited with the exception of required signs. **[Amended 11-1-2005 by Ord. No. 10-05]**
- B. All illuminated signs shall be either indirectly lighted or of the diffused- or neon-lighting type. No sign shall be lighted by means of flashing or intermittent illumination. All lights used for the illumination of any use or building or the areas surrounding them or for the illumination or display of merchandise or products of business establishments shall be completely shielded from the view of vehicular traffic using the road or roads abutting such business properties. Floodlights used for the illumination of said premises or of any sign thereon, whether or not such floodlights are attached to or separate from the building, shall not project above the highest elevation of the front wall of the building or more than 18 feet above the street level of the premises, whichever is less.
- C. No sign, as permitted, shall extend or project above the highest elevation of the wall to which it is attached or above the height of the building, as defined in this chapter.
- D. Gasoline service stations and public garages, where permitted only, may display, in addition, the following signs which are deemed customary and necessary to their respective business:
  - (1) One freestanding or pylon sign advertising the name of the station or garage and the principal products sold on the premises, including any special company or brand name, insignia or emblem, provided that such sign shall not exceed 35 square feet in area on a side and shall be hung within the property line and not less than 10 nor more than 20 feet above the ground.
  - (2) One temporary sign located inside the property line and specifically advertising special seasonal servicing of automobiles, provided that said sign does not exceed seven square feet in area.
  - (3) Directional signs or lettering displayed over individual entrance doors or bays, consisting only of the words "washing," "lubrication," "repairs," "mechanic on duty" or other words closely similar in import, provided that there shall be not more than one such sign over each entrance or bay, the letters thereof shall not exceed 12 inches in height and the total area of each such sign shall not exceed six square feet.
  - (4) Customary lettering on, or other insignia which are a structural part of, a gasoline pump, consisting only of the brand name of gasoline sold, a lead warning sign, a price indicator and any other sign required by law, and not exceeding a total of three square feet on each pump.
- E. Temporary signs. **[Added 3-5-2002 by Ord. No. 1-02]**
  - (1) Permit required. Any owner or operator of an existing business located on nonresidential property shall be permitted, in addition to any other signs permitted under this chapter, upon issuance of a permit, to erect an additional temporary sign or banner. No more than one temporary sign will be allowed per site regardless of single or multiple tenants. The owner or applicant, with the owner's written consent, shall submit a sketch of the proposed location and design of the sign and banner showing its dimensions to the Land Use Administrator. All temporary sign applications must be accompanied by a fee of \$15. The fees to be collected for the application review and permit shall be paid to the Sandyston Township Land Use Administrator and/or department.
  - (2) Maintenance. All signs/banners including supports, braces, hooks, anchors, and similar fastening devices shall be of substantial and sturdy construction, shall be kept in good repair and shall be painted or cleaned as often as necessary to maintain a clean, neat, safe and orderly appearance. If the Land Use Administrator determines that any sign/banner has fallen into a state of disrepair, has become dilapidated, or constitutes a safety hazard, the sign owner and property owner shall be given written notice to correct

the condition within seven days.

- (3) Size. The maximum area of any temporary sign or banner shall not exceed 48 square feet. **[Amended 11-1-2005 by Ord. No. 10-05]**
- (4) Location and placement. No sign shall be closer than five feet from any right-of-way and shall not interfere with sight distance. Signs or banners that receive prior approvals may be displayed over a roadway.
- (5) Illumination. No temporary sign/banner shall be internally illuminated.
- (6) Grand openings. A newly established business shall be permitted to erect, in addition to all other permitted signs, additional temporary signs, banners, and pennants indicating a grand opening of the business, subject to the following conditions.
  - (a) Additional temporary signs/banners and pennants shall not interfere with the sight distances of vehicles or persons entering or exiting the property or building.
  - (b) Additional temporary signs/ banners or pennants shall be permitted for a maximum of three weeks.
  - (c) If at any time the Land Use Administrator finds a hazard exists as a result of additional grand opening temporary signs, the sign/ banner or pennant shall be removed immediately.
  - (d) Temporary signs/ banners and pennants for grand openings shall be erected or placed only upon application and receipt of a permit pursuant to this section.
- (7) Penalties for violation. Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of the provisions of this section, or any order, decision or determination by the Land Use Administrator or his designee, and who refused to abate said violation within five days after written notice has been served upon him either by registered mail or by personal service shall, for each and every violation of this section, be subject to a penalty, upon conviction, of one or more of the following: a fine not exceeding \$1,000, and/or imprisonment for a period not exceeding 90 days, or to a period of community service not exceeding 90 days at the discretion of the Municipal Court Judge (N.J.S.A. 40:495). Each and every successive day that such violation continues after such notice, shall be considered a separate and specific violation of this section without the service of additional notice.

