



BOROUGH OF NATIONAL PARK

7 South Grove Avenue
National Park, NJ 08063
845-3891

ZONING ORDINANCE **(Ordinance 1-88)**

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BOROUGH OF NATIONAL PARK
NEW JERSEY

ARTICLE 1 ZONING ORDINANCE

SECTION NO. 1 SHORT TITLE

1.1 This Ordinance shall be known and may be cited as "The Zoning Ordinance of the Borough of National Park, New Jersey."

SECTION NO. 2 PURPOSE

2.1 This Ordinance shall be held to be the minimum requirements adopted pursuant to the Municipal Land Use Law, Chapter 291, Laws of New Jersey, 1975. In order to promote the public health, safety, morals and general welfare, Among other purposes the provisions of the Ordinance are intended to provide adequate light, air and convenience of access to prevent overcrowding of land or buildings, and to avoid undue concentration of population by regulating and limiting the use of land, the height and bulk of buildings wherever erected; to limit and determine the size of yards and other open spaces and to conserve the value of property and encourage the most appropriate use of land throughout this Borough.

SECTION NO. 3 INTERPRETATION

3.1 The provisions of this Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare.

SECTION NO. 4 ENFORCEMENT

4.1 The administration and enforcement of this Ordinance is hereby conferred upon the Construction Official of the Borough of National Park. He and his duly appointed assistants shall have such powers as are established by this Ordinance, or as may be reasonably implied. He shall be appointed by the Borough Council of the Borough of National Park and shall receive such compensation as the Borough Council may, from time to time, determine.

SECTION NO. 5 PERMITS

5.1 In no case shall a permit be granted for the construction, reconstruction or alteration of a building, not a certificate of occupancy issued for any building which would be in violation of any of the provisions of this Ordinance other than by a written order of the Board of Adjustment or the Borough Council.

SECTION NO. 6 CONFLICT WITH OTHER LAWS

6.1 Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or Ordinances, the most restrictive of those imposing the higher standards shall govern.

SECTION NO. 7 VIOLATIONS AND PENALTIES

7.1 For any and every violation of any provision of this Ordinance, the owner, contractor, or other persons interested as general agent, architect, building contractor, owner, tenant, or any other persons who commit, take part or assist in any violation of this Ordinance, or who maintain any building or premises in which any violation of this Ordinance shall exist, and who shall have refused to abate said violation within five (5) working days after written notice shall have been served upon him either by certified or registered mail or by personal services may for each violation be imprisoned in the Gloucester County Jail for a period not exceeding ninety (90) days or be fined not exceeding five hundred dollars (\$500.00) or both, at the discretion of the Judge before whom a conviction may be had. Each and every day that such violation continues after such notice shall be considered a separate and specific violation of this Ordinance.

SECTION NO. 8 RIGHTS OF COMPLAINT

8.1 In addition to the powers given to the Construction Official as aforesaid, the owner of or any person having interest in any property in the Borough may make complaint for any violation of this Ordinance or any provision or section thereof and upon conviction in such case, the penalties herein before provided shall be imposed.

SECTION NO. 9 ADDITIONAL REMEDIES

9.1 In addition to the remedy or remedies herein before provided, any person, persons, company or corporation violating this Ordinance or any provision or section thereof, may be proceeded against by the Borough or by the Construction Official of the Borough or by appropriate action, or by proceeding in equity or otherwise to prevent and enjoin any threatened violation of this Ordinance.

ARTICLE 2 ADMINISTRATION

SECTION NO. 1 BOARD OF ADJUSTMENT

1.1 CREATION, MEMBERSHIP, OFFICERS:

A Board of Adjustment is hereby established, the members of which shall be appointed by the Mayor and confirmed by Council. The Board of Adjustment shall consist of seven (7) members, none of whom shall hold an elective office or other official position in the Borough. The initial members shall be appointed for terms of one, two, three, and four years respectively. Their successors shall be appointed upon the expiration of their respective terms to serve for four years. The members of the Board shall be removable for cause by Council upon written charges and after public hearing. A vacancy shall be filled by Council for the unexpired term of any member who resigns, dies, or is removed. The Board shall elect a Chairman from its members and a Secretary who may, but need not, be a member of the Board.

1.2 The Board of Adjustment shall have the powers as prescribed by law and shall exercise such powers and discharge such duties in a manner provided by such law.

a. Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by the Construction Official, administrative officer based on or made in the enforcement of this Ordinance.

b. Hear and decide, in accordance with the provisions of this Ordinance, request for special exceptions upon which such board is authorized by this Ordinance to pass.

c. Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or conditions of such piece of property, the strict application of any regulation enacted under the Ordinance would result in hardship upon the owner of such property to authorize, upon an appeal relating to such property, a variance from such strict application so as to relieve such difficulties or hardships, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Ordinance.

d. Recommend in particular cases and for special reasons to Borough Council the granting of a variance to allow a structure or use in a district against such structure or use. Whereupon the Council may by resolution, approve or disapprove such recommendation. If such recommendation shall

be approved, then the Construction Official in charge of granting permits shall forthwith issue a permit for such structure or use.

e. No variances will be granted which do not conform to Chapter 86 "Flood Damage prevention" of the Borough Ordinances.

SECTION NO. 2 LETTER OF APPROVAL

2.1 A Letter of Approval shall be secured from the Zoning Board prior to the issuance of a building permit for the construction, erection or alteration of any structure or part of a structure whereupon a change in the use of land or a structure is involved.

2.2 The issuance of a Letter of Approval under the terms of this Ordinance shall in no way waive or modify the requirements of other regulations of the Borough governing such matters as construction, health, sanitation and the like.

2.3 Any modification of the plans or other data upon which the Zoning Board's issuance of a Letter of Approval was based shall invalidate such Letter of Approval and the revised plans or data shall be resubmitted to the Zoning Board for a new Letter of Approval.

SECTION NO. 3 CERTIFICATE OF OCCUPANCY

3.1 A Certificate of Occupancy shall be obtained from the Construction Official by the owner or his duly authorized agent before any building or structure for which a construction permit has been issued is occupied or used.

3.2 Upon serving of notice by the Zoning Board to the owner of any property in violation of any of the provisions of this Ordinance with respect to any building or use thereof, or of the use of land, the Certificate of Occupancy for such use shall be deemed to be invalid and the owner shall be subject to the penalties herein before prescribed.

3.3 The effective date of such invalidation of the Certificate of Occupancy shall be the tenth (10th) calendar day following the date of the Zoning Board's notice of violation.

3.4 A new Certificate of Occupancy shall be required for any further use of such land or building or structure.

SECTION NO. 4 RECORDS

4.1 It shall be the duty of the Zoning Board to keep a record of all applications for zoning variances, a record of all zoning variances issued and denied, a record of all certificates of occupancy concurred in by the Zoning Board together with notations of all special or unusual conditions involved therewith. These records shall be dated and numbered consecutively, safely secured in the Municipal Building, and shall be made available by the Zoning Board and/or the Municipal Clerk for public inspection upon request.

4.2 The Zoning Board shall prepare and submit to the Borough Council monthly reports citing, for the period since it's last report, all applications received and it's actions thereon, complaints