

ORDINANCE # 28-18

ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, AMENDING CHAPTER 25 OF THE BOROUGH CODE TO REFLECT CHANGES TO THE BOROUGH ZONING ORDINANCE

WHEREAS, the Borough of Keyport (the “**Borough**”) is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the Borough Code of General Ordinances (the “**Code**”) provides for the regulation of development within the Borough, pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq.; and

WHEREAS, prior to the Borough Council hearing on the adoption of this Ordinance it shall be referred to the Unified Planning Board as required by N.J.S.A. 40:55D-64 and N.J.S.A. 40:55D-26 of the Municipal Land Use Law; and

WHEREAS, within thirty (30) days of the adoption of this Ordinance the Borough Clerk shall provide notice, pursuant to N.J.S.A. 40:55D-15 of the Municipal Land Use Law, by personal service or certified mail to the county planning board which notice shall state the effective date of this Ordinance and include a copy of this Ordinance; and

WHEREAS, the Mayor and Borough Council desire to amend Chapter 25, Article I of the Code, currently entitled “Zoning,” to reflect revisions to the Code pursuant to N.J.S.A. 40:55D-1, et seq.; and

WHEREAS, the Mayor and Borough Council have determined to amend Subchapter 25:1-1 through 25:1-16 of the Code to read as follows:

CHAPTER XXV LAND USE REGULATIONS ARTICLE I ZONING

25:1-1 TITLE.

This Chapter shall be known and may be cited as the Revised Land Use Ordinance of the Borough of Keyport.

25:1-2 PURPOSE.

It shall be the purpose of this Chapter Sections 25:1-2 through 25:1-26 to promote health, safety, morals, and general welfare, prevent the overcrowding of land and buildings, to avoid undue concentration of population, provide adequate light and air with reasonable consideration to the character of the zone and its peculiar suitability for particular uses, and with the objective of conserving the value of property and encouraging the most appropriate use of land throughout

the Borough in accordance with the C:40:55D-62-68 (Municipal Land Use Law of the State of NJ Article 8-Zoning).

25:1-3 DEFINITIONS.

a. Certain words and terms in this chapter are defined for the purpose thereof as follows:

Accessory use or *building* shall mean a subordinate use or building, the purpose of which is incidental to that of the main use or building and on the same lot.

Adult entertainment uses include:

1. *Adult bookstore* shall mean an establishment having as a substantial or significant portion of its stock in trade books, magazines, other periodicals, or any tangible items and objects, not necessarily of a reading or photographic nature, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined below, or an establishment with a segment or section devoted to the sale or display of such material.

2. *Adult motion picture theater* shall mean an enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined below, for observation by patrons therein.

3. *Adult mini motion picture theater* shall mean an enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined below, for observation by patrons therein. a. For the purpose of this subsection, "specified sexual activities" is defined as human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; and fondling or other erotic touching of human genitals, pubic region, buttock or female breast; and "specified anatomical areas" is defined as less than completely and opaquely covered human genitals, pubic region, buttock or female breast below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

4. *Cabaret* shall mean an establishment which features go-go dancers, exotic dancers, strippers, or similar entertainers.

Alteration - means a change to the exterior or interior elements of a building or structure so as to affect the amount or arrangement of rooms, corridors and other spaces or to change the nature of their use and / or a change to parking and loading areas and access thereto which affects existing parking layout, circulation, drainage, building arrangements, landscaping, buffering and/or lighting.

Automobile, boat or trailer sales area shall mean an open area, other than a street, used for the display, sale or rental of new or used motor vehicles, motor or sailboats or trailers in operable condition and where no repair work is done.

Automobile service station shall mean a building or place of business where grease, batteries, tires, mufflers and other automobile parts and accessories and minor repair services are sold at retail.

Basement shall mean any area of a building having its floor subgrade (below ground level) on all sides. A basement shall be counted as a story if used for business or dwelling purposes.

Bathroom and cooking facilities shall be defined by the State of New Jersey Uniform Construction Code.

Bed and Breakfast Residence means a private, single-family residence that is year-round owner-occupied, which provides overnight lodging for no more than twelve (12) transient guests and provides only breakfast for registered guests each day. The rented rooms do not contain cooking facilities and do not constitute separate dwelling units.

Billboard shall mean a sign, as defined herein, advertising a use, activity or goods not located at the site.

Board of Adjustment shall have the same definition as the Zoning Board of Adjustment.

Boarding house shall mean a building arranged or used for lodging, with or without meals, for compensation and not occupied as a single family unit.

Building shall mean and include the word "structure" and is any structure having a roof supported by columns, piers or walls, including tents, lunch wagons, trailers, dining cars, camp cars, or other structures on wheels or other supports and used for living or business purposes.

Building height shall mean the vertical distance measured from the mean level of the ground surrounding the building to a point midway between the highest point of the roof and the ceiling of the highest floor below it, but not including chimneys, spires, towers, elevator penthouses, tanks and similar projections.

Building, principal shall mean a structure in which is conducted the principal use on the lot and that covers the principal area of the site on which it is situated. In any residential district any dwelling shall be deemed to be a principal building on the zone lot on which it is located.

Cellar shall mean a story wholly or partly above curb level having more than one-half of its floor-to-ceiling height below the average level of the adjoining ground. No cellar or portion thereof shall be used as a dwelling unit.

Conditional Use means a use permitted in a particular zoning district only upon a showing that such in a specified location will comply with the conditions and standards for the location or

operation of such as contained in the zoning ordinance, and upon the issuance of an authorization therefore by the planning board.

Court shall mean any open, unoccupied area which is bounded by three or more attached building walls.

Development, Major means a major subdivision or any development not defined as a minor development.

Development, Minor means:

1. A minor subdivision;
2. The construction of any building or structure or addition to any building or structure of five hundred (500) square feet or less;
3. Improvements or alterations to existing parking areas containing less than ten (10) parking spaces, or where the area of existing paving and location and size of existing driveways are affected;
4. The alteration of an existing building resulting in a change in the number of dwelling units on the site;
5. Does not involve the construction of new drainage facilities or significant alteration to an existing drainage facility;
6. Does not involve planned development, any new street or extension of any off-tract improvement.

Discotheque shall mean a building or place of business, with or without a liquor license, used principally as an establishment for dancing to recorded music or to live musical performance by individual(s).

District or *Zone* shall mean any designated portion of the territory of the Borough of Keyport, within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Chapter.

Dwelling shall mean any building or portion thereof designed or used exclusively as the residence of one or more persons containing one or more rooms including cooking, sleeping and bathroom facilities designed as a unit for occupancy by not more than one family or household with direct access from the outside or through a common hall.

1. *Dwelling, single-family* shall mean a structure or building occupied or intended for occupancy as separate living quarters exclusively for one family or one household with direct access from the outside and further provided with separate cooking, sleeping and bathroom facilities for the exclusive use of the occupants of the unit.

2. *Dwelling; two- family* shall mean a structure or building occupied or intended for occupancy as separate living quarters for two (2) separate families or two (2) separate households with direct access from the outside or through a common hall and further provided with separate cooking, sleeping and bathroom facilities for the exclusive use of the occupants of each unit.

3. *Dwelling; multi-family* shall mean a structure or building occupied or intended for occupancy as separate dwelling units for three (3) or more families with direct access from the outside or through a common hall and further provided with separate cooking, sleeping and bathroom facilities for the exclusive use of the occupants of each unit.

Essential services shall mean the provision by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith. reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare; buildings, generating stations, treatment plants and similar are not included herein.

Family shall mean persons living in the same dwelling unit who are related to each other by blood, marriage or adoption or a group of not more than any five (5) persons living together as a single non-profit unit and which bear the generic character of a relatively permanent functioning family unit.

Final Approval shall mean the official action of the planning board taken on a preliminary approved major subdivision or site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guarantees properly posted for their completion, or approval conditions upon the posting of such guarantees.

Final Plat is the final map of all or a portion of the subdivision which is presented to the Planning Board for final approval and which, if approved, shall be filed with the proper county recording officer.

Floor area shall mean the sum of the gross horizontal area of the several floors of a building and its accessory building (excluding those used for off-street parking). Floor area shall not include cellar space, stairways and any floor space with floor to ceiling height less than seven (7') feet.

Garage; private shall mean a detached, or attached accessory building used only for the storage of private passenger vehicles owned or rented.

Garage; public shall mean any garage other than a private garage which is open to the public and used for the storage of motor vehicles.

Gas station shall mean a site used primarily for the retail sale of fuel from pump dispensers.

Home Occupation shall mean an occupation or activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit, which is clearly secondary to the use of the dwelling for living purposes, and for which there is no visible display of the services offered on the premises. Personal services such as hairdressing, massage and other services performed on the person or which involves clients coming to the house for the services offered shall not be considered Home Occupation uses.

Hotel shall mean a building designed for occupancy as the temporary residence of individuals who are lodged with or without meals and in which no provision is made for cooking in any individual room or suite.

Household shall mean all the persons who occupy a dwelling unit.

Junk yard shall mean the use of any lot for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of structures, automobiles or other vehicles, equipment and machinery or parts thereof, provided, that this definition shall not be deemed to include any of the foregoing uses which are accessory and incidental to any agricultural and industrial use permitted in any zone. The term "junk yard" as herein defined includes automobile wrecking yards.

Lot or Zone lot shall mean a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

1. *Lot; corner* shall mean a lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees. The point of intersection of the street lot lines is the "corner."

2. *Lot, depth* shall mean the distance between the front and rear lot lines.

3. *Lot lines* shall mean the property lines bounding the lot.

4. *Lot line; rear* shall mean the lot line opposite and most distant from the front lot line.

5. *Lot line, side* shall mean any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line.

6. *Lot width* shall mean the distance between the two (2) side lot lines measured at the required front setback line.

7. *Lot area* shall mean the computed area contained within the lot lines.

Major Subdivision is any subdivision not classified as minor subdivision.

Marina means any waterfront facility wherein berthing spaces for any and all watercraft or boats are provided, including ancillary facilities such as automobile parking; sanitary facilities; waterside fuel sales and dispensing; boat sales, rentals, repairs, maintenance and service, excluding, however, facilities for the construction of new boats.

Master Plan means a composite of one or more written or graphic proposals for the development of the municipality as set forth in and adopted pursuant to section 19 of the Municipal Land Use Law.

Minor Subdivision means any subdivision that results in [containing not more] fewer than three (3) lots fronting on an existing street or road, not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not to conflict with any provisions or portion of the Master Plan, Official Map, Zoning Ordinance amendment or amendments thereof.

Modular home means a dwelling unit manufactured in one or more sections which can be transported after fabrication to a site where it is assembled or joined on a permanent foundation and connected to utilities for long term occupancy.

Motels, Motor Courts and Motor Hotels shall mean a series of attached or semi-detached dwelling structures, where each unit has convenient access to parking space for the use of the unit's occupants. The units, with the exception of the manager's or caretaker's, are designed to provide sleeping accommodations for automobile transients or overnight guests.

Nonconforming lot shall mean any zone lot in single ownership, where the owner of such lot does not own any adjoining property, the subdivision of which could create one or more conforming lots which does not conform with the minimum area or dimensions required in the district where such lot is situated or for any special use, as the case may be.

Nonconforming structure shall mean a structure which in its design or location upon a lot does not conform to the regulations of this Chapter for the district in which it is located.

Nonconforming use shall mean use of a building or of land that does not conform to the regulations of the district in which it is situated.

Official Map shall mean a map adopted by ordinance pursuant to Article 5 of the Land Use Law.

Offsite shall mean located outside the lot lines of the lot in question but within the property (of which the lot is a part) which is the subject to a development application of contiguous portion of a street or right-of-way.

Off Tract means not located on the property which is the subject of a development application nor a contiguous portion of a street or right-of-way.

Owner shall mean any individual, firm, association, syndicate, co-partnership or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this chapter.

Parking area; private shall mean an open area for the same uses as a private garage, and regulated as a private garage.

Parking area; commercial shall mean an open area, other than a street or other public way, used for the parking of automobiles, and available to the public whether for a fee, free or as an accommodation for clients or customers.

Performance Guarantees shall mean any security which may be accepted in lieu of a requirement that certain improvements be made before the planning board or other approving body approves a plat, including performance bonds, escrow agreements, and other similar collateral or surety agreements.

Planned residential development or *Planned unit residential development* shall mean an area with a specified minimum contiguous acreage of five (5) acres or more to be developed as a single entity according to a plan containing one or more residential clusters, which may include appropriate commercial or quasi-public uses all primarily for the benefit of the residential development.

Planning Board shall mean the Planning Board of the Borough.

Plat means the map of a subdivision or site plan.

Preliminary Plat is the preliminary map indicating the proposed layout of the subdivision which is submitted to the municipal clerk for planning board consideration and tentative approval and meeting the requirements of Section 6 of this Ordinance.

Professional office shall mean the office of a member of a recognized profession. When conducted in a residential district, a professional office shall be incidental to the residential use and shall be conducted by a member of the family occupying the residential building. Such uses shall include the offices of doctors or physicians, dentists, optometrists, ministers, landscape architects, professional engineers, lawyers and such other similar professional occupations which may be so designed by the Board of Adjustment. The issuance of a state or local license for regulation of any gainful occupation need not be deemed indicative of professional standing.