#### **§ 150-52. Signs in residential zones.**

In residential zones, only the following signs shall be permitted:

- A. One customary professional sign or nameplate sign not more than two square feet in area, which may be illuminated, provided that the direct source of light is shielded in such a manner that it is not visible from the street or any adjoining residential property, unless a porch light or lamppost light.
- B. A nonilluminated temporary sign pertaining to the lease or sale of the premises upon which it is placed, not exceeding eight square feet in total area, provided that it shall be removed within seven days after the signing of the contract of sale or the signing of a sale transaction or the execution of a lease.
- C. Subdivision developments involving six or more residential lots may contain signs advertising the sale of the dwellings contained therein, as approved by the Planning Board, provided that:
  - (1) One nonilluminated sign no larger than 30 square feet is permitted at each entrance of the development. In addition, customary nonilluminated trade or professional signs no larger than four square feet are permitted on lots being developed.
  - (2) All signs permitted under this subsection shall be removed within seven days after the

signing of the contract of sale or the signing of a sale transaction or the execution of a lease of the last house in the development.

- D. A sign deemed necessary to the public welfare by the governing body and signs required by federal and state governments.
- E. A sign not more than 20 square feet in area advertising the name of a church on the premises, its pastor and its coming activities.
- F. Agricultural uses permitted in the residence zones may display, in addition to the foregoing:
  - (1) Customary warning, trespassing and posted signs.
  - (2) No more than three signs advertising the sale and price of seasonal and farm produce, provided that the total area of such signs does not exceed six square feet.
  - (3) One identification sign of not more than 10 square feet, which may be illuminated, stating the name of the agricultural use, the address and the name of the owner.
- G. None of the signs permitted in the residential districts shall be erected nearer any street or road than half the setback required for the principal building to be erected on the plot, provided that a nameplate or farm sign not more than two square feet in area, as regulated above, may be placed anywhere within the front yard.

#### **§ 150-53. Signs in service zones.**

In the service zones, no sign shall be permitted which is not accessory to the business conducted on the property. Signs may only be erected provided all of the following requirements are met:

- A. No business establishment shall be permitted a total of more than three attached signs; provided, however, that corner lots may display four attached signs. The total sign area for the sign or signs permitted on the face of any wall shall not exceed 10% of the area of the face of the wall upon which such sign or signs are attached.
- B. No sign shall extend farther than 15 inches from the face of the building upon which it is attached; provided, however, that where a sign extends more than three inches from the face of said wall, the bottom of said sign shall not be closer than 10 feet from the ground level below said sign.
- C. The maximum height of any single sign area shall not exceed five feet, and the maximum width shall not exceed 90% of the width of the wall to which the sign is attached.
- D. In addition to the above regulations, all signs permitted in the residential zones are also permitted in the service zones.
- E. One of the permitted signs may be freestanding, with the following restrictions:
  - (1) The height shall not be more than 10 feet.
  - (2) Setback from the street right-of-way shall be at least five feet and perpendicular thereto.
  - (3) The area shall not exceed 1/2 square foot for each foot of front yard setback.
  - (4) It must not occupy side yards of principal buildings.

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## **ARTICLE XI Administration and Enforcement**

#### **§ 150-54. Enforcing official.**

**[Amended 9-1-1977; 7-2-1996 by Ord. No. 4-96; 11-1-2005 by Ord. No. 10-05]**

- A. The provisions of this chapter shall be administered and enforced by the Code Enforcement Officer. In no case shall a permit be issued for the erection or structural alteration of any



building nor shall an occupancy permit be granted for any building or land, by the Building Inspector, where the proposed erection, structural alteration or use thereof would be in violation of any of the provisions of this chapter, except under written order of the Planning Board or Township Committee.

- B. It shall be the duty of the Code Enforcement Officer to investigate any violation of this chapter coming to his attention, whether by complaint or arising from his personal knowledge, and, if a violation is found, he shall serve notice upon the owner in writing ordering remedy of the conditions found to be in violation of this chapter. It shall be the duty of the Code Enforcement Officer or his duly-appointed representative to inspect any building plans or premises and to enter upon such premises in the course of his duties.

