

LAND DEVELOPMENT ORDINANCE

BOROUGH OF FLEMINGTON

Hunterdon County, New Jersey

September 9, 1999, as amended

Revised to February 2007

§ 2610 ZONING DISTRICTS.

For the purposes of this Ordinance, the Borough of Flemington is hereby divided into the following districts:

<u>Zoning District</u>	<u>Zoning Symbol</u>
Single Family Residential	SF
Transition Residential	TR
Townhouse Residential	TH
Garden Apartment Residential	GA
Senior Citizen Residential	SC
Transition Commercial	TC
Community Business	CB
Downtown Business	DB
Downtown II Business	DBII
Professional Office	PO
Village Shopping	VS
Highway Retail	HR
Super Shopping Overlay	O/SS
Public School and Parks	PS/P

§ 2611 ZONING MAP.

The zoning map entitled "Zoning Map, Flemington Borough, Hunterdon County, New Jersey," dated August, 1999 is hereby adopted and made a part of this Ordinance.

§ 2612 INTERPRETATION OF ZONING MAP.

- A. Interpretation of Boundaries and Property Lines. Zoning district boundary lines are intended to follow street centerlines, railroad rights-of-way, streams and lot or property lines as they exist on lots of record at the time of enactment of this Ordinance unless otherwise indicated by dimensions on the zoning map. Any dimensions shown shall be in feet and measured horizontally and, when measured from a street, shall be measured from the street right-of-way line even if the centerline of that street is used for the location of a zoning district line. The exact location of any disputed zoning district boundary line shall be determined by the Planning Board pursuant to N.J.S.A. 40:55D-70b.

E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all SF districts:

Principal Use	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height	Max. Imperv. Surface Ratio	Max. Building Coverage
Single Family Detached Accessory Building ⁽²⁾	11,250 sf	75'	150'	25' NP	10' 5'	35' 5'	35' ⁽¹⁾ 18'	.50	.25
Place of Worship Accessory Building ⁽²⁾	43,560 sf	100'	200'	25' NP	25' 15'	35' 15'	80' ⁽³⁾ 28'	.50	.25
Cemetery ⁽⁴⁾ Accessory Building ^(2,5)	5 acres	200'	400'	50' 35'	10' 15'	10' 15'	N/A 25'	.25	.10
Municipal	2,000 sf	45'	50'	25'	10'	10'	45'	.75	.50
Public and Private School Accessory Building ⁽²⁾	3 acres	150'	350'	50' NP	25' 15'	50' 30'	45' 25'	.75	.50

NP = Not Permitted.

N/A = Not Applicable.

(1) - Or 2½ stories, whichever is less.

(2) - No more than two (2) accessory structures for lots < 15,000 sf.; no more than three (3) accessory structures for lots 15,000 sf.

(3) - The ridgeline of the main roof shall not exceed 45 feet in height.

(4) - Setbacks apply to graves and monuments or other markers.

(5) - Applies to any accessory structure in a cemetery excluding uses in note No. 3.

§ 2614 TRANSITION RESIDENTIAL (TR) DISTRICT.

A. Purpose. The purpose of the Transition Residential (TR) District is to provide for a medium density residential district of single family detached and two-family dwellings located between primarily commercial districts and single family zones. Certain governmental and institutional uses would also be permitted.

- C. No building shall be located within 50 feet of a lot line.
- D. Parking lots shall be properly screened and shall be a minimum of 25 feet from surrounding properties and public roads.
- E. Outdoor athletic fields shall be oriented to minimize adverse impacts on neighboring residential uses from noise, lighting, and entrances.

4. Any other requirement not herein modified shall apply to any conditional use.

E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all TR districts:

Principal Use	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height	Max. Imperv. Surface Ratio
Single Family Detached <i>Accessory Building</i>	9,000 sf	50'	125'	25' NP	8' 5'	25' 5'	35' ⁽¹⁾ 18'	.50
Two Family Dwelling <i>Accessory Building</i>	7,500 sf/ dwelling; 15,000 sf total	75'	125'	25' NP	8' ⁽²⁾ 5'	25' 5'	35' ⁽³⁾ 18'	.50
Place of Worship <i>Accessory Building</i>	43,560 sf	100'	200'	25' NP	25' 15'	35' 15'	80' ⁽³⁾ 28'	.60
Governmental	2,000 sf	20'	50'	5'	5'	5'	45'	.75
Public and Private School <i>Accessory Building</i>	3 acres	150'	350'	50' NP	25' 15'	50' 30'	45' 25'	.75

NP = Not Permitted.