Recreation shall mean:

1. *Recreation; commercial* shall mean recreation facilities operated as a business and open to the general public for a fee.

2. *Recreation, private, non-commercial* shall mean clubs or recreation facilities, operated by a nonprofit organization and open only to bona fide members of such non-profit organizations.

3. *Recreation vehicle* shall mean:

a. A self-propelled vehicular structure designed for temporary living for travel, recreation, vacation or other short-term use, which may contain cooking, sleeping and sanitary facilities; or

b. A mobile structure which may contain cooking and sleeping facilities used for travel, recreation, vacation or other short term use and designed to be attached to another vehicle for transporting from one location to another.

Religious use shall mean a church, temple, synagogue, mosque or other similar place of worship.

Residential street shall mean a street between two (2) intersecting streets, upon which an R-District abuts, or where fifty (50%) percent or more of the abutting street frontage is in predominantly residential use.

Rooming house (See *Boarding house*). A guest house or a furnished rooming house shall be deemed a boarding house.

Setback line; front shall mean a line within any lot, parallel to any street line, between which it and the street line no building or portion thereof may be erected except as provided in this Chapter.

Sign shall mean a name, identification, description, display or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business.

However, "sign" shall not include any display of official court or public office notices, nor any official traffic control device, nor shall it include the flag, emblem or insignia of a nation, state, county, municipality, school or religious group. "Sign" shall not include a sign located completely within an enclosed building except for illuminated or animated signs within show windows. Each display surface of a sign shall be considered to be a "sign."

Sign; flashing shall mean any sign on which the artificial light is not maintained constant in intensity or color at all times when such sign is in use.

Sign; gross advertising area of shall mean the entire space within a single continuous perimeter enclosing the extreme limits of a sign, and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.

Site plan shall mean a development plan of one or more lots on which is shown (1) the existing and proposed conditions of the lot, including, but not necessarily limited to topography, vegetation, drainage, flood plains, marshes and waterways. (2) The location of all existing and

proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures signs, lighting, screening devices, and (3) any other information that may be reasonably required in order to make an informed determination pursuant to an ordinance requiring review and approval of site plans by the Planning Board adopted pursuant to law.

Sketch Plat is a map of a subdivision of sufficient accuracy to be used for the purpose of discussion and classification and meeting the requirements of Section 6 of this Ordinance.

Story shall mean that portion of a building, including between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

1. *Story; half* shall mean a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4') feet above the floor of such story; provided that any partial story shall not be used for residence purposes.

2. *Story; first* shall mean the lowest story or the ground story *floor* of any building, the floor of which is not more than twelve (12") inches below the average contact ground level at the exterior walls of the building.

Street shall mean any street, avenue, boulevard, road, parkway, viaduct, drive or other way (1) which is an existing State, county or municipal roadway, or (2) which is shown upon a plat heretofore approved pursuant to law, or (3) which is approved by official action as provided by this act, or (4) which is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a Planning Board and the grant to such board of the power to review plats; and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines. For the purpose of this chapter, streets shall be classified as follows:

a) Arterial streets are those which are used primarily for fast or heavy traffic.

b) Collector streets are those which carry traffic from minor streets to the major systems of arterial streets, including the principal entrance streets of a residential development and streets for circulation within such a development.

c) Minor streets are those which are used primarily for access to the abutting properties.

d) Marginal access streets are streets which are parallel to and adjacent to arterial streets and highways, and which provide access to abutting properties and protection through traffic.

e) Alleys are minor ways which are used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

Street line shall mean the dividing line between the street and the lot (public right-of-way).

Structure shall mean anything constructed, the use of which requires permanent location on the ground or attachment to something having permanent location on the ground, including stationary and portable carports.

Structural alteration shall mean any change in the supporting members of a building, such as walls, columns, beams or girders.

Subdivider shall mean any individual, firm, associating, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under this chapter to effect a subdivision of land hereunder for himself or for another.

Subdivision means the division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other division of land for sale or development. The following shall not be considered subdivisions within the meaning of this act, if no new streets are created (a) division of land found by the planning board or technical review committee hereof appointed by the resulting parcels are 5 acres or larger in size (b) divisions of property by testamentary of interstate provisions (c) divisions of property upon court order and (d) conveyances so as to combine existing lots by deed or other instrument. The term "subdivision" shall also include the term "resubdivision".

Technical Review Committee shall mean a committee established to facilitate the review process of potential applicants and to assist the Unified Planning Board in their review of all applications for development or other requests presented to the Board as per Borough Code section 25-3.30.

Townhouse shall mean a structure containing three (3) or more dwelling units each separated by vertical interior unpierced common walls.

Trailers or Manufactured Home/Office Unit Mobile house units shall mean a structure that is towed or hauled by a vehicle in order to be transported, and is placed on a permanent or nonpermanent foundation that is used for living, sleeping, office or storage purposes. This definition shall not include fixed structures or modular homes.

Use shall mean the purpose for which land or a building thereon is designed, arranged or intended or for which it is or may be occupied or maintained.

Yard; front shall mean a yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the building. The depth of the front yard shall be measured at right angles to the front line of the lot.

Yard; rear shall mean a yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building. The depth of the front yard shall be measured at right angles to the front line of the lot.

Yard; side shall mean an open, unoccupied space between the side line of the lot and the nearest line to the building and extending from the front yard to the rear yard, or in the absence of either

of such yards, to the front or rear lot lines as the case may be. The width of a side yard shall be measured at right angles to the side line of the lot.

Zoning Board of Adjustment shall mean an independent, quasi-judicial body, whose jurisdiction is found in N.J.S.A. 40:55D-70. The Zoning Board is exclusively responsible for the granting of all six types of "d" variances, including use variances. The Zoning Board also has the authority to hear bulk variances, also known as "c" variances, on applications that do not require a site plan or subdivision approval. Any improvement to a single family home that requires a variance must be heard by the Zoning Board of Adjustment. In addition to granting variances, the Zoning Board is the only agency that is permitted to hear appeals of rulings by the Zoning Officer, as well as interpretations of the Master Plan and the Zoning Ordinance.

Zoning map shall mean the zoning map of the Borough of Keyport, New Jersey.

b. *Other Words and Terms Defined.* The definition of words and terms of the Municipal Land Use Law (C:40:55D-1 et seq.) are incorporated and made a part of this Chapter.

25:1-4 ESTABLISHMENT OF ZONES.

25:1-4.1 List of Zones. The territory of the Borough of Keyport is hereby divided into the following districts or zones.

Residential District A (RA)

Residential District B (RB).

Residential District C (RC).

Neighborhood Commercial District (NC).

General Commercial District (GC).

General Marine Commercial District (GMC).

Highway Commercial District (HC).

Limited Industrial District (LI).

Industrial District (I).

25:1-4.2 Zoning Maps.• The zones listed in subsection 25:1-4.1 are shown on a map entitled "Zoning Map, Borough of Keyport, Monmouth County, New Jersey, February 22, 2018".

***Editor's Note:** The Zoning Map can be found at the end of this Chapter.

a. *Amendments.* If, in accordance with the provisions of this Chapter and the Revised Statutes of the State of New Jersey, changes in the district boundaries or other matters portrayed in the map are made by the Council, such changes shall be made promptly by the Engineer after the amendment has taken effect as provided by law. For each change in the map, note shall be made thereon, in the revision box, of the date of revision, zones affected by the revision and a brief identifying description of the revision. These changes are to be endorsed upon the map on the effective date of the amendment.

b. *Rules for Interpretation of District Boundaries.* Whenever an uncertainty or ambiguity exists as to the true location of any boundary line of any district (zone) shown on the map, the following rules shall apply:

1. Center lines. Boundary lines indicated as following or approximately following streets, highways, other public or private ways or center line of waterways, shall be construed to follow the center lines thereof as determined by the Engineer.

2. Platted lines. A boundary indicated as following or approximately following platted lot lines shall be construed as following such lot lines as the same appear on the Tax Map of the Borough as revised.

3. Municipal lines. Boundaries indicated as following or approximately following municipal lines shall be construed as following such municipal lines.

25:1-5 RESIDENTIAL DISTRICT (RA)

Purpose. The predominant housing type in Keyport has been the one-family house. The purpose of this chapter is to preserve and continue this low to moderate density land use characteristic and those existing single family residences as the preferred residential land use throughout the Borough. All single-family homes existing in the RA zone are envisioned to be maintained as such and it is strongly discouraged that any of these homes be converted to multi-family.

25:1-5.1 Permitted Principal Uses.

- a. Single-family detached dwelling.
- b. Public park and playground.

25:1-5.2 Permitted Accessory Uses.

- a. Uses customary and incidental to principal use.
- b. Home gardening but not the raising of livestock, poultry, or similar objectionable activities.

- c. Signs subject to standards of Section 25:1-17.
- d. Private garages and private parking areas.
- e. Other accessory uses and structures customarily appurtenant and incidental to a principal permitted use, including radio and television antenna subject to subsection 25:1-15.14.
- f. Home occupations and home professional offices.

25:1-5.3 Conditional Uses.

- a. School or college subject to standards of Section 25:1-15.
- b. Licensed nursing homes and nursery schools subject to standards of Section 25:1-15.
- c. Places of worship, eleemosynary and philanthropic institutions subject to standards of Section 25:1-15.

25:1-5.4 Development Standards. As set forth in Schedule Section 25:1-16 unless specific standard is set forth hereinafter or within Section 25:1-14 (General Regulations) and 25:1-15 (Supplemental Regulations).

25:1-5.5 Minimum Off-Street Parking Requirements. Shall be in accordance with the Residential Site Improvement Standards, N.J.A.C. 5:21.

25:1-5.6 Other Requirements.

a. *Home Occupation or home professional office.* Home occupations shall be permitted as defined and shall conform to the following standards:

1. No changes in the exterior appearance of the dwelling in order to accommodate the home occupation use or to make its presence in the dwelling apparent from the street, shall be made.
2. No signs advertising the home occupation are permitted.
3. No services shall be offered that requires clients coming to the residence for the service to be performed. This shall not preclude occasional on premises meetings with the occupations' clientele.
4. Not more than one person who is a non-resident of the dwelling unit may be employed.
5. One additional off-street parking space shall be provided for an outside employee. This shall be in addition to the normal residential parking requirement for the subject property.

6. The maximum floor area devoted to the home occupation shall be limited to twenty (20) percent of the total habitable square footage of the dwelling exclusive of any basement or attics.

7. There shall be no outside storage of materials or equipment.

8. A resident who intends to conduct a home occupation that involves the use of a non-resident employee must apply for and obtain a zoning permit.

25:1-6 RESIDENTIAL DISTRICT B (RB) REGULATIONS

Purpose. The purpose of the RB Residential District is to provide a balance of housing stock while providing a transitional buffer to the RA District from the more intense uses in the higher density residential and commercial districts.

25:1-6.1 Permitted Principal Uses.

a. Any RA permitted principal use under the conditions prescribed therein.

b. Two-family dwellings.

25:1-6.2 Permitted Accessory Uses. Any RA permitted accessory use under the same conditions prescribed therein.

25:1-6.3 Conditional Uses.

a. Any RA conditional use under the same conditions prescribed therein.

b. Community buildings, country clubs, clubs, social halls, lodges, fraternal organizations and similar uses subject to standards of Section 25:1-15.

25:1-6.4 Development Standards. As set forth in Schedule Section 25:1-16 unless, specific standard is set forth hereinafter or within Sections 25:1-14 (General Regulations) and 25:1-15 (Supplemental Regulations).

25:1-6.5 Signs. Signs as specified in Section 25:1-17.

25:1-7 RESIDENTIAL DISTRICT C (RC) REGULATIONS

Purpose - The purpose of the RC Residential District is to provide suitable locations for multi-family residential development with a defined density and building and site design standards that support existing multi-family developments while providing a transitional buffer to lower density residential districts.

25:1-7.1 Permitted Principal Uses.

- a. Any RB permitted principal use under the same conditions prescribed therein.
- b. Multi-family residential in accordance with Development Standards at 25:1-7.4.

25:1-7.2 Permitted Accessory Uses. Any RB permitted accessory use under the same conditions prescribed therein.

25:1-7.3 Conditional Use.

- a. Any RB conditional use under the same conditions prescribed therein.

25:1-7.4 Development Standards. As set forth in Schedule Section 25:1-16 unless specific standard is set forth hereinafter or within Sections 25:1-14 (General Regulations) and 25:1-15 (Supplemental Regulations).