#### **§ 150-55. Building permits and plans.**

- A. No structure or part thereof shall be erected, constructed, reconstructed, structurally altered or moved until a permit has been granted by the Building Inspector. An application shall be filed by the owner or his agent and shall state the intended use of both structure and land. The application shall be accompanied by details, plans and specifications, in duplicate, drawn to scale, and a plot plan, drawn to scale, showing the location of proposed buildings with actual dimensions in conventional measures or units, all open spaces, established building lines within the block and other information that will be necessary for the enforcement of this chapter.
- B. Zoning permits. **[Added 10-1-1987 by Ord. No. 7-87]**
  - (1) Zoning permits as defined in N.J.S.A. 40:55D-7 shall hereafter be secured from the Land Use Administrator prior to construction, erection or alteration of any structure or part of a structure or use of a structure or land. All requests for zoning permits shall be made in writing by the owner or his authorized agent and shall include a statement of the use or intended use and shall be accompanied by a plan of the plot showing thereon the size, shape and location of all proposed structures and such other information as may be necessary to provide for the enforcement of this chapter. The zoning permits shall be granted or denied within 20 days from the date that a written application is filed with the Land Use Administrator.
  - (2) A building permit issued in accordance with the Building Code of the township pursuant to the provisions thereof shall be issued only after or coincident with the issuance of a zoning permit certifying that the application is in compliance with all provisions of this chapter or an approved variance therefrom.
  - (3) A building permit shall be secured from the Construction Official prior to the construction, erection or alteration of any building or structure, or part thereof, and prior to the putting into use of any land, or part thereof, and no certificate of occupancy shall be issued without the applicant having first obtained a zoning permit.
  - (4) An application fee of \$10, payable to Sandyston Township, shall be assessed for a zoning permit to provide for the cost of reviewing such application.

#### **§ 150-56. Well drilling.**

The Building Inspector shall require from the well driller, upon completion of each well, a copy of the log submitted to the Bureau of Geology of the Department of Environmental Protection of the State of New Jersey. The log shall show the depth and thickness of each strata, its texture and the record of pumping performance of the completed well.

#### **§ 150-57. Certificates of occupancy.**

No land shall be occupied or used and no buildings that have been newly erected or altered shall be occupied or used, in whole or in part, for any purpose whatsoever until a certificate of occupancy has been issued by the Building Inspector, which provides evidence that the premises or building, or both, complies with all applicable ordinances of Sandyston Township. In service zones, a new certificate of occupancy shall be required for each change of occupant. No change or extension of use or alteration of use shall be made in a nonconforming use without a certificate of occupancy having first been issued by the Building Inspector, showing that the contemplated changes are in conformity with the requirements of this chapter.

#### **§ 150-58. Records.**

##### **[Amended 10-1-1987 by Ord. No. 7-87]**

It shall be the duty of the Building Inspector to keep a record of all applications for building permits, a record of all permits issued, a record of well logs and a record of occupancy permits issued, together with a notation of all special conditions involved. He shall file and keep copies of all plans submitted, and the same shall form a part of the records of his office and shall be available to the Township Committee and to other officials of the Township of Sandyston. At the request of the Township Committee, the Building Inspector shall prepare quarterly reports of such permits applied for and issued and all complaints of violations and action taken consequent thereto. A copy of the reports shall be filed with the Township Tax Assessor.

#### **§ 150-59. Temporary permits.**

##### **[Amended 1-4-1994 by Ord. No. 8-93]**

- A. A temporary permit may be issued for structures incidental to construction projects on the same premises, such as a temporary structure for storage of building supplies, tools and machinery or a real estate office located on the tract offered for sale. Such permits shall be issued at the discretion of the Zoning Official and shall not run for a period of more than one year. Such permits may be renewed annually by the Zoning Official for a maximum of three years, and regardless of the period of activity, the issuance shall be conditioned upon agreement of the owner to discontinue use of and to remove the temporary structure upon expiration of the permit.
- B. A temporary permit may be issued at the discretion of the Zoning Official, subject to reasonable terms and conditions, for the maintenance and use of a mobile home at the site of any single-family dwelling, the use of which has been interrupted by fire or other casualty. Such temporary permit shall expire by its terms or upon completion and approved occupancy of the permanent dwelling, whichever shall occur first. The Zoning Official shall have the discretionary power to extend such permits for good cause shown.