N/A = Not Applicable.

(1) - Or 2½ stories, whichever is less.

(2) - Where two existing units, each on a separate lot, join each other by a common vertical wall from foundation to roof, the side yard between the existing two units shall be 0 feet.

(3) - The ridgeline of the main roof shall not exceed 45 feet in height.

3. Maintenance building, not to exceed 1,500 square feet in gross floor area.

D. Conditional Uses Permitted. Public and private non-profit day schools may be permitted when authorized as a conditional use by the Planning Board meeting the following criteria:

1. The minimum lot size shall be 3 acres.
2. The minimum lot frontage shall be 150 feet.
3. No building shall be located within 50 feet of a lot line.
4. Parking lots shall be properly screened and shall be a minimum of 25 feet from surrounding properties and public roads.
5. Outdoor athletic fields shall be oriented to minimize adverse impacts on neighboring residential uses from noise, lighting, and entrances.
6. Any other requirement not herein modified shall apply to any conditional use.

E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all TH districts:

Principal Use	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height	Max. Imprev. Surface Ratio
Townhouse: Tract	2½ acres	200'	200'	60'	30'	50'		.70
Lot (Fee Simple)	2,000 sf	22'	80'	22'	22'	22'	38 ⁽¹⁾	
Accessory Building				NP	30'	30'	18'	.10
Municipal	2,000 sf	20'	50'	25'	10'	10'	35'	.75
Public and Private School	3 acres	150'	350'	50'	25'	50'	45'	.70
Accessory Building				NP	15'	30'	25'	.05

NP = Not Permitted.

N/A = Not Applicable.

(1) - Or 3 stories, whichever is less.

Principal Use	Minimum Front Yard Area	Minimum Rear Yard Area	Min. Unit Width	Max. Gross Density	Min. Open Space	Min. Distance Between Buildings	Min. Distance Between Buildings and Accessory Uses
Townhouse	500 sf	500 sf	22'	6 units per acre	20% of Tract	25'	15'

F. Additional Regulations for Townhouse Development.

1. The minimum number of dwellings in each structure shall be four and the maximum twelve.
2. The establishment of an organization for the ownership and maintenance of all common elements shall be required, the form and substance of which shall be approved by the Board of Jurisdiction with the advice of the Board Attorney.
3. Each dwelling unit shall have at least two exterior exposures with at least one window in each exposure.
4. Exterior television reception shall be limited to one master antenna for the entire development.
5. Air conditioning units in windows or through exterior walls shall not extend more than six inches from the exterior surface.
6. A swimming pool and/or recreation complex for the use of all residents shall be permitted in a suitable location a minimum of 25 feet from any dwelling. Such complexes shall be sited so as to minimize adverse effects from noise, lighting, and entrances.
7. Fences, walls and landscaping shall be used to delineate yard areas for the private use of residents and screen mechanical equipment.
8. A comprehensive pedestrian system linking common amenities to each townhouse structure shall be established with a minimum width of eight feet.

§ 2616 GARDEN APARTMENT (GA) DISTRICT.

- A. Purpose. The purpose of the Garden Apartment (GA) District is to provide for multi-family housing in a garden apartment configuration at a density not to exceed 24 units per acre. Municipal use, including public recreation, is also permitted.
- B. Permitted Principal Uses. In the Garden Apartment zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:
 - 1. Multi-family dwelling.
 - 2. Municipal use, including parks and recreation.
- C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a permitted principal use:
 - 1. Multi-family Dwelling:
 - A. Community center for the common use of residents.
 - B. Outdoor recreational facilities, including swimming pool, tennis court or other court sports.
 - C. Off-street parking, private garages and car sheds.
 - D. Fences, walls, gazebos, mail kiosks and other street furniture.
 - 2. Signs, §2631.
 - 3. Maintenance building, not to exceed 1,500 square feet in gross floor area.
- D. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all GA districts:

Principal Use	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height	Max. Lot Coverage
Garden Apartment Tract Requirements <i>Accessory Building</i>	7 acres	200'	200'	60' NP	30' 30'	50' 30'	32' ⁽¹⁾ 18'	.60
Municipal	2,000 sf	20'	50'	5'	5'	5'	45'	.75

NP = Not Permitted.