- a. Multi-family or Townhouse Dwellings:
 - 1. Multi-family dwelling buildings shall have a minimum lot area of not less than 3 acres with a minimum lot width of 200 hundred (200') feet.
 - 2. Maximum Permitted Density: 20 units per acre.
 - 3. Minimum Setbacks: a) From public right-of-way: the average distance of existing buildings aligned on either side of the subject property within the same block, but not less than 30 feet.
 - b) From any other property line: each principal building shall be setback at least 50 feet.
 - 4. Maximum impervious coverage shall not exceed 60%.
 - 5. Maximum building height shall not exceed three stories or 40 feet.
 - 6. The maximum length of any multiple dwelling structure shall not exceed 200 feet and the exterior wall on any such building shall not exceed a length of 50 feet, unless there is a variation in the surface plane of such wall at least once every 50 feet, with such variation consisting of either a recess or protrusion of the surface plane for a minimum depth of five feet.
 - 7. Minimum Building Separation: The minimum distance between building facades shall be 40 feet.
 - 8. The following accessory uses shall be permitted within a principal multiple dwelling structure for the use of its residents: a) Laundry rooms, recreational rooms, personal storage lockers and other similar accessory uses which are for the common benefit of all residents of the multi-family dwelling.

b) A leasing office, building manager or superintendent's office, including space for the storage of maintenance equipment may be provided within a principal multi-family building for the purpose of serving such building or community.

9. Any premises used for multi-family dwelling purposes shall contain usable open space in an amount equal to 400 square feet times the number of dwelling units on the premises. a) Required usable open space shall contain no less than 2,000 contiguous square feet each, nor shall any usable open space have a depth or width of less than 40 feet.

b) Required usable open space shall be easily accessible to the occupants of all of the dwelling units on the premises.

c) Areas attributed to swimming pools and other outdoor recreational structures shall be counted toward meeting the usable open space requirement, provided that not more than 25% of any recreational structure shall be covered by a roof.

d) No portion of any required front yard or any required planting area shall be used for required usable open space.

e) No portion of any required usable open space shall be used for driveways or parking spaces.

f) In townhouse developments, a portion of the required usable open space may be assigned to individual contiguous dwelling units as private yard areas of not less than 300 square feet each.

g) Required usable open space shall be subject to site plan review as to design and layout, shall be attractively landscaped and shall be of a design to accommodate the needs of the occupants of the dwelling units it is designed to serve.

10. Off-street Parking Requirements: a) The number and size of spaces required shall be in accordance with N.J.A.C. 5:21 the Residential Site Improvement Standards.

b) Off-street parking facilities shall be located no closer than 25 feet to any building façade and shall not be located in any required front yard setback.

c) All off-street parking spaces and drive aisles shall be screened to prevent headlight glare on on-site residential structures and adjacent properties.

d) All off-street parking spaces and maneuvering areas shall be setback from landscaping so as to not encroach or damage such landscaped areas by vehicle overhangs.

25:1-7.5 Signs. Signs subject to Section 25:1-17.

25:1-8 NEIGHBORHOOD COMMERCIAL DISTRICT (NC) REGULATIONS

Purpose – The purpose of the NC Neighborhood Commercial district is to provide low intensity neighborhood shopping areas that primarily rely on walk-in trade of convenience goods and services for the immediately surrounding neighborhood. Commercial uses that provide no commercial service to the neighborhood or generate high volumes of automobile trips and substantial amounts of parking are discouraged in this district.

25:1-8.1 Permitted Principal Uses. Any local retail or personal service establishment of a type and size to serve the immediately surrounding neighborhood such as:

- a. Bank.
- b. Barber shops and beauty parlors.
- c. Book and stationery stores.
- d. Drug stores.
- e. Dry goods and variety stores.
- f. Dry cleaning and clothes pressing establishments, provided that no flammable cleaning agents are used.
- g. Eating and drinking establishments.
- h. Florists.
- i. Food stores.
- j. Hardware stores.
- k. Laundries, hand or automatic.
- l. Office, business and professional.
- m. Package liquor stores.
- n. Photographic equipment and supplies.
- o. Radio, television, computer or other electronics repair.
- p. Shoe repair shops.
- q. Tailor and dressmaker shops.

25:1-8.2 Permitted Accessory Uses.

- a. Required and permitted off-street parking and loading facilities.
- b. Signs subject to Section 25:1-17.
- c. Accessory uses and structures customarily incidental to a permitted principal use.

25:1-8.3 Development Standards. As set forth in Schedule Section 25:1-16 unless specific standard is set forth hereinafter or within Section 25:1-14 (General Regulations) and Section 25:1-15 (Supplemental Regulations).

25:1-8.4 Minimum Off-Street Parking Requirements.

Requirements are contained in Section 25:1-18.

25:1-8.5 Other Required Conditions. All uses shall be conducted within a completely enclosed building, except for service stations, branch banks, dry cleaning, florist and off-street parking and loading facilities.

25:1-9 GENERAL COMMERCIAL DISTRICT (GC) REGULATIONS

Purpose – The purpose of the GC General Commercial District is to serve as the commercial and business hub of the Borough, offering a variety of shops, restaurants, banks, retail uses, offices and business establishments serving local commercial needs of the immediate community as well as those uses that support waterfront tourism.

25:1-9.1 Permitted Principal Uses.

- a. Uses permitted in the Neighborhood Commercial District.
- b. Apparel shops.
- c. Banks and other financial institutions.
- d. Bars and cocktail lounges.
- e. Club, exclusive of a swimming pool club.
- f. Furniture stores.
- g. Reserved.
- h. Theaters.
- i. Department stores, specialty shops, personal and business service establishments.

j. Paint and wallpaper stores

k. Studios for Yoga, personal training, exercise, gyms, photography, art, music and dance.

l. Sporting and athletic goods.

m. Mixed residential commercial use.

25:1-9.2 Permitted Accessory Uses.

a. Signs subject to Section 25:1-17.

b. Parking garages, off-street parking and loading areas.

c. Accessory uses and structures customarily incidental to a principal permitted use.

d. Accessory storage within a wholly enclosed permanent building of materials, goods and supplies intended for sale, processing or consumption on the premises, except new and used cars and boats may be stored outside.

25:1-9.3 Conditional Use.

a. Bed and Breakfast Residences

b. Hotels

25:1-9.4 Minimum Off-Street Parking Requirements.

Requirements are contained in Section 25:1-18.

25:1-9.5 Development Standards. As set forth in Schedule Section 25:1-16 unless specific standard is set forth hereinafter or within Sections 25:1-14 (General Regulations) and 25:1-15 (Supplemental Regulations).

a. Mixed residential commercial uses:

1. Shall consist of GC District permitted commercial uses on the ground floor and residential dwellings on upper floors. Residential dwelling units shall not be permitted on the basement or first (ground) floor level.

2. Pedestrian access for the commercial spaces for the mixed use buildings along West Front and East Front Streets shall be provided from West Front Street and East Front Street.

3. Vehicles shall not be permitted to back on to West Front Street or East Front Street.

4. Residential dwelling units may be studios, one, two or three bedroom units.

5. Residential dwelling units shall be a minimum of 675 square feet. The minimum square footage for each dwelling unit may be split between floors however direct access shall be provided between floors in each dwelling unit. -

6. Each residential dwelling unit shall contain its own bathroom, kitchen and closet. Three bedroom dwelling units shall contain a minimum of two bathrooms.

7. Each bedroom within the dwelling unit shall contain a closet.

8. Off Street Parking Requirement - the number and size of spaces required for the residential use shall be in accordance with N.J.A.C. 5:21 the Residential Site Improvement Standards.

25:1-9.6 Reserved.

25:1-9.7 Other Required Conditions.

a. All uses shall be conducted wholly within a completely enclosed building, except for service stations, banks, dry cleaners and florists and parking lots, off-street parking and loading facilities.

b. All uses abutting a residential district shall be screened as required in subsection 25:1-14.6.

25:1-9.8 Prohibited Uses.

a. Storage of Boats Outside, Exceptions. No person shall be permitted to store any boat or boats outside in the General Commercial Zone. The foregoing notwithstanding, on any parcel of real property located within a General Commercial Zone and which is currently occupied for an exclusively residential use, one boat may be stored in the back yard thereof, provided that the same does not exceed twenty-four (24') feet in length, is owned by, and if required, registered to, a resident of said parcel and the same is reasonably screened from view from outside the borders of said parcel and/or appropriately covered.

25:1-9B GENERAL MARINE COMMERCIAL DISTRICT (GMC) REGULATIONS.

Purpose – The purpose of the GMC General Marine Commercial District is to provide for the development of a marine-based economy and the permitted uses of this district are

restricted to related to marina operations and services, water-based recreation and marine-oriented retail and entertainment.

25:1-9B.1 Permitted Principal Uses.

- a. Marinas & Yacht Clubs
- b. Eating and drinking establishments
- c. Bicycle, boat, jetski or similar rentals and launch.
- d. Retail sales or services that support water-based recreation or entertainment.
- e. Single-family dwelling on lands outside the Special Flood Hazard Area subject to the requirements of the RA District.

25:1-9B.2 Permitted Accessory Uses.

- a. Signs subject to Section 25:1-17.
- b. Parking garages, off-street parking and loading areas.
- c. Accessory uses and structures customarily incidental to a principal permitted use.
- d. Accessory storage within a wholly enclosed permanent building of materials, goods and supplies intended for sale, processing or consumption on the premises, goods and supplies intended for new and used boat sales.

25:1-9B.3 Development Standards. As set forth in Schedule Section 25:1-16 unless specific standards are set forth hereinafter or within Sections 25:1-14 (General Regulations) and 25:1-15 (Supplemental Regulations).

25:1-9B.4 Marina.

- a. Marina Standards:
 - 1. Marina Design: Marina layout should promote water quality, including minimizing impacts on the photic zone, circulation and to reduce loads on pier structures
 - 2. Dockside fueling of vessels shall be permitted provided:
 - a) Fuel pumps shall include back pressure cut-off valves.
 - b) Main cut-off valves shall be available both at the dock and in the upland area of the marina.

c) Fuel docks should be sturdy using a floating design wherever possible in order to withstand significant storm affected tidal ranges.

d) The fueling facility shall be designed to accommodate four of the largest expected vessels.

3. Sanitary and solid waste provisions.

a) The marina shall develop and implement a recycling plan for solid waste as appropriate to Borough and county requirements.

b) Abundant trash receptacles with adequate measures to capture fly-away and floatable materials shall be provided and emptied daily.

c) Adequate fish cleaning areas, including separate and well-marked dispensers for organic refuse shall be provided.

d) "No discharge" signs shall be posted throughout the marina basin.

e) Slip-side pumpout station(s) (fixed or portable) shall be provided in marinas which allow occupation of berthed vessels for a period of 72 hours or more.

f) Restroom facilities with both hot and cold water and shall be maintained in a sanitary, warm, dry, brightly lit and well-ventilated condition and shall be provided according to the following schedule:

i. For a small marina (up to 40 boats):

a. Men: One toilet stall, one urinal, and one washbasin.

b. Women: Two toilet stalls and one washbasin.

ii. For a medium marina (40 to 80 boats):

a. Men: One urinal, one toilet stall, one shower stall, and one washbasin.

b. Women: Two toilet stalls, one washbasin, and one shower stall.

iii. For a large marina (over 80 boats), the same type and ratio of facilities as for a medium marina shall be provided plus:

a. One urinal per additional 30 boats (men);

- b. One toilet stall per additional 60 boats (men);
- c. One toilet stall per additional 30 boats (women);
- d. One washbasin per additional 30 boats (men and women);
- e. One shower stall per additional 60 boats (men and women).

4. Off-street parking.

- a) Design of off-street parking facilities shall be in accordance with 25:1-18.
- b) Minimum number of parking spaces shall be 0.6 spaces per slip or contracted rack storage space (not dedicated to slip renters).

5. Boat storage and maintenance

- a) Dry storage shall be permitted on land or in racks and secured.
- b) Boat maintenance shall be undertaken as far from the water as possible.
- c) Maintenance areas shall be screened by fencing and/or landscaping and shall include measures to prevent materials from entering the water.

25:1-10 HIGHWAY COMMERCIAL DISTRICT (HC) REGULATIONS.

Purpose – The purpose of the HC Highway Commercial District is to provide for the development of non-residential uses that serve the greater Bayshore region and high density residential uses.

25:1-10.1 Permitted Principal Uses.

- a. All uses generally considered of a commercial, retail or business character including professional offices and banks, and all outdoor retail sales, display, and storage of merchandise, and new car and boat sales, except live poultry market and the slaughtering of animals or fowl.
- b. Hotels and motels.
- c. Club, exclusive of a swimming pool club subject to Section 25:1-15.
- d. Building for the retail sale of agricultural or horticultural products, exclusive of livestock or poultry. No flowers, fruits or vegetables shall be sold at retail out of doors.

e. Billiard parlor, bowling alley, theater, moving picture theater, except for drive-in theaters.

f. Restaurant, cocktail lounge, bar and other similar places of food or liquid consumption.

g. Church or other place of worship, parish house, Sunday school building subject to Section 25:1-15.

h. Public utility building or structure, telephone exchange.

i. Personal service establishment, shop for custom work, or group thereof.

j. New car dealership and showroom. Used car sales shall be accessory and incidental to the principal use.

k. High Density Residential Development.

l. Mixed Use Development.

m. Car Wash.

n. Funeral Homes

o. Gym/Exercise Facility

25:1-10.2 Permitted Accessory Uses.

a. Signs subject to Section 25:1-17.

b. Parking garages, off-street parking and loading areas.

c. Accessory uses and structures customarily incidental to a principal permitted use.

d. Accessory storage within a wholly enclosed permanent building of materials, goods and supplies intended for sale, processing or consumption on the premises, goods and supplies intended for new and used car and boat sales.