#### **§ 150-60. Violations and penalties.**

##### **[Amended 10-2-1986]**

Any person who shall violate any of the provisions of this chapter or refuse to abate any violations within five days after notification thereof; or who shall erect, alter, enlarge, build or move any building or any structure; or who shall put into use any lot of land in violation of any of the detailed statements or plans submitted hereunder; or who shall refuse reasonable opportunity to inspect any premises shall be liable to a fine of not more than \$1,000 or to imprisonment in the county jail for a period not exceeding 90 days, or both. Each day such violation continues beyond the five-day period of grace shall be deemed a separate and distinct violation of this chapter. The owner, tenant or other occupant of any building or structure or a part thereof where anything is in violation of this chapter; any architect, builder, contractor, agent, person or corporation employed

in connection therewith; and whoever assists in the commission of such violation shall each be guilty of separate offenses, and, upon conviction thereof, each shall be liable to fine or imprisonment, or both, as set forth above.

#### **§ 150-61. Nonconforming uses.**

**[Amended 9-3-1987 by Ord. No. 8-87; 7-2-1996 by Ord. No. 4-96]**

Except as otherwise provided in this section, the lawful uses of land or buildings existing at the date of the adoption of this chapter, or any previous ordinance, may be continued although such use or building does not conform to the regulations specified herein for the zone in which such land or building is located; provided, however, that:

- A. No lot, nonconforming due to size, shall be further reduced in size.
- B. No nonconforming use may be expanded without the grant of a variance by the Planning Board and that no nonconforming structure may be expanded so as to increase the degree of nonconformity without the grant of a variance by the Board of Adjustment.
- C. If a nonconforming use has been abandoned, such use shall not be recommenced, Cessation of a nonconforming use for a continuous period of one year may be taken as prima facie evidence of an intent to abandon such use.
- D. A nonconforming building or structure may be repaired in the event of the partial destruction thereof, provided that a building permit is obtained within six months after the date of said destruction and work is commenced within one year after issuance of the permit.
- E. No nonconforming use, if once changed into a conforming use, shall be changed back into a nonconforming use.
- F. The lot upon which a nonconforming use is situated shall not be added to for the purpose of enabling expansion of the nonconforming use.
- G. Signs, in their original position at the time of the adoption of this chapter, may be repainted and repaired but not enlarged. Signs knocked down from whatever cause may be restored to their former position but not moved to a new location without application for a building permit and conformation with the provisions of this chapter.

#### **§ 150-62. Zoning Board of Adjustment.**

**[Amended 9-1-1977]**

(See Articles II and III of Chapter 94, Land Use Procedures.)

#### **§ 150-63. Fees.**

**[Amended 9-1-1977; 7-11-1985]**

- A. The following fees shall be paid upon the filing of an application for a hearing before the Board:
  - (1) Appeal (pursuant to N.J.S.A. 40:55D-70a): \$100.
  - (2) Interpretation (pursuant to N.J.S.A. 40:55D-70b): \$100.
  - (3) "C" variance (pursuant to N.J.S.A. 40:55D-70c).
    - (a) Residential: \$50.
    - (b) Commercial: \$100.

- (c) Industrial: \$100.
- (4) "D" variance (pursuant to N.J.S.A. 40:55D-70d).
  - (a) Residential: \$100.
  - (b) Commercial: \$100.
  - (c) Industrial: \$100.

B. Such fees may be changed from time to time with the approval of the Township Committee.

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## **ARTICLE XII Growth Share [Added 8-1-2006 by Ord. No. 8-06; amended 5-13-2008 by Ord. No. 2008-04]**

### **§ 150-64. Growth share applicability; construction obligation.**

The growth share requirements contained in this article apply to residential construction which involves a major subdivision, and all nonresidential construction in all zones within the Township. Responsibility for constructing an affordable housing unit or making a contribution in lieu of construction shall be as provided for under this article. This article shall apply to all major subdivisions creating a residential lot, regardless of the time of the subdivision, and all nonresidential construction. The obligation for growth share construction or a contribution in lieu of construction shall apply regardless of whether or not the property owner or developer has obtained preliminary or final approval for the construction. For buildings currently under construction, the property owner is responsible for complying with the growth share requirements in this article if a certificate of occupancy for the construction has not been issued prior to the adoption of this article. For all other construction, the triggering mechanism for growth share responsibility shall be the issuance of a building permit for new construction.