(1) - Or 2 stories, whichever is less.

Principal Use	Maximum Dwellings per Building	Maximum Floor Area per Floor	Max. Bldg. Length	Max. Gross Density	Min. Open Space	Min. Distance Between Buildings	Min. Distance Between Buildings and Accessory Uses
Garden Apart- ment Bldg.	16	10,000 sf	200'	24 units per acre	40% of Tract	25'	15'

E. Additional Regulations for Garden Apartment Development.

1. The establishment of an organization for the ownership and maintenance of all common elements shall be required where no rental units are proposed, the form and substance of which shall be approved by the Board with the advice of the Board Attorney.
2. Each dwelling unit shall have at least one exterior exposure with at least one window.
3. Exterior television reception shall be limited to one master antenna for the entire development.
4. Air conditioning units in windows or through exterior walls shall not extend more than six inches from the exterior surface.
5. A swimming pool and/or recreation complex for the use of all residents shall be permitted in a suitable location a minimum of 25 feet from any dwelling. Such complexes shall be sited so as to minimize adverse effects from noise, lighting, and entrances.

- D. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all SC districts:

Principal Use	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height	Max. Imperv. Surface Ratio	Min. Open Space
Senior Apartment Bldg. Tract Requirements <i>Accessory Building</i>	2 ac.	200'	200'	35' <i>NP</i>	30' 30'	50' 30'	32' ⁽¹⁾ 18'	.60	40%

Principal Use	Maximum Dwellings per Building	Maximum Floor Area per Floor	Maximum Building Length	Maximum Gross Density	Minimum Distance Between Buildings	Min. Distance Between Buildings and Accessory Uses
Senior Apartment Bldg.	24	10,000 sf	200'	10 units per acre	25'	15'

NP = Not Permitted.

(1) - Or 2 stories, whichever is less.

- E. Additional Regulations.

1. The establishment of an organization for the ownership and maintenance of all common elements shall be required where no rental units are proposed, the form and substance of which shall be approved by the Board with the advice of the Board Attorney.
2. Each dwelling unit shall have at least one exterior exposure with at least one window.
3. Exterior television reception shall be limited to one master antenna for the entire development.
4. Air conditioning units in windows or through exterior walls shall not extend more than six inches from the exterior surface.

37. Municipal use.
38. Paperbound containers and boxes (265).
39. Miscellaneous Repair (762-764).
40. Dance Studios (791).
41. Metalworking Machinery (354).
42. Electrical Apparatus and Equipment (5063).
43. Florists (5992).
44. Optical Goods Stores (5995).
45. Individual and Family Services (8322).
46. Labor Organizations (8631).
47. Sales Offices Only for Wholesale Machinery.

C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a permitted principal use:

1. Outdoor dining.
2. Outdoor display.
3. Off-street parking.
4. Private garages for commercial vehicles used in conjunction with the principal use.
5. Fences and walls.
6. Signs, §2631.
7. Storage and maintenance buildings.

D. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all TC districts:

Principal Use	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height	Max. Imperv. Surface Ratio	Floor Area Ratio
Retail and Service Use <i>Accessory Building</i>	20,000 sf	100'	175'	25' NP	15' ⁽¹⁾ 15'	50' 30'	32' ⁽²⁾ 18'	.70 <i>inclusive</i>	.22
Municipal	2,000 sf	20'	50'	5'	5'	5'		35'	.25

NP = Not Permitted.

(1) - Minimum side yard shall increase to 35 feet where adjacent to a residential use.

(2) - Or 2 stories, whichever is less.

E. Additional Regulations for Retail and Service Uses.

1. Outdoor storage of materials shall be permitted in side or rear yards only. Such storage shall be screened from the view of adjacent uses and any public street by a combination of fencing, walls and landscaping in accordance with the standards of §1830.
2. All equipment stored on the site shall be placed within an enclosed building.
3. Outdoor dining. Outdoor dining shall conform to the following requirements:
 - A. The location of each outdoor dining area shall first be reviewed and approved by the Zoning Officer for conformance with the provisions of this section. Upon satisfactory review, a zoning permit or other suitable document shall be issued by the Zoning Officer for the outdoor dining area.
 - B. All outdoor dining areas shall allow at least eight feet of passage between tables and chairs and the curb.
 - C. All outdoor dining areas shall allow at least six feet of unobstructed access to building entrances and exits.