25:1-10.3 Conditional Uses.

a. Drive-in restaurants subject to conditions set forth in Section 25:1-15.3.

25:1-10.4 Development Standards. *As set forth in Schedule Section 25:1-16 unless specific standard is set forth hereinafter or within Sections 25:1-14 (General Regulations) and 25:1-15 (Supplemental Regulations).*

a. High Density Residential Development

1. High density residential development shall be permitted within the HC zone along the south side of NJSH Route 36 between the Garden State Parkway and the municipal border with Hazlet Township.

2. High density residential buildings shall have a minimum lot area of not less than 3 acres with a minimum lot width of two hundred (200') feet.

3. Maximum Permitted Density: 100 units per acre.

4. The first floor of the mixed use buildings may include commercial/retail uses as permitted in the GC or HC Zone.

5. Minimum Setbacks:

i. From any other property line: each principal building shall be setback at least 50 feet.

ii. Landscaped buffer zone to a New Jersey State Highway shall be at least 20 feet.

6. Maximum building coverage shall not exceed 20%.

7. Maximum impervious coverage shall not exceed 70%.

8. Maximum building height shall not exceed twelve stories or one hundred twenty five (125') feet.

9. The maximum length of any dwelling structure shall not exceed 250 feet and the exterior wall on any such building shall not exceed a length of 50 feet, unless there is a variation in the surface plane of such wall at least once every 50 feet, with such variation consisting of either a recess or protrusion of the surface plane for a minimum depth of five feet.

10. Minimum Building Separation: The minimum distance between building facades shall be 50 feet.

11. The following accessory uses shall be permitted within a principal multiple dwelling structure for the use of its residents:

i. Laundry rooms, recreational rooms, personal storage lockers and other similar accessory uses, which are for the common benefit of all residents of the multi-family dwelling.

ii. A leasing office, building manager or superintendent's office, including space for the storage of maintenance equipment may be provided within a principal multi-family building for the purpose of serving such building or community.

12. Minimum outdoor usable open space shall be 5% of the overall property area.

i. Required usable open space shall be easily accessible to the occupants of all of the dwelling units on the premises.

ii. Areas attributed to swimming pools and other outdoor recreational structures shall be counted toward meeting the usable open space requirement, provided that not more than 25% of any recreational structure shall be covered by a roof.

iii. No portion of any required front yard or any required planting area shall be used for required usable open space.

iv. No portion of any required usable open space shall be used for driveways or parking spaces.

v. Required usable open space shall be subject to site plan review as to design and layout, shall be attractively landscaped and shall be of a design to accommodate the needs of the occupants of the dwelling units it is designed to serve.

13. Off-street Parking Requirements:

i. The number and size of spaces required shall be in accordance with N.J.A.C. 5:21 the Residential Site Improvement Standards and Section 25:1-18.

ii. Off-street parking facilities shall be located no closer than 25 feet to any building façade and shall not be located in any required front yard setback.

iii. All off-street parking spaces and drive aisles shall be screened to prevent headlight glare on on-site residential structures and adjacent properties.

iv. All off-street parking spaces and maneuvering areas shall be setback from landscaping so as to not encroach or damage such landscaped areas by vehicle overhangs.

14. Signs subject to Section 25:1-17 (Ord. #13-90, §25-7.5)

b. Mixed Use Development

1. Mixed use development shall be permitted within the HC zone along the south side of NJSH Route 36 between the Garden State Parkway and the municipal border with Hazlet Township.

2. Mixed use development uses shall have a minimum lot area of not less than 30,000 square feet with a minimum lot width of one hundred (100') feet.

3. Maximum Permitted Residential Density: 40 units per acre.

4. The first floor of the mixed use buildings may include commercial/retail uses as permitted in the GC or HC Zone.

5. Minimum Setbacks:

i. Front Yard: 50'

ii. Side Yard: 6' one, 16' both

iii. Rear Yard: 40'

6. Maximum building coverage shall not exceed 35%.
7. Maximum impervious coverage shall not exceed 90%.
8. Maximum building height shall not exceed three and a half stories or forty (40') feet.
9. The maximum length of any dwelling structure shall not exceed 200' feet and the exterior wall on any such building shall not exceed a length of 50 feet, unless there is a variation in the surface plane of such wall at least once every 50 feet, with such variation consisting of either a recess or protrusion of the surface plane for a minimum depth of five feet.
10. Minimum Building Separation: The minimum distance between building facades shall be 40 feet.
11. The following accessory uses shall be permitted within a principal multiple dwelling structure for the use of its residents:
 - i. Laundry rooms, recreational rooms, personal storage lockers and other similar accessory uses, which are for the common benefit of all residents of the multi-family dwelling. A minimum of 15 SF per dwelling unit shall be dedicated to recreation or common use rooms.
 - ii. A leasing office, building manager or superintendent's office, including space for the storage of maintenance equipment may be provided within a principal multi-family building for the purpose of serving such building or community.
12. Minimum outdoor usable open space shall be 50 SF per dwelling unit.
 - i. Required common space shall be easily accessible to the occupants of all of the dwelling units on the premises.
 - ii. No portion of any required front yard or any required planting area shall be used for required usable open space.
 - iii. No portion of any required usable open space shall be used for driveways or parking spaces.
 - iv. Required usable open space shall be subject to site plan review as to design and layout, shall be attractively landscaped and shall be of a design to accommodate the needs of the occupants of the dwelling units it is designed to serve.
13. Off-street Parking Requirements:
 - i. The number and size of spaces required shall be in accordance with N.J.A.C. 5:21 the Residential Site Improvement Standards and Section 25:1-18.
 - ii. Off-street parking facilities shall be located no closer than 15 feet to any building façade.

iii. All off-street parking spaces and drive aisles shall be screened to prevent headlight glare on on-site residential structures and adjacent properties.

iv. All off-street parking spaces and maneuvering areas shall be setback from landscaping so as to not encroach or damage such landscaped areas by vehicle overhangs.

13. Signs subject to Section 25:1-17 (Ord.#13-90, §25-7.5)

25:1-10.5 Off-Street Parking and Loading Requirements. Requirements are contained in Section 25:1-18, Tables 1 and 2.

25:1-10.6 Other Required Conditions.

a. All uses shall be conducted wholly within a completely enclosed building, except for service stations, banks, dry cleaners, florists, parking lots, off-street parking and loading facilities and boat storage, docking and display areas.

b. All uses abutting a residential district shall be screened as required in subsection 25:1-14.6.

25:1-11 LIMITED INDUSTRIAL DISTRICT (LI).

Purpose -The purpose of the LI Light Industrial District is to provide suitable locations for a less intense industrial space that does not encourage heavy traffic, excessive noise or pollution that is developed with adequate buffering, landscaping and design so as not to detract from adjacent residential areas.

25:1-11.1 Permitted Principal Uses.

a. Wholesale storage and warehouse facilities.

b. Lumber, building materials, and other storage yards, but not salvage or junk yards.

c. Processing or assembly of materials for products sold on the premises such as a baking plant, dry cleaning plant, etc.

d. Laboratory or research facilities.

e. Boat yards and boat building facilities.

f. Light industrial use provided same shall not create toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapor, offensive noise or vibration, glare, flashes, or objectionable effluent, the effects of which would be noticeable outside the Limited Industrial District.

25:1-11.2 Permitted Accessory Uses.

- a. Signs subject to Section 25:1-17.
- b. Parking garages, off-street parking and loading areas subject to Section 25:1-18.
- c. Accessory storage facilities.
- d. Accessory uses and structures customarily incidental to a principal permitted use.

25:1-11.3 Conditional Uses. Retail and service uses permitted in the HC subject to all development regulations of the HC district, and further, that such use shall not be permitted driveway connection to a residential street as defined herein, and further subject to Section 25:1-15.

25:1-11.4 Development Standards. As set forth in schedule Section 25:1-16 unless specific standard is set forth hereinafter or within Sections 25:1-14 (General Regulations) and 25:1-15 (Supplemental Regulations).

25:1-11.5 Minimum Off-Street Parking Requirements. Requirements are contained in Section 25:1-18, Tables 1 and 2.

25:1-11.6 Other Required Conditions. Any use which is not conducted wholly within a completely enclosed building shall not be less than fifty (50') feet distant from a residential district and shall be screened as required in subsection 25:1-14.6.

25:1-12 INDUSTRIAL DISTRICT (I) REGULATIONS.

Purpose -The purpose of the I Industrial District is to provide suitable locations for the development of intense industrial uses including clean manufacturing, warehousing and distribution operations as well as adaptive reuse or redevelopment of older existing commercial and or industrial sites for newer technologies, research and development, computer software, electronics and other high tech industries.

25:1-12.1 Permitted Principal Uses.

- a. All uses permitted in the Limited Industrial District.
- b. Manufacturing of light machinery.
- c. Fabrication of metal products.
- d. Fabrication of paper products.
- e. Fabrication of wood products.

f. Processing and packaging of food and associated goods.

g. Research laboratories.

h. Other uses which are light industrial in nature. Such shall not include truck terminals, bulk fuel storage, raw material processing except for food and beverages, asphalt and concrete plants.

i. Adult entertainment uses.

25:1-12.2 Permitted Accessory Uses.

a. Signs subject to Section 25:1-17.

b. Parking garages, off-street parking and loading areas.

c. Accessory storage facilities.

d. Accessory uses and structures customarily incidental to a principal permitted use.

25:1-12.3 Conditional Uses. Conditional uses shall be the same as LI zone (subsection 25:1-11.3).

25:1-12.4 Development Standards. As set forth in Schedule Section 25:1-16 unless specific standard is set forth hereinafter or within Sections 25:1-14 (General Regulations) and 25:1-15 (Supplemental Regulations).

25:1-12.5 Minimum Off-Street Parking Requirements. Minimum off-street parking requirements are contained in Section 25:1-18, Tables 1 and 2.

25:1-12.6 Other Required Conditions. Any use which is not conducted wholly within a completely enclosed building shall not be less than fifty (50') feet distant from a residential district and shall be screened as required in subsection 25:1- 14.6.

25:1-13 PROHIBITED USES IN ALL DISTRICTS.

All uses not expressly permitted in the various zone districts are prohibited, and as further provided within this section:

25:1-13.1 Trailers and Mobile Homes. The parking or use of trailers or manufactured home/office units for permanent occupancy is prohibited in all zones except in conjunction with construction of other structure on the lot. Recreational vehicles are not included nor restricted under this section.

25:1-13.2 Boarding Houses. Boarding houses, rooming houses and guest homes shall not be a permitted use in any zone.

25:1-13.3 Dog Kennels. Dog kennels or the boarding of domestic animals shall not be a permitted use in any zone.

25:1-13.4 Gas Stations. Gas stations, as defined here in Section 25:1-3, are prohibited.

25:1-14 GENERAL REGULATIONS.

25:1-14.1 Lot Widths.

a. *Lot Width.* The minimum lot width of any lot shall be measured along the minimum required building setback line as required for the district in which it is located. The lot width measured at the street line shall not be less than Eighty (80%) percent of the minimum required lot width or forty (40') feet, whichever the greater.

b. *Corner Lots.* At all street intersections, no obstruction to vision (other than an existing building, post, column, hedge or tree) exceeding thirty (30") inches in height above the established grade of the street at the property line shall be erected or maintained on any lot within the triangle formed by the street lot lines of such lot and a line drawn between points along such street lot lines thirty (30') feet distant from their points of intersection.

c. *Required Area or Space Cannot Be Reduced.* The area or dimension of any zone lot, yard, parking area or other space shall not be reduced to less than the minimum requirements of this Chapter; and, if already less than the minimum required by this Chapter, the area or dimension may be continued and shall not be further reduced.

25:1-14.2 Height Regulations.

a. *General Application.* No building or structure shall have a greater number of stories or greater number of feet than are permitted in the district where such building is located.

b. *Permitted Exceptions.* Height limitations stipulated elsewhere in this chapter has not apply to church spires, belfries, cupolas and domes, monuments, water towers, chimneys, smokestacks, flag poles, radio and television towers, or to masts and arterials.

25:1-14.3 Yard Regulations.

a. *Side Yard Width May be Varied.* Where the side wall of a building is not parallel with the side lot line or broken or otherwise irregular, the side yard may be varied. In such case the average width of the side yard shall not be less than the otherwise required minimum width; provided, however, that such side yard shall not be narrower at any point than one-half the otherwise required minimum width.

b. *Side Yard of Corner Lot.* The side street setback line of any corner lot platted on the borough's tax maps as the lot existed on December 28, 1964, or any corner lot shown on any subdivision plat which received final approval prior to December 28, 1964, shall not be less than

one-half (1/2) of the depth of the minimum front yard required on any adjoining lot fronting on a side street. Any corner lot delineated by subdivision after December 28, 1964, shall provide a side street setback line which shall not be less than the minimum front yard required on any adjoining lot fronting on a side street.

c. *Front Yard Exception.* When a vacant lot is situated between two (2) improved lots, each having a principal building within fifty (50') feet of any side lot line of such vacant lot, the front yard may be reduced to the greatest depth of the front yard of the two (2) adjoining lots, but shall be no less than fifteen (15') feet; provided that where any lot shall front on a right-of-way which is proposed on the Official Map of Keyport Borough to be widened, the front yard of such lot shall be as required in the district where such lot is located and shall be measured from such proposed future right-of-way.

d. *Projections into Required Yards.* Certain architectural features may project into required yards as follows:

1. Cornices, canopies, eaves, windows or other similar architectural features may project into side yards a distance not exceeding two (2") inches per one (1') foot of side yard width but may not exceed a total of three (3') feet. This subsection shall not include cantilevered room projections including bay windows.