### **§ 150-65. Residential development.**

- A. Residential development initiated as a result of a minor subdivision or as a result of single lot development shall pay fees in accordance with the Township's Development Fee Ordinance.  
*Editor's Note: See § 137-26.*
- B. Major subdivision residential developments between one and three units shall be required to provide a cash contribution, as set forth in § 150-68 of this article, for each unit constructed.
- C. Residential developments of four units or more shall be required to construct one residential affordable housing unit for every four housing units constructed.
- D. Residential developments of five to seven units shall be required to comply with Subsection C, plus a cash contribution, as set forth in § 150-68 of this article, for each housing unit over five and up to seven.
- E. Residential developments of eight to 11 units shall be required to construct two of the eight to 11 units as affordable housing units.
- F. Residential developments of 12 units or more shall follow the pattern established in Subsections B and C for calculation purposes.

### **§ 150-66. Nonresidential development.**

For nonresidential developments, the following chart contains the requirements for constructing affordable housing units by such developers. In the event the proposed development contains less than the minimum square footage needed to create one affordable housing unit, a cash contribution of 3% of the total cost of construction shall be provided.

| <b>Description</b>   | <b>Square Feet Generating One Affordable Housing Unit</b> |
|--|---|
| Office buildings, including banks, corporate offices, etc.                                 | 4,848   |
| Mercantile uses (retail stores, strip malls and similar uses)                              | 8,000   |
| Factories  | 11,428  |
| Warehouses, lumberyards and mausoleums   | 9,411   |
| Hazardous uses   | 8,888   |
| Movie theaters   | 8,421   |
| Casinos/nightclubs   | 4,324   |
| Restaurants, libraries and lecture halls   | 4,324   |
| Churches   | Excluded  |
| Bleachers and stadiums   | Excluded  |
| Schools K through 12   | 8,000   |
| Institutional uses, such as hospitals, nursing homes, assisted-living facilities and jails | 5,333   |
| Hotels and motels  | 10,666  |

**§ 150-67. Affordable housing compliance.**

- A. In the case of residential developments that are required to construct a unit, the first growth share unit must be constructed after the fourth building permit has been issued for the market-rate units. No additional building permit will be issued until the growth share unit has been constructed. After the growth share unit has been constructed, the developer may apply for up to four additional building permits. This pattern shall continue to the extent that additional growth share units are to be constructed. In the case of nonresidential construction, the developer shall advise the Township of how and where it intends to construct the units prior to the issuance of the building permit for the nonresidential construction. The affordable housing unit must be constructed prior to the issuance of the certificate of occupancy for the nonresidential unit. In the event that a payment in lieu of construction is to be made, regardless of whether it is a residential or nonresidential unit, the amount per unit shall be the amount in effect at the time the property owner or developer obtains the building permit. Fifty percent of the payment in lieu of construction shall be paid at the time that the building permit is issued, and the balance shall be paid in full prior to the issuance of the certificate of occupancy.
- B. At the Township's discretion, alternative mechanisms permitted under COAH's regulations may be permitted in place of on-site construction of affordable units, including but not limited to the purchase of an existing market-rate house at another location in Sandyston Township and conversion to an affordable deed-restricted housing unit conforming to COAH rules, participation in gut rehabilitation and a contribution to the housing trust fund for the municipal low- and moderate-income housing obligation.
- C. Full compliance with the affordable housing requirements is mandatory and nonwaivable. The applicant must demonstrate to the Township that the affordable housing obligation will be satisfied prior to obtaining the first building permit, with compliance being a continuing condition during construction.
- D. All affordable units shall comply with all COAH requirements, including but not limited to containing a thirty-year deed restriction as required by COAH.
- E. Fifty percent of the affordable units shall be low income and 50% moderate income as

required by COAH.

- F. Bedroom mix shall be in accordance with current COAH rules in effect at the time the building permit is issued.
- G. The affordable housing structures shall be consistent in size and architectural features with the neighborhood or as approved by the Planning Board. Additionally, the affordable units must be fully integrated with the market-rate units.
- H. The Township will develop and implement an affirmative marketing plan for the affordable units developed as part of this affordable housing program.

**§ 150-68. Contribution in lieu of construction.**

The growth share fee is as follows:

- A. The growth share contribution in lieu of construction for residential development is \$180,000 per affordable housing unit generated pursuant to § 150-65.
- B. The growth share contribution in lieu of construction for nonresidential development is \$180,000 per affordable housing unit generated pursuant to § 150-66.