- E. Deck, gazebo and cabana.
- 2. Outdoor display.
- 3. Off-street parking.
- 4. Private garages for commercial vehicles used in conjunction with the principal use.
- 5. Fences and walls.
- 6. Signs, §2631.
- 7. Storage and maintenance buildings.
- D. Conditional Uses Permitted. The following uses may be permitted when authorized as a conditional use by the Planning Board:
 - 1. Conversion of single family detached or two-family dwelling to a bank, credit union, savings and loan association, or other retail financial service; or, office use meeting the following criteria:
 - A. The gross floor area shall not exceed 3,000 sf. or the size of the existing dwelling, whichever is greater.
 - B. Parking lots shall be oriented to the side and rear of the building line established by the front wall of the building.
 - C. Any applicable requirement of -D.2 below.
 - 2. Bank, credit union, savings and loan association, or other retail financial service meeting the following criteria:
 - A. Drive-thru facilities shall only be permitted on lots of 20,000 sf. or larger.
 - B. Parking lots shall be oriented to the side and rear of the building line established by the front wall of the building.
- E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all CB districts:

Principal Use	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height	Max. Imperv. Surface Ratio	Floor Area Ratio
Single Family Detached <i>Accessory Building</i>	4,000 sf	40'	90'	25' NP	8' 5'	25' 5'	35' ⁽¹⁾ 18'	.60	N/A
Two Family Dwelling <i>Accessory Building</i>	2,500 sf/ dwelling	75'	90'	25' NP	7' ⁽²⁾ 5'	25' 5'	35' ⁽¹⁾ 18'	.70	N/A
Commercial Use <i>Accessory Building</i>	4,000 sf	40'	100"	25' NP	10' ⁽²⁾ 15'	30" 30'	35' ⁽¹⁾ 18'	.75	.20
Municipal	2,000 sf	20'	50'	5'	5'	5'	35'	.75	.25

NP = Not Permitted.

(1) - Or 2½ stories, whichever is less.

(2) - Minimum side yard shall increase to 15 feet where adjacent to a residential use.

F. Additional Regulations for Commercial Uses.

1. Maximum building size shall not exceed 5,000 sf or 3,000 sf on any one level. An existing building shall not be demolished in order to utilize this provision.
2. Outdoor display. Outdoor displays shall conform to the following requirements:
 - A. All displays shall allow at least eight feet of passage between the display and the curb.
 - B. All displays shall allow at least six feet of unobstructed access to building entrances and exits.
 - C. No display shall be located in front of any driveway, parking lot entrance, alley, or other vehicular thoroughfare nor impede adequate sight distance for motorists.
 - D. Displays may only be located adjacent to or in front of the building in which the business displaying wares is located.
 - E. Displays shall not extend more than four feet from the facade

- A. The minimum lot size shall be 3 acres.
 - B. The minimum lot frontage shall be 150 feet.
 - C. No building shall be located within 50 feet of a lot line.
 - D. Parking lots shall be properly screened and shall be a minimum of 25 feet from surrounding properties and public roads.
 - E. Outdoor athletic fields shall be oriented to minimize adverse impacts on neighboring residential uses from noise, lighting, and entrances.
3. Any other area, yard, height, and building coverage requirement not herein modified shall apply to any conditional use.

- E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all DB districts:

Principal Use	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height	Max. Impervious Surface Ratio
Non-Municipal Use <i>Accessory Building</i>	7,000 sf	45'	100'	25 ⁽¹⁾ NP	0' 15'	50' 30'	40 ⁽²⁾ 18'	.75
Municipal	2,000 sf	20'	50'	5'	5'	5'	45'	.80

NP = Not Permitted.

- (1) - The front yard depth may be reduced to the average of the setbacks from the streetline of existing buildings on both sides of the proposed building. In the event an adjacent lot is vacant, the average shall be calculated using the required setback for the vacant lot.
- (2) - Or 3 stories, whichever is less.