2. Fire escapes may project into side and rear yards a distance not exceeding four feet, six inches (4'6").

3. Patios, decks and porches may be located in side and rear yards provided that they are not closer than three (3') feet to any property line.

4. Covered porches shall not extend beyond the setback line.

25:1-14.4 Maximum Coverage. Land coverage by principal and accessory buildings or structures on each zone lot shall not be greater than is permitted in the district where such principal and accessory buildings are located.

25:1-14.5 Number of Buildings Restricted. There shall be not more than one principal dwelling structure and two (2) accessory structures, including a private garage, on each [residential zone] lot [containing a single-family detached dwelling] in any [residential] *RA* & *RB* district.

25:1-14.6 Landscaping, Lighting and Buffer Regulations. This section shall not apply to nurseries, and the display for sales purposes of new or used cars, trucks, trailers, or boats except when abutting a residential zone *or use*.

- a. *Landscaping Requirement.* All non-residential development shall provide landscaping and/or fencing to enhance site appearance, provide for visual screening of parking areas, waste disposal facilities and loading areas. The Planning Board may waive this requirement due to

existing vegetation, topography, or other physical features at or adjacent to the site which provides effective screening.

b. *Buffer Requirement.* Any non-residential development shall provide a six (6') foot high solid fence or planted evergreen screen along any lot line which is contiguous with a residential lot. The Planning Board may waive this requirement due to existing vegetation, topography, or other physical features at or adjacent to the site which provides effective screening.

c. *Lighting Regulation.* No exterior light source shall emit direct glare beyond the lot lines of the site on which located. Further, no pole lights shall exceed twelve (12') feet in height when located within twenty five (25') feet of a residential zone boundary.

25:1-15 SUPPLEMENTARY USE REGULATIONS AND STANDARDS.

25:1-15.1 Essential Services; Enclosed or Permanent Structures. In residential districts or abutting residential districts, such uses include electric substations, transformers, switches, auxiliary apparatus serving a distribution area, water towers and water pumping stations shall be subject to the following regulations:

a. No facility shall have access to a residential street as defined in this Chapter.

b. The facility shall provide fences, barriers and other safety provisions to prevent public access.

c. Fences, barriers and other safety provisions to prevent public access shall be landscaped in accordance with the provisions of subsection 25:1-14.6.

25:1-15.2 Motels, Motor Courts and [Motor] Hotels. Motels, motor courts, motor hotels and similar uses:

a. Such uses shall have a minimum area of one hundred fifty (150) square feet of rentable space for each unit exclusive of bathroom facilities.

b. Each rentable unit shall include a bathroom as defined in the Code of the State of New Jersey.

c. Restaurant, conference, banquet, health and fitness facilities and retail services for the benefit of guests may be included within the hotel structure.

d. Access to all guest rooms shall be from interior hallways. No guest rooms shall be accessed directly from the outside of the building.

e. Off street parking shall be provided at a ratio of one parking space per guest room.

25:1-15.3 Drive-in Fast Food Restaurants.

- a. No such use shall be located on a lot of less than forty thousand (40,000) square feet in size.
- b. The use shall comply with all landscaping buffer and lighting requirements of subsection 25:1-14.6.
- c. No driveway serving such use shall connect to a residential street as defined in this Chapter.

25:1-15.4 Commercial and Industrial Uses. Uses in nonresidential district, when abutting a residential district, shall be screened from the residentially zone lot(s) in accordance with the provisions of subsection 25:1-14.6.

25:1-15.5 Community Buildings, Country Clubs, Social Halls, Lodges, Fraternal organizations and Similar Uses in any Residential District. Community buildings, country clubs, social halls, lodges, fraternal organizations and similar uses in any residential district shall comply with the following:

- a. All buildings shall be a minimum of twenty (20') feet from any property line or the setback distance set forth in the Schedule Section 25:1-16 whichever the greater.
- b. In residential district where permitted, there may be included retail sales for guests only and shall be limited to members and guests.
- c. Any such use shall front on a public street having a minimum pavement width of not less than thirty (30') feet and shall provide ingress and egress so as to minimize traffic congestion.
- d. Such uses shall not be located on lots of less than ten thousand (10,000) square feet with a minimum frontage of one hundred (100') feet.

25:1-15.6 Retail Uses in LI and I Zones. Retail uses in LI and I zones shall comply with the following:

- a. Such use shall have direct access to a street classified as other than a residential street as defined in this Chapter.

25:1-15.7 Boat Yards and Boat Building Facilities. These uses shall conform to the yard and lot requirements as established for the G.M.C. district when occurring as a principal use.

25:1-15.8 Automobile Service Stations. Automobile service stations are subject to the following:

a. Motor vehicle service stations shall have a lot area of not less than sixty thousand (60,000) square feet with a minimum lot frontage of three hundred (300') feet. No building shall be located closer than one hundred (100') feet to any street line except that a canopy shall be permitted to extend to fifty (50') feet from any street line.

b. All paved areas other than driveways shall be located no closer than forty (40') feet to the street line or residential zone boundary.

c. Driveways shall be not more than thirty-five (35') feet or less than twenty-five (25') feet wide at any point. Driveways must be at least ten (10') feet from any side line, and fifty (50') feet from the intersection of street lines. No more than one driveway shall be permitted for each one hundred (100') feet of street frontage.

d. No motor vehicle service station shall be located within one thousand (1,000') feet of any public entrance to a church, school, library, hospital, fire station, park, playground, charitable institution, or place of public assemblage.

e. All fuel pumps shall be used exclusively for servicing vehicles used in conjunction with the operation of the use and shall be located at least fifty (50') feet from any street or property line. No sale of fuel to the public shall be permitted.

f. No outdoor oil drainage pits or hydraulic lifts shall be permitted.

g. Overnight outdoor storage of more than three (3) vehicles shall be prohibited.

h. Any repair of motor vehicles shall be performed in a fully enclosed building. No parts or partially dismantled motor vehicle may be stored out of doors.

i. Coin operated air compressors are not permitted.

j. No auto body work shall be permitted.

25:1-15.9 Private School or College. Private school or college shall be subject to:

a. Shall be certified by State Department of Education.

b. Shall comply with all development standards of the zone and have a minimum two (2) acre lot size.

25:1-15.10 Licensed Nursing Home. Licensed nursing home shall be subject to:

a. Shall have a minimum of one (1) acre lot.

b. Shall provide one (1) off-street parking space for each three (3) beds.

c. Shall comply with all RA development standards.

d. Shall be licensed by the New Jersey Department of Health.

25:1-15.11 Nursery School. Nursery school shall be subject to:

a. The structure shall comply with the Uniform Construction Code of the State of New Jersey.

b. No more than six (6) non-adult persons shall be housed at the site at any one time.

c. A minimum of two hundred fifty (250) square feet of fenced outdoor play area per non-adult shall be provided at the site.

25:1-15.12 Church, Synagogue, or Other Religious Use. Church, synagogue, or other religious use shall be subject to the following:

a. The use shall have a minimum lot size of one (1) acre.

b. The use shall comply with all development standards of the district in which located.

25:1-15.13 Community Shelters for the Developmentally Disabled and Community Shelters for Victims of Domestic Violence. Community residences for the developmentally disabled and community shelters for victims of domestic violence, hereinafter referred to as community residences, may be permitted in any residential zone provided that any community residence housing more than six (6) persons, excluding residential staff, shall require a conditional use permit. The conditional use permit will be issued only after the following standards and conditions are complied with:

a. No community residence shall be located within one thousand five hundred (1,500') feet of an existing community residence.

b. The maximum number of persons to be housed in the community residence, including resident staff, shall be fixed at the time of application for the conditional use permit. No expansion of the occupancy limit shall be made unless a further conditional use permit is obtained.

c. A minimum of three hundred (300) square feet of floor area is required for each occupant of the community residence, and for each resident staff member.

d. A minimum of one thousand (1,000) square feet of lot area is required for each occupant of the community residence and for each resident staff member.

e. Community residences shall not have any entrance or exit within two hundred (200') feet of any entrance or exit to a public or private school, rescue squad, fire station, park or playground.

f. No sign denoting the nature of the community residence shall be allowed on the premises.

g. A five (5') foot high buffer, which shall either be dense landscape screening or a fence, shall be required between the community residence, and adjoining residential property.

h. Sufficient off-street parking is to be provided. A community residence for the developmentally disabled shall provide one off-street parking space for each resident staff member, plus one additional off-street parking space for every four (4) occupants of the community residence.

i. A community shelter for victims of domestic violence shall provide one off street parking space for each resident staff member and plus one additional parking space for each adult occupant of the residence.

25:1-15.14 Antennas.

a. The provisions of this section shall apply to all radio, Wi-Fi, cellular and television antennas, including dish antennas for satellite television reception, herein referred to as dish antennas.

b. A free-standing antenna shall be a permitted accessory use in all zones, provided that the lot on which it is located contains a principal structure.

c. Free-standing antennas shall not be placed in the front yard and shall comply with side and rear yard setback standards for an accessory building for the zone in which the antenna is located. No antenna except the maximum permitted height of the zone in which located.

d. *Procedure.* Any property owner shall, prior to the placement of a free-standing antenna not attached to a building, submit to the Construction Code Official, a plan showing the size of the antenna, the proposed location of same on the subject premises, and any other information as may be required herein.

e. *Plan Details.* The plan shall be drawn on a map to a scale not smaller than one (1") inch equals ten (10') feet and include and show the following information:

1. The name and address of the applicant and the name and address of the property owner; the name, address and title of the person preparing the plan, the date of preparation and the date of each plan revision.

2. An appropriate place for the signature of the Construction Code Official.

3. The lot and block number(s) from the Borough Tax Map; the length and bearings of the lot lines; and the location of the proposed antenna.

4. All existing buildings, all accessory buildings and structures on the lot and the location and setback dimensions of the proposed antenna.

5. Existing and proposed screening.

6. Any and all other information necessary to meet any other requirements of this Chapter not listed above.

f. Additional Regulations for Dish Antenna.

1. Dish antennas shall be constructed in accordance with the design standards set forth below.

2. Power control and signal cables from the dish antenna to the serviced structure shall be buried underground and installed in accordance with the appropriate electrical and building codes.

g. Design Standards.

1. The diameter of a dish antenna shall not exceed twelve (12') feet.

2. The dish antenna shall be erected on a secure ground mounted foundation in accordance with appropriate building codes. The maximum height from ground level to the highest point of the dish antenna as fully extended, and including support structures, shall not exceed twelve (12') feet.

3. In the event that locating the dish antenna on a ground mounted foundation with a maximum height of twelve (12') feet imposes an unreasonable limitation on, or prevents, reception of satellite delivered signals, a property owner may either mount the antenna on the roof of a structure or extend the maximum height of the dish antenna from ground level to the highest point of that antenna, including support structures, to eighteen (18') feet, provided that a plan/certification showing the size of the antenna, the proposed location of the antenna on the premises, and the construction of the support structure, or mount, is signed and sealed by a licensed New Jersey professional engineer or architect. Said plan/certification is to be delivered to the Zoning Officer at the time application is made for a building permit.

25:1-15.15 Adult Entertainment Uses.

a. *Definitions.* As used in this subsection, the following terms shall have the meanings indicated:

Person shall mean an individual, proprietorship, partnership, corporation, association or other legal entity.

Sexually oriented business shall mean:

1. A commercial establishment which, as one (1) of its principal business purposes offers for sale, rental or display any of the following: books, magazines, periodicals or other printed material, or photographs, films, motion pictures, video cassettes, digital video discs, slides or other visual representations which depict or describe a specified sexual activity or specified anatomical area; or still or motion picture machines, projectors or other image producing devices which show images to one (1) person per machine at any one (1) time, and where the images so displayed are characterized by the depiction of a specified sexual activity or specified anatomical area; or instruments, devices or paraphernalia which are designed for use in connection with a specified sexual activity; or

2. A commercial establishment which regularly features waiters, waitresses, dancers or other live performances characterized by the exposure of a specified anatomical area or by a specified sexual activity, or which regularly shows films, motion pictures, video cassettes, digital video discs, slides, or other photographic representations which depict or describe a specified sexual activity or specified anatomical area; or

3. hotel, motel or similar commercial establishment which offers accommodations to the public for any form of consideration, and which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, digital video discs, slides or other visual representations which depict or describe a specified sexual activity or specified anatomical area, and has a sign visible from a public right-of-way which advertises the availability of these visual representations, or offers a sleeping room for rent for a period of time that is less than ten (10) hours; or allows an occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.