F. Additional Regulations for Retail and Service Uses.

1. All equipment stored on the site shall be placed within an enclosed building.
2. Outdoor dining. Outdoor dining shall conform to the following requirements:

- E. Outdoor athletic fields shall be oriented to minimize adverse impacts on neighboring residential uses from noise, lighting, and entrances.
3. Any other area, yard, height, and building coverage requirement not herein modified shall apply to any conditional use.

E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all DB II districts:

Principal Use	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height	Max. Impervious Surface Ratio
Non-Municipal Use <i>Accessory Building</i>	7,000 sf	45'	100'	25' ⁽¹⁾ NP	0' 15'	50' 30'	40' ⁽²⁾ 18'	.75
Municipal	2,000 sf	20'	50'	5'	5'	5'	45'	.80

NP = Not Permitted.

- (1) - The front yard depth may be reduced to the average of the setbacks from the streetline of existing buildings on both sides of the proposed building. In the event an adjacent lot is vacant, the average shall be calculated using the required setback for the vacant lot.
- (2) - Or 3 stories, whichever is less.

F. Additional Regulations for Retail and Service Uses.

1. All equipment stored on the site shall be placed within an enclosed building.
2. Outdoor dining. Outdoor dining shall conform to the following requirements:
 - A. The location of each outdoor dining area shall first be reviewed and approved by the Zoning Officer for conformance with the provisions of this section. Upon satisfactory review, a zoning permit or other suitable document shall be issued by the Zoning Officer for the outdoor dining area.
 - B. All outdoor dining areas shall allow at least four feet of passage between tables and chairs and the curb.

- C. Conditional Use. Public and private non-profit day school.
- D. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a permitted principal use:
1. Off-street parking.
 2. Private garages for commercial vehicles used in conjunction with the principal use, excepting public works garages or yards.
 3. Fences and walls.
 4. Signs, §2631.
 5. Storage and maintenance buildings.
- E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all PO districts:

Principal Use	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height	Max. Imperv. Surface Ratio	Floor Area Ratio
Office <i>Accessory Building</i>	9,000 sf	50'	100'	25' NP	10' 15'	50' 30'	35' ⁽¹⁾ 18'	.75	.22
Municipal	2,000 sf	20'	50'	25'	5'	10'	45'	.80	.25
Other Governmental	10,000 sf	60'	100'	25'	10'	50'	45'	.80	.25

NP = Not Permitted.

(1) - Or 2½ stories, whichever is less.

§ 2623 VILLAGE SHOPPING (VS) DISTRICT.

- A. Purpose. The purpose of the Village Shopping (VS) District is to include the majority of the destination oriented retail outlet shopping in Flemington. This district is highway oriented but is designed to encourage walking from store to store once the destination has been reached. It contrasts with the more pedestrian oriented outlet shopping in the Downtown Business district and the more highway oriented shopping in the Highway Retail zone. An overall site plan may be submitted for a village shopping center, indicating

5. Only guests of the facility and their invitees shall be served food and drink on the premises.
6. No cooking facilities shall be permitted in guest rooms or suites.
7. There shall be a maximum residency limitation on all guests of 30 days.

E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all VS districts:

Principal Use	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height	Max. Imperv. Surface Ratio	Floor Area Ratio
Retail and Service Uses <i>Accessory Building</i>	65,000sf	150'	200'	35' NP	15' 15'	50' 30'	35' ⁽¹⁾ 18'	.80 ⁽²⁾	.22
Municipal	2,000 sf	20'	50'	25'	5'	10'	45'	.80	.25

NP = Not Permitted.

- (1) - Or 2½ stories, whichever is less. The height may be increased to 50 feet or 4 stories, whichever is less, when the building is greater than 200 feet from a residential district.
- (2) - Maximum lot coverage may be increased to .82 if additional landscaped areas are provided with trees, shrubs and proper ground cover treatment.

F. Additional Regulations for Retail and Service Uses.

1. All equipment stored on the site shall be placed within an enclosed building.
2. Outdoor dining. Outdoor dining shall conform to the following requirements:
 - A. The location of each outdoor dining area shall first be reviewed and approved by the Zoning Officer for conformance with the provisions of this section. Upon satisfactory review, a zoning permit or other suitable document shall be issued by the Zoning Officer for the outdoor dining area.
 - B. All outdoor dining areas shall allow at least eight feet of passage between tables and chairs and the curb.

- I. Any approval shall be so conditioned as to allow additional communications operators to lease space on the subject tower.
- J. To the extent feasible, communications towers shall be painted or disguised to minimize contrast with the natural environment.
- K. Notwithstanding any other provision to the contrary, no communications tower shall be located in an historic district as designated in the Historic Preservation Element of the Master Plan.

5. All other parts of this Ordinance not modified herein shall apply.

- E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all HR districts:

Principal Use	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height	Max. Imperv. Surface Ratio	Floor Area Ratio
Retail and Service Uses <i>Accessory Building</i>	65,000 sf	150'	200'	35' NP	25' 15'	50' 30'	35' ⁽¹⁾ 18'	.70	.20
Office <i>Accessory Building</i>	30,000 sf	100'	200'	35' NP	25' 15'	35' 30'	35' ⁽²⁾ 18'	.70	.25
Hotel and Motel	2 acres	200'	200'	50'	35'	50'	35' ⁽³⁾	.60	.22
Shopping Center <i>Accessory Building</i>	3 acres	300'	200'	75' NP	50' 25'	50' 30'	25' ⁽¹⁾ 18'	.70	.20
Senior Citizen Housing	2 acres	200'	200'	35'	25'	50'	48' ⁽⁴⁾	.70	NA

NP = Not Permitted.

- (1) - Or 2 stories, whichever is less.
- (2) - Or 2½ stories, whichever is less.
- (3) - The height may be increased to 45 feet or 4 stories, whichever is less, when the building is greater than 200 feet from a residential district.
- (4) - or 3 stories Not to exceed (3) three stories

F. Additional Regulations for Retail and Service Uses.

1. All equipment stored on the site shall be placed within an enclosed building.
2. There shall be no retail sales activities open to the public for the purpose of selling any goods or services in any basement, cellar, or attic, provided that nothing in this section shall be construed to prohibit the use of such areas for storage or the basement or cellar for public restrooms.
3. Minimum buffer with residential uses or zones is 75 feet.

§ 2625 PUBLIC SCHOOL AND PARKS (PS/P).

- A. Purpose. The zone is established to recognize two areas in the Borough used for public purpose. These include the Reading-Fleming Middle School, Tuccamirgan Park, Green Acres Park, and the Flemington Swim Club, and Memorial Park on the east side of town.
- B. Permitted Principal Uses. In the PS/P zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:
 1. Public Schools.
 2. Government use, including parks and recreation.
 3. Private swim clubs.
- C. Accessory Uses Permitted.
 1. Storage sheds.
 2. Signs, §2631.
 3. Off-street parking.
- D. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all PS/P districts

Principal Use	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Mn. Front Yard	Min. Side Yard	Min. Rear Yard	Max Height	Max. Imperv. Surface Ratio	Max building Coverage
Parks & Community Pools	43,560 sf	100'	200'	25' NP	25' 15'	35' 15'	80' ⁽¹⁾ 28'	.50	.25
Public School Accessory Building ⁽²⁾	3 acres	150'	350'	50' NP	25' 15'	50' 30'	45' 25'	.75	.50

NP = Not permitted.

(1) - The ridgeline of the main roof shall not exceed 45 feet in height.

(2) - No more than two (2) accessory structures for lots , 15,000 sf; no more than three (3) accessory structures for lots \geq 15,000 sf.

§ 2626 SUPER SHOPPING (SS) OVERLAY DISTRICT.

- A. Purpose. The purpose of the Super Shopping (SS) Overlay District is to provide for the redevelopment of a portion of the Highway Retail zone that is characterized by small lots or abandoned and vacant land. The overlay district provides an optional set of development regulations that permits an added intensity of development as an incentive to assemble substandard lots.
- B. Permitted Principal Uses. In the Super Shopping Overlay zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except for a shopping center incorporating any permitted use in the Highway Retail district.
- C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a permitted principal use:
1. Off-street parking.
 2. Drive-thru and drive-in facilities.
 3. Private garages for commercial vehicles used in conjunction with the principal use.