Specified anatomical area shall mean:

1. Less than completely and opaquely covered human genitals, pubic region, buttock or female breasts below a point immediately above the top of the areola; or

2. Human male genitals in a discernibly turgid state, even if covered.

Specified sexual activity shall mean:

1. The fondling or other erotic touching of covered or uncovered human genitals pubic region, buttock or female breasts; or

2. Any actual or simulated act of human masturbation, sexual intercourse or deviate sexual intercourse. b. *Prohibited Locations.* No person shall operate a sexually oriented business within one thousand (1,000') feet of any existing sexually oriented business, or any church, synagogue, temple or other place of public worship, or any elementary or secondary school or any school bus stop, or any municipal or County playground or place of public resort and recreation, or any hospital or any child care center, or within one thousand (1,000') feet of any area zoned for residential use or within one thousand (1,000') feet of a public or private recreational facility, including but not limited to bowling alleys, skating rinks, pool parlors,

video arcades or similar enterprises catering to or frequently attended by minors under the age of eighteen (18) years. This section shall not apply to a sexually oriented business already lawfully operating on the effective date of this subsection* where another sexually oriented business, an elementary or secondary school or school bus stop, or any municipal or county playground or place of public resort and recreation is subsequently established within one thousand (1,000') feet, or a residential district lot is subsequently established within one thousand (1,000') feet.

c. *Buffer Required.* Every sexually oriented business shall be surrounded by a perimeter buffer of at least fifty (50') feet in width, consisting of plantings, to the satisfaction of the Municipal Planning Board. This section shall not apply to a sexually oriented business already lawfully operating on the effective date of this subsection.*

***Editor's Note:** Ordinance No. 6-05, codified herein, was adopted May 3, 2005.

d. *Facilitation of Sexual Activity Prohibited.*

1. No sexually oriented business which regularly shows films, motion pictures, video cassettes, digital video discs, slides or other photographic representations which depict or describe a specified sexual activity or specified anatomical area shall offer for public use any private booths, screens, enclosures or other devices which facilitate sexual activity by patrons.

2. All booths used for the viewing of motion pictures or other forms of entertainment in adult entertainment establishments shall be prohibited from having doors unless one (1) side is open to an adjacent public room so that the area inside is visible to person in that adjacent room.

3. All booths used for the viewing of motion pictures shall be available for the public during the hours of 10:00 a.m. to 10:00 p.m. only.

e. *Sign Prohibiting Minors Required.* No sexually oriented business shall display more than two (2) exterior signs, consisting of one (1) identification sign and one (1) sign giving notice that the premises are off limits to minors. The identification sign shall be no more than forty (40) square feet in size.

f *Violations and Penalties.* Any person, firm or corporation that violates this subsection is guilty of a crime of the fourth degree.

25:1-15.16 Fences and Walls.

a. *Permit; Height and Material Restrictions.* Fences and walls hereafter installed or reconstructed in any zone in the Borough of Keyport shall comply with the permit, height and material requirements set forth below. For the purposes of this Article, the term "open fence" refers to a chain link fence, a split rail fence, a picket fence or other fence of similar construction that has at least fifty (50%) percent open area, whereas the term "solid fence" refers to any fence other than an open fence.

1. No fence or wall shall hereafter be installed or reconstructed in any residential, commercial or industrial zone without a construction permit for same.

2. Any fence or wall hereafter installed or reconstructed in any residential zone in the Borough of Keyport or on lots in any other zones on which residential buildings are erected, shall not exceed six (6') feet in height above the adjacent ground level.

This provision notwithstanding, no fence shall be installed in front of a front building line in a residential district or that of a lot in any other zone on which residential buildings are erected which is greater than four (4') feet in height if the structure is an open fence or three (3') feet in height if it is a solid fence.

3. No fence or wall hereafter installed or reconstructed in any commercial zone in the Borough of Keyport shall exceed a height of eight (8') feet above ground level.

4. No fence or wall hereafter installed or reconstructed in any industrial zone in the Borough of Keyport shall exceed a height of ten (10') feet above ground level.

5. The foregoing restrictions shall not be applied so as to prevent the installation of an open wire fence not exceeding fifteen (15') feet in height above ground level anywhere within a public park, public playground or public school properties. These restrictions shall not be applied so as to restrict the installation of a wall for the purposes of retaining earth, provided such wall does not exceed the adjacent grade heights.

6. The following fences and fencing materials are specifically prohibited: barbed wire fences, razor wire fences, sharp pointed fences, canvas, cloth, electrically-charged fences, poultry netting, and temporary fences such as snow fences, expandable fences and collapsible fences on any lot which is devoted primarily to residential purposes.

7. Every fence or wall shall be maintained in a safe, sound, upright condition.

8. The finished side of any two-sided fence shall face the outside of the premises on which it is installed.

b. *Location Requirements.* Fences and walls hereafter installed or reconstructed in any zone in the Borough of Keyport shall comply with the location requirements set forth below:

1. All fences and walls must be installed within the property lines and no fences or walls shall be erected so as to encroach upon a public right-of way.

2. No fence or wall shall be located upon or encroach upon any municipal or other public easement unless the Township Engineer and the Director of Public Works shall first determine that the proposed fence or wall will not substantially interfere with the purposes and/or maintenance of said easement and shall in writing approve the erection of same. Any fence or wall installed within the boundaries of any public easement shall

be subject to partial or total removal by the public entity which controls the easement upon a showing that such removal is required for maintenance of the easement or that the fence or wall, due to changed conditions, substantially interferes with the purpose of said easement.

3. No fence or wall shall be partially or completely removed from a public easement unless the owner has been given due notice and an opportunity to be heard.

4. Any approval for a fence or wall to be located in a public easement shall refer to and be conditioned upon paragraphs b, 2 and 3 as set forth above and shall state clearly and prominently that the fence or wall may be subject to partial or complete removal by the public entity controlling the easement as set forth above.

c. *Maintenance Enforcement.* If the Building Subcode Inspector, upon inspection, determines that any fence or wall or portion of any fence or wall is not being maintained in a safe, sound, upright condition he or she shall notify the owner of such fence or wall in writing, state briefly the reasons for such findings and order the fence or wall or portion thereof to be repaired or removed within thirty (30) days of the date of the written notice.

d . *Corner Lots.* Fences may not be installed in the front yard on a corner lot except as described in this section. For purposes of this section only, a front yard is that area in the front of the projected front building line as determined by the location of the front door or principal entrance to the building. The area on the side of the dwelling, along an existing street without an entrance, is for purposes of this section only, a side yard. Maximum height of fences or walls on a double corner lot and in the side yard shall not exceed four (4') feet in height if it is an open fence or thirty (30) inches in height if it is a solid fence.

e. *Swimming Pools.* All other provisions contained herein notwithstanding, all swimming pools located within the Borough of Keyport shall be enclosed by a fence or other permanent barrier in accordance with the Building Officials Code Administrators (BOCA) National Property Maintenance Code, Section 421.10 or as the same may be amended.

f. *Sight Triangles.* Within a sight triangle formed by an intersection of streets and/or streets and driveways, no fence, wall, hedge or any other obstruction to vision which is higher than thirty (30") inches above the street centerline, except for street name signs and official traffic regulation signs, shall be permitted. In the event the State or County regulations impose greater requirements where frontage is upon a State or County road, such greater requirements shall prevail.

g. The fee for a zoning permit to install or reconstruct a fence or wall shall be fifty (\$50.00) dollars for a residential permit, seventy-five (\$75.00) dollars for commercial permits, and one hundred fifty (\$150.00) dollars for an industrial permit, in accordance with the Building Subcode Fees set forth in Chapter XII, Building and Housing, of the Revised General Ordinances of the Borough of Keyport, subsection 12- 1.6.

25:1-15.17 Tobacco Oriented Activities.

a. Definitions.

Tobacco oriented activities shall mean activities either devoting twenty (20%) percent or more of floor area or display area to or deriving seventy-five (75%) percent or more of gross sales receipts from, the sale or exchange of tobacco-related products.

Tobacco paraphernalia shall mean equipment, and material of any kind which is used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting, inhaling, or otherwise introducing tobacco into the human body.

Tobacco-related products shall mean any substance containing tobacco including but not limited to cigarettes, cigars, chewing tobacco and dipping tobacco; cigarette papers; or any other instrument or paraphernalia for the smoking or ingestion of tobacco and products prepared from tobacco.

b. *Location Restrictions.* No tobacco oriented activity shall be located within one thousand (1,000') feet of any existing business selling tobacco products, any place of religious worship, school, school bus stop, public library, park or playground, childcare center, hospital, or within one thousand (1,000') feet of any area zoned for residential use or within one thousand (1,000') feet of a public or private recreational facility including, but not limited to, bowling alleys, skating rinks, video arcades or similar businesses catering to or frequented by minors under the age of eighteen (18) years of age. This section shall not apply to business selling tobacco and tobacco related products and already lawfully operating on the effective date of this section.

25:1-15.18 Bed and Breakfast Residence

a. *Purpose* - The Bed and Breakfast Residence shall be an existing residential structure originally constructed for single-family residential purposes and shall represent one of the historically significant architectural styles, Century Homes or Captain's Houses, of the Borough. The conversion of such a residence to a Bed and Breakfast Residence in accordance with this title is intended to result in the preservation, maintenance and continuation of residential structures of such architectural types and to aid in the promotion of the tourist economy of the Borough.

b. General Requirements.

1. Each property to be used for a Bed and Breakfast Residence shall be situated on a lot that contains at least 15,000 square feet and oriented in such a way as to be able to accommodate off-street parking area and buffer landscaping as required in this section.

2. A Bed and Breakfast Residence shall contain a minimum gross floor area of 3,500 square feet.

3. An indoor common area must be provided for the exclusive use of the guests, and must be a minimum of one hundred (100) square feet if less than six individual sleeping accommodations are provided, and a minimum of three hundred (300) square feet if six or more individual sleeping accommodations are provided. Common areas may include, but not be limited to, a combination of dining rooms, parlors, sitting rooms, libraries, solariums, enclosed and heated porches or like facilities and are exclusive of bathrooms, closets or other non-habitable space.

4. The exterior facade of the approved Bed and Breakfast Residence shall not be altered except for normal repair and maintenance and alterations that result in the preservation or enhancement of the qualifying architectural style of the building. Exterior alterations shall only be undertaken after application to and approval by the Borough of Keyport Historic Preservation Commission.

c. Operational Requirements

1. Each Bed-and-Breakfast operator must keep a daily guest register which includes the guest name, permanent address, phone number, date and duration of stay, number of guest vehicles with license plate number. The guest register must be available for inspection by Township officials between the hours of 8:00 a.m. and 8:00 p.m.

2. Occupancy by any guest within the Bed and Breakfast Residence shall be limited to fourteen (14) consecutive nights and not more than twenty-one (21) nights in any period of fifty (50) consecutive days.

3. The residence and grounds for the Bed and Breakfast Residence shall be for the exclusive use of the residents and overnight guests of the Bed and Breakfast Residence and not for the general public is not advertised to the general public as a restaurant, catering, banquet business or similar establishment.

4. No person shall operate a Bed and Breakfast Residence unless the owner holds a valid license issued by the Borough of Keyport.

d. Off-street Parking

Off-street parking shall be provided as follows:

1. One off-street parking space shall be provided for each nonresident employee.

2. Two spaces shall be provided for the owner/occupant family.

3. One off-street parking space shall be provided for each guest room. i. The provision of off-street parking for guests may be satisfied off-site by written lease

agreements or easements for existing off-street parking areas within 500 feet of the Bed and Breakfast Residence, provided that such existing off-street parking provides an excess of parking for the principal use that it is designed to serve; proof of which must be submitted to the planning board for review and acceptance.

4. Off-street parking areas shall be constructed to contain and dispose of all parking area drainage on site, or otherwise properly detain and dispose of the drainage in accordance with the requirements of the stormwater management ordinance of the Borough.

5. All off-street parking provided shall be a minimum of ten (10) feet from any property line, and shall be screened from view of any adjoining residential property utilizing evergreen landscaping.

e. Landscaping and Buffering

1. A ten (10) foot wide evergreen landscape buffer shall be provided along each property line that adjoins an existing single-family dwelling.

2. Where outside recreational features are provided, such as a pool, patio or gazebo, the landscape buffer shall be supplemented with a six (6) foot solid fence that extends at least twenty feet beyond the location of the feature in each direction along the adjacent property line.

3. Parking area landscaping shall consist of an evergreen hedge at least six (6) feet wide backed by a four (4) foot high solid fence within the required ten (10) foot wide parking area setback.

f. Lighting

1. Lighting shall be required for off-street parking areas and shall be consistent with the residential character of the use.

2. Driveway and walkway lighting shall be down lighting not more than three feet high.

3. Parking area lighting shall be of a style that is complementary of the architecture of the principal building and not more than four (4) feet high.

4. All lighting fixtures in parking areas, driveways and walkways shall be shielded to contain all light on the subject property, so as not to allow spill-over of light or glare to any adjacent residential properties. Where practical, lighting shall include movement or heat sensor controls to limit continuous illumination.

g. Signs

1. The Bed and Breakfast Residence may identify itself with either one free-standing sign in the front yard or one wall-mounted sign.

2. Freestanding signs shall be set back at least four feet from the building side of the sidewalk and be located so as not to interfere with the line of sight for any intersecting streets. The maximum sign area shall be five square feet with a maximum vertical distance from the bottom of the sign to the ground of one foot and a maximum overall height of four feet.

3. Wall signs shall be attached flush to the facade of the structure and shall be no higher than the first floor entrance door. The maximum size of the sign area shall be five square feet.

4. All signs may be indirectly lit with a maximum of two external lights of an intensity not to exceed the equivalent of seventy-five (75) watts or 1,100 lumens each, that are shielded and directed solely at the sign.

5. The design of all signs shall be coordinated with the color and architectural theme of the Bed and Breakfast Residence.

h. Minor site plan approval required. The following shall be provided in addition to the submission requirements of a minor site plan application:

1. A full floor plan of the building to show all spaces and to identify their respective uses, identify the rooms which are to be licensed, by name, number or physical description and location, and to identify the bedrooms for the exclusive use of the owners and other permanent residents.

2. Architectural elevations, either accurate drawings or photographs, of all sides of the existing structure that demonstrate the architectural significance of the building and any exterior modifications proposed as part of the conversion to a Bed and Breakfast Residence.

3. A written description of the architectural, locally important or historic relevance of the property.

25:1-15.19 Wellhead Protection

a. The purpose of this article is to protect the public health, safety and welfare through the protection of the groundwater resources underlying the municipality to ensure a supply of safe and healthful drinking water for the present and future generations of local residents, employees and the general public in this municipality as well as users of these water supplies outside the Borough of Keyport. The area of land surrounding each public community well, known as a

"wellhead protection area" (WHPA), from which contaminants may move through the ground to be withdrawn in water taken from the well, have been delineated. Through regulation of land use, physical facilities and other activities within these areas, the potential for groundwater contamination can be reduced. The purpose of the regulations contained in this article is to prevent pollutants from potentially entering areas within a WHPA that may migrate into groundwater that is withdrawn from a public community well.

b. Definitions - As used in this article, the following terms shall have the meanings indicated:

ADMINISTRATIVE AUTHORITY The Planning Board or Board of Adjustment and the Health Department, acting jointly and in consultation, with all of the powers delegated, assigned, or assumed by them according to statute or ordinance.

APPLICANT - Person applying to the Health Department, Planning Board, Board of Adjustment or the Construction Office proposing to engage in an activity that is regulated by the provisions of this article that would be located within a regulated Wellhead Protection Area.

AQUIFER - A formation, group of formations, or part of a formation that contains sufficient saturated permeable rock, sand, or gravel which is capable of storing and transmitting usable quantities of water to wells and springs.

BEST MANAGEMENT PRACTICES (BMP) - Performance or design standards established to minimize the risk of contaminating groundwater or surface waters while managing the use, manufacture, handling or storage of hazardous substances or hazardous wastes.

CONTAMINATION - The presence of any harmful or deleterious substances in the water supply.

DEVELOPMENT - The carrying out of any construction, reconstruction, alteration of surface or structure or change of land use or intensity of use.

DISCHARGE - Any intentional or unintentional action or omission, unless pursuant to and in compliance with the conditions of a valid and effective federal or state permit, resulting in the releasing, spilling, pumping, pouring, emitting, emptying or dumping of a hazardous substance into the waters or lands of the state or into waters outside the jurisdiction of the state when damage may result to the lands, waters or natural resources within the jurisdiction of the state.

DRY WELL - A subsurface storage facility that receives and temporarily stores roof runoff. A dry well may be either a structural chamber and/or an excavated pit filled with aggregate in accordance with the requirements of the Borough Engineer.

GROUNDWATER - Water contained in interconnected pores of a saturated zone in the ground, also known as "well water." A saturated zone is a volume of ground in which the voids in the rock or soil are filled with water at a pressure greater than atmospheric.

HAZARDOUS SUBSTANCE - Any substance designated under 40 CFR 116 pursuant to Section 311 of the Federal Water Pollution Control Act Amendments of 1972 (Clean Water Act, Public Law 92-500; 33 U.S.C. 1251 et seq.), the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq., or Section 4 of the New Jersey Water Pollution Control Act (N.J.S.A. 58:10A-4). Substances listed include petroleum, petroleum products, pesticides, solvents and other substances.

HAZARDOUS SUBSTANCE TRANSMISSION PIPELINE or TRANSMISSION PIPELINE - A pipeline, whether above or below ground, which transports or is designed to transport a hazardous substance. As used herein, a transmission pipeline includes all parts of those physical facilities through which a hazardous substance moves in transportation, including pipes, valves, and other appurtenances attached to pipes, compressor units, pumping stations, metering stations, regulator stations, delivery stations, emergency response terminals, holders, breakout tanks, fabricated assemblies, and other surface pipeline appurtenances.

HAZARDOUS WASTE - Any solid waste that is defined or identified as a hazardous waste pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E et seq., N.J.A.C. 7:26-8, or 40 CFR Part 261.

MAXIMUM CONTAMINANT LEVEL - The maximum permissible level of a contaminant in water which is delivered to any user of a public community water system.

NAICS - North American Industrial Classification System pursuant to the North American Free Trade Agreement of 1993.

POLLUTED WATER - In the content of drinking water, water is polluted when a pollutant is present in excess of a maximum contaminant level or bacteriological limit established by law or regulation.

POTENTIAL POLLUTANT SOURCE (PPS) - An activity or land use which may be a source of a pollutant that has the potential to move into groundwater withdrawn from a well.

PPS - Potential Pollutant Source.

PUBLIC COMMUNITY WELL - A public water supply well which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

TIME OF TRAVEL (TOT) - The average time that a volume of water will take to travel in the saturated zone from a given point to a pumping well.

TIER 1 WELLHEAD PROTECTION AREA - That area of land within a WHPA from which groundwater may enter the well within two years.

TIER 2 WELLHEAD PROTECTION AREA - That area of land within a WHPA from which groundwater may enter the well within five years.

TIER 3 WELLHEAD PROTECTION AREA - That area of land within a WHPA from which groundwater may enter the well within 12 years.

WELLHEAD - The well borehole and appurtenant equipment.

WELLHEAD PROTECTION AREA (WHPA) - An area described in plan view around a well, from which groundwater flows to the well and groundwater pollution, if it occurs, may pose a significant threat to the quality of water withdrawn from the well.

c. Establishment of wellhead protection areas and maps.

1. Wellhead Protection Area maps.

i. The delineations of wellhead protection areas for public community wells, which were published by the New Jersey Geological Survey of the New Jersey Department of Environmental Protection, are incorporated herein and made a part of this article. They are designated as follows: New Jersey Wellhead Protection Areas, Edition 2, Geospatial Data Presentation, New Jersey Digital Data Series, DGS02-2, dated 18 June 2002. A description of these data, which has been excerpted from these materials, is appended as an Appendix and is adopted as of the effective date of this ordinance.

ii. A map of the wellhead protection areas located within the Borough of Keyport is included as part of this article. Maps of the municipality on which these delineations have been overlain shall be on file and maintained by the offices of the Clerk of the Borough of Keyport, and of the Health Department and/or Zoning Officer.

2. Wellhead protection areas, as shown on the maps described in Subsection c(1), shall be considered to be superimposed over any other established zoning district. Land in a Wellhead Protection Area may be used for any purpose permitted in the underlying district, subject to the additional restrictions presented herein.

d. Restrictions within wellhead protection areas. Properties located wholly or partially within a Wellhead Protection Area shall be governed by the restrictions applicable to the Wellhead Protection Area.

1. Regulation of wellhead protection areas for public community wells.

i. The Administrative Authority for administering the provisions of this article shall be the Unified Planning Board, Zoning Officer and the Health Department of the Borough of Keyport acting jointly and in consultation.

ii. Any applicant for a permit requesting a change in land use or activity, which is subject to review under the provisions of the Municipal Land Use Law

and other pertinent regulations of the Borough of Keyport and which is located within a delineated WHPA, as defined in herein, that involves a potential pollutant source (PPS), as defined herein, shall comply with the requirements of this article.

iii. Any applicant for a permit requesting a change in land use or activity, which is subject to the requirements of this article, shall file an operations and contingency plan, as required by section 25:1-15.19, with the administrative authority. No permit that allows a change in land use or activity, which is subject to the requirements of this article, shall be granted unless an operations and contingency plan for the proposed change has been approved by the administrative authority. Any plan approved by the administrative authority shall be kept on file in the office of the Health Department of the Borough of Keyport and/or Fire Official and shall be available to the public for inspection.

iv. Any change in land use or activity that adds a major or minor potential pollutant source (PPS), shall be prohibited within a Tier 1 WHPA.

v. Any change in on-site land use or activity that adds a major PPS, shall be prohibited within a Tier 2 WHPA.

vi. Any change in land use or activity that involves any PPS, within any WHPA, that is not prohibited pursuant to Subsection iv or v, shall comply with the best management practice standards as defined herein.

e. Exemptions:

1. Retail sales establishments that store and handle hazardous materials for resale in their original containers. This exemption shall not preclude the submission of a best management practices and the operations and contingency plan in accordance with this chapter.

2. Police, fire and emergency medical service facilities (subject to the preparation of a best management practices and operations and contingency plan in accordance with this chapter.

3. Municipal, county and state government facilities (subject to the preparation of a best management practices and operations and contingency plan in accordance with this chapter.

4. The use of any hazardous material solely as fuel in a vehicle fuel tank or as a lubricant in a vehicle.

5. The transportation of a hazardous material through the WHPA, provided that the transporting vehicle is in transit and meets all state and federal requirements for the transportation of such hazardous material.

6. A NJDEP approved NJDES discharge to groundwater permit (DGW) for remediation of groundwater cleanup in any Tier WHPA.

f. This article is supplementary to other laws and ordinances in this municipality. Where this article or any portion thereof imposes a greater restriction than is imposed by other regulations, the provisions of this article shall supersede. These rules and regulations shall in no way affect the limitations or requirements applicable in the underlying municipal land use and zoning districts.

g. The use limitations noted herein shall be considered as limitations stipulated in the permitted list of uses in each zone. The activities regulated herein shall be considered limitations accessory to permitted uses in each zone.

h. Potential Pollutant Sources. The following are major and minor potential pollutant sources (PPS) subject to the requirements of this article. This listing is consistent with the New Jersey Safe Drinking Water Act, N.J.A.C. 7:10-11.7 through 12.12.

1. Major PPSs include:

a) Permanent storage or disposal of hazardous wastes, industrial or municipal sludge or radioactive materials, including solid waste landfills.

b) Collection and transfer facilities for hazardous wastes, solid wastes that contain hazardous materials, and radioactive materials.

c) Any use or activity requiring the underground storage of a hazardous substance or waste greater than an aggregate total of 50 gallons and regulated by NJDEP under provisions of the Underground Storage of Hazardous Substances Act (N.J.S.A. 58:10A-21 et seq.)

d) Aboveground storage facility for a hazardous substance or waste with a cumulative capacity greater than 2,000 gallons.

e) Any industrial treatment facility lagoon.

f) Automotive service center (repair and maintenance).

g) Landfill.

h) Dry-cleaning facility (except retail distribution only of dropoff and pickup of dry cleaning only).

i) Road salt storage facility.

j) Cemetery or funeral homes or such facilities with embalming facilities.

- k) Truck or bus maintenance yard.
- l) Site for storage and maintenance of heavy construction equipment and materials.
- m) Site for storage and maintenance of equipment and materials for landscaping.
- n) Asphalt and/or concrete manufacturing facility.
- o) Junkyard/auto recycling and scrap metal facility.
- p) Farm or residential underground storage of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes.
- q) Underground heating oil storage tank for on-site consumption with a capacity greater than 2,000 gallons.
- r) Transmission pipelines, including hazardous substance transmission pipelines, as defined in this chapter.

2. Minor PPSs include:

- a) Any use or activity requiring the underground storage of hazardous substance or waste of 50 gallons or less.
- b) Underground heating oil storage tank for on-site consumption with a capacity of 2,000 gallons or less.
- c) Sewage treatment facility.
- d) Sanitary sewer system, including sewer line, manhole, or pump station within 100 feet of a regulated well. (See conditions in Subsection i.)
- e) Industrial waste line. (See conditions in Subsection i.)
- f) Septic leaching field.
- g) Facility requiring a groundwater discharge permit issued by the NJDEP pursuant to N.J.A.C 7:14A et seq.
- h) Stormwater line within 100 feet of a regulated well. (See conditions in Subsection i.)
- i) Waste oil collection, storage and recycling facility.

j) Agricultural chemical bulk storage and mixing or loading facility, including crop dusting facilities.

k) Aboveground storage of hazardous substance or waste in quantities of 2,000 gallons or less. (See conditions in Subsection i.)

l) Any facility with a NAICS Code number included under the New Jersey Safe Drinking Water Act Regulations at N.J.A.C. 7:10A-1.14, Table II(N)A, with a toxicity number of II or greater.

i. Conditions:

1) Sanitary sewer lines, industrial waste lines and stormwater lines may be located no closer than 100 feet to a regulated well, and only if they are constructed of watertight construction (that is steel, reinforced concrete, PVC or other suitable material as approved by the utility authority).