4. Fences and walls.
5. Signs, §2631.
6. Storage and maintenance buildings.

D. Conditional Uses Permitted. The following uses may be permitted when authorized as a conditional use by the Planning Board:

1. Hotels and motels (701) subject to the following criteria:
 - a. Any such use shall contain a minimum of at least 20 units of accommodation not including any on-site superintendent's living quarters. The minimum number of units of accommodation in any single building shall be 10.
 - b. Each unit of accommodation shall contain a minimum floor area of 250 square feet. Ceilings shall be a minimum of 8 feet in height.
 - c. There shall be a residency limitation on all guests of 30 days maximum. The residency limitation shall not apply to an employee living on the premises.

E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all SS districts:

Principal Use	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height	Max. Imperv. Surface Ratio	Floor Area Ratio
Shopping Center: Tract Lot ⁽²⁾ <i>Accessory Building</i>	15 acres 1½ acres	500' 100'	500' 200'	150' 75' NP	50' N/A 25'	25' 50' 30'	32' ⁽¹⁾ 30' ⁽³⁾ 18'	.75	.22
Hotel and Motel	2 acres	200'	200'	50'	35'	50'	45' ⁽⁴⁾	.60	.25

NP = Not Permitted.

- (1) - Or 3 stories, whichever is less, however, the maximum height for 33% of the front facade may be 36' if used to accommodate a front elevation with a pediment or similar structure.
- (2) - These regulations only pertain to lots within the overall tract area and is intended for use with pad sites approved as part of the shopping center plan.

4. Fences and walls.
 5. Signs, §2631.
 6. Storage and maintenance buildings.
- D. Conditional Uses Permitted. The following uses may be permitted when authorized as a conditional use by the Planning Board:
1. Hotels and motels (701) subject to the following criteria:
 - a. Any such use shall contain a minimum of at least 20 units of accommodation not including any on-site superintendent's living quarters. The minimum number of units of accommodation in any single building shall be 10.
 - b. Each unit of accommodation shall contain a minimum floor area of 250 square feet. Ceilings shall be a minimum of 8 feet in height.
 - c. There shall be a residency limitation on all guests of 30 days maximum. The residency limitation shall not apply to an employee living on the premises.
- E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all SS districts:

Principal Use	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height	Max. Imperv. Surface Ratio	Floor Area Ratio
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- (1) - Or 3 stories, whichever is less, however, the maximum height for 33% of the front facade may be 36' if used to accommodate a front elevation with a pediment or similar structure.
- (2) - These regulations only pertain to lots within the overall tract area and is intended for use with pad sites approved as part of the shopping center plan.

- (3) - Or 1½ stories, whichever is less.
- (4) - Or 4 stories, whichever is less.
- (5) - Roof mounted appurtenances such as heating and air conditioners (HVAC), communications antennae and other equipment shall be concealed by a parapet wall from surrounding land uses. The parapet wall cannot exceed the allowable height.

F. Additional Regulations for Retail and Service Uses.

- 1. All equipment stored on the site shall be placed within an enclosed building.
- 2. There shall be no retail sales activities open to the public for the purpose of selling any goods or services in any basement, cellar, or attic, provided that nothing in this section shall be construed to prohibit the use of such areas for storage or the basement or cellar for public restrooms.
- 3. Minimum buffer with residential uses or zones is 75 feet.

§ 2627 ADDITIONAL STANDARDS APPLYING TO ALL DISTRICTS.

- A. Community Shelters. Community residences for the developmentally disabled, community shelters for victims of domestic violence, and community residences for persons with head injuries shall be allowed in any residential district permitting single family detached housing, provided that:
 - 1. No more than 15 persons, excluding resident staff, shall occupy the premises except as permitted herein.
 - 2. The facility is duly licensed pursuant to *N.J.S.A. 30:11B-1 et seq.* for community residences for the developmentally disabled, *N.J.S.A. 30:14-1 et seq.* for community shelters for victims of domestic violence, and *N.J.S.A. 30:11B-1 et seq.* for community residences for persons with head injuries.
 - 3. The residential character of the building shall remain unchanged.
 - 4. All other applicable regulations of this Ordinance shall apply.
- B. Decks. Decks shall not be attached to any floor higher than the second floor of a dwelling. Decks for which railings are required shall be located no