2) Manhole and/or connections to a sanitary sewer system are restricted within 100 feet of a regulated well.

3) Dry wells dedicated to roof runoff and serving residential properties may be located no closer than 100 feet to a regulated well.

4) Aboveground heating oil storage tanks, 2,000 gallons or less, shall be permitted in any tier subject to approval by the approving authority of containment provisions in accordance with Subsection j herein and shall be located no closer than 100 feet to a regulated well. The aboveground containment measures shall be no larger than required to contain a spill of the contents of an aboveground tank. The aboveground tank is permitted within any side or rear yard but shall conform to the minimum setback requirement for accessory structures. The aboveground tank shall also include fencing or landscaping sufficient to provide a screen of the proposed aboveground tank and containment apparatus from adjacent residential properties.

5) An aboveground fuel storage tank for emergency electrical generators with maximum fuel storage capacity of 2,000 gallons shall be permitted in any tier subject to approval by the approving authority of containment provisions in accordance with Subsection j herein and shall be located no closer than 100 feet to a regulated well.

j. Best management practice performance standards. Any applicant proposing any change in land use or activity that involves any PPS, as defined herein, that would be located either wholly or partially within any WHPA shall comply with and operate in a manner consistent with the following best management practices, and the Borough of Keyport is also obligated to ensure that its provisions are not carried out in a manner which is not inconsistent with N.J.A.C. 7:14B.:

1. All portions or areas of a facility in which hazardous substances or hazardous wastes are stored, processed, manufactured or transferred outdoors shall be designed so that the discharges of hazardous substances will be prevented from overflowing, draining, or leaching into the groundwater or surface waters.

2. Outdoor storage, dispensing, loading, manufacturing or processing areas of hazardous substances or hazardous wastes must be protected from precipitation, stormwater flows or flooding.

3. Secondary containment structures.

a. Wherever hazardous substances are stored, processed, manufactured or transferred outdoors, the design features shall include secondary containment and/or diversionary structures which may include but not be limited to:

i. Containers, dikes, berms or retaining walls sufficiently impermeable to contain spilled hazardous substances, for the duration of a spill event.

ii. Curbing.

iii. Gutter, culverts and other drainage systems.

iv. Weirs, booms and other barriers.

v. Lined diversion ponds, lined lagoons and lined retention basins, holding tanks, sumps, sloop tanks and other collecting systems.

vi. Drip pans.

b. All secondary containment and diversionary structures for underground storage tanks shall be consistent with N.J.A.C. 7:14B.

c. Secondary containment and diversionary systems, structure or equipment must meet the following standards:

i. The system must block all routes by which spilled hazardous substances could be expected to flow, migrate, or escape into the groundwater or surface waters.

ii. The system must have sufficient capacity to contain or divert the largest probable single discharge that could occur within the containment area, plus an additional capacity to compensate for any anticipated normal accumulation of rainwater.

iii. In order to prevent the discharge of hazardous substances into groundwater, all components of the system shall be made of or lined with impermeable materials sufficient to contain the substance for the duration of a spill event. Such material or liner must be maintained in an impermeable condition.

4. No manufacturing area, processing area, transfer area, dike storage area, or other storage area, or secondary containment/diversion system appurtenant thereto shall drain into a watercourse, or into a ditch, sewer, pipe or storm drain that leads directly or indirectly into a surface or subsurface disposal area, unless provision has been made to intercept and treat any spilled hazardous substances in an NJDEP-approved industrial wastewater treatment or pretreatment facility, or other NJDEP-approved facility. Exceptions to this provision shall be for retail gasoline, diesel fuel and residential home heating oil dispensing wherein the procedures are in conformance with NJDEP standards and contain stormwater runoff controls in conformance with NJDEP requirements.

5. Catchment basins, lagoons and other containment areas that may contain hazardous substances should not be located in a manner that would subject them to flooding by natural waterways.

6. Stormwater shall be managed so as to prevent contamination of groundwater, and so as to be in accordance with applicable laws and regulations of the State of New Jersey, and of the Borough of Keyport.

k. Operations and contingency plan.

1. Any applicant proposing any change in land use or activity that involves any PPS, as defined herein that would be located either wholly or partially within any WHPA shall submit an operations and contingency plan to the administrative authority. This operations and contingency plan shall inform the administrative authority about the following aspects of the proposal:

a. Types of PPS proposed for the site;

b. Types and quantities of hazardous substances or hazardous wastes that may be used or stored on site;

c. Means to be employed to contain or restrict the spillage or migration of hazardous substances or hazardous wastes from the site into groundwater;

d. Means to be used to contain or remediate accidental spillage of such materials;

e. Means to notify the administrative authority about any accidental spillage of such materials;

f. Demonstration that the proposed use and/or activity would employ, to the maximum extent possible, best management practices as set forth in this chapter, to protect groundwater quality in the WHPA and minimize the risk of potential groundwater contamination.

2. The administrative authority shall review and shall approve or reject any operations and contingency plan prior to approving or denying the application for a land use change or activity.

3. Any operations and contingency plan submitted shall be available for public review and comment.

Section 3. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed.

Section 4. Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase and the finding or holding of any such portion of this ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

Section 5. The Borough Clerk is hereby directed to give notice at least ten (10) days prior to hearing on the adoption of this Ordinance to the County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63 (if required). Upon adoption of this Ordinance after public hearing thereon, the Borough Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S.A. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

Section 6. This ordinance shall be in full force and effect from and after its adoption and publication as required by law.

Introduced: October 16, 2018
Public Hearing: December 18, 2018
Adopted: December 18, 2018



Valerie T. Heilweil, RMC, CMR
Borough Clerk
Borough of Keyport



Harry M. Carmack, II, Mayor
Borough of Keyport

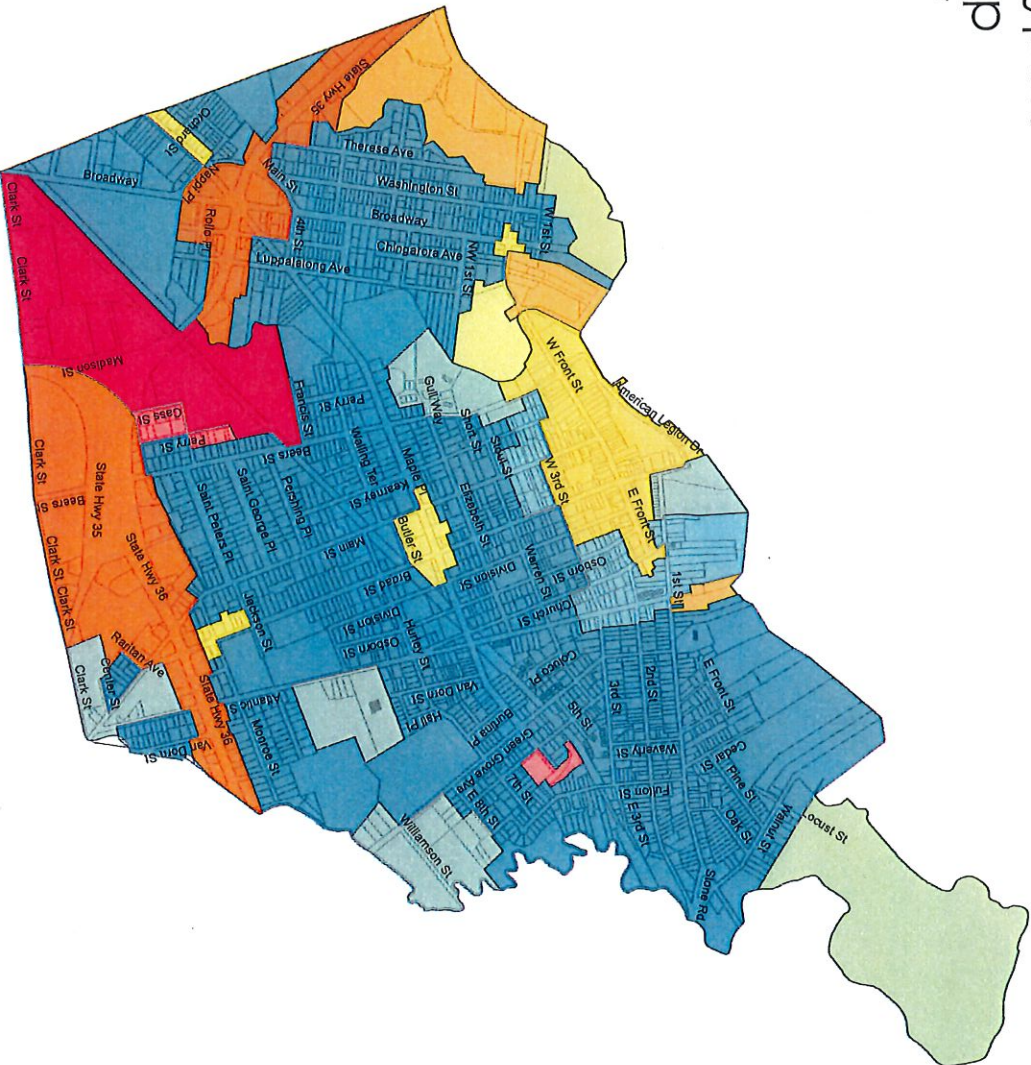
Borough of Keyport Zoning Map

Revisions per Master Plan March 2017
DRAFT - Issued October 25, 2017
Last Revised February 22, 2018

Legend

Zoning Districts

- RA
- RB
- RC
- A-M RDV
- B-P RDV
- L-B RDV
- NC
- GC
- GMC
- HC
- LI
- I



Prepared by DWMiller
G:\Projects\KUPBG\1801\GIS\Project\zoning map.mxd

**BOROUGH OF KEYPORT
ZONING SCHEDULE
KEYPORT BOROUGH CODE 25:1-16**

	MINIMUM LOT REQUIREMENTS		MINIMUM REQUIREMENT YARD DEPTH								MAXIMUM HEIGHT		MAXIMUM PERCENT LOT COVERAGE					MAXIMUM PERCENTAGE OF FRONT YARD COVERAGE BY PARKING	
	AREA	WIDTH	PRINCIPAL BUILDING				ACCESSORY BUILDING		PRINCIPAL BUILDING	ACCESSORY BUILDING		PRINCIPAL BUILDING	ACCESSORY BUILDING	BUILDINGS INCLUSIVE OF ACCESSORY BUILDING	ALL BUILDINGS AND IMPERVIOUS SURFACE				
			FRONT YARD	MINIMUM ONE SIDE YARD	BOTH SIDE YARD	REAR YARD	SIDE YARD	REAR YARD		Stories	ft.						Stories	ft.	
DISTRICT	sq. ft.	ft.	ft.	ft.	ft.	ft.	ft.	ft.	ft.	ft.	Stories	ft.	Stories	ft.	%	%	%		
RA	5,000	50	20	6	16	15	3	3	2.5	30	1.5	16	30	10	40	60	30		
RB 1 family	5,000	50	20	6	16	15	3	15	2.5	30	1.5	16	30	10	40	60	30		
RB 2 family	7,500	75	20	6	16	20	3	15	2.5	30	1.5	16	30	10	40	60	30		
RC 1 family	5,000	50	20	6	16	15	3	15	2.5	30	1.5	16	30	10	40	60	30		
RC 2 family	7,500	75	20	6	16	20	3	15	2.5	30	1.5	16	30	10	40	60	30		
RC multifamily	For more than 2 residential units per lot, see section 25:1 - 7.4 Development Standards																		
NC	7,500	75	5	N/A	10	25	3	15	2	25	1.5	16	75	15	75	90	N/A		
GC	N/A	N/A	N/A	N/A	Note 3	Note 3	Note 3	Note 3	N/A	Note 4	1.5	16	85	15	85	90	N/A		
GC mixed-use	Note 5	N/A	N/A	N/A	Note 3	Note 3	Note 3	Note 3	N/A	Note 4	1.5	16	85	15	85	90	N/A		
GMC	10,000	100	20	6	16	20	6	16	3	35	1.5	16	35	15	35	90	N/A		
HC	10,000	100	50	6	16	20	6	16	3.5	40	1.5	16	35	15	35	90	N/A		
HC Residential	For High Density Residential and Mixed Use development, see Section 25:1- 10.4 Development Standards																		
LI	12,500	100	15	6	16	25	6	16	3	40	1.5	16	50	10	50	90	N/A		
I	15,000	100	15	6	16	25	10	10	3	40	1.5	16	50	10	50	90	N/A		

N/A - Not applicable

Note 1: Section 25:1-14, 25:1-15 set forth general regulations which also govern the development of land and uses.

Note 2: No accessory structure shall be permitted in the required front yard area.

Note 3 : Minimum setback from a Residential District Lot is 20 feet.

Note 4 : The peak of the roof and any equipment shall not exceed an elevation of 70.0 feet referenced to Datum NAVD 88

Note 5: For mixed residential/commercial use development in the GC Zone, see section 25:1- 9.5 Development Standards

Last Updated 12/18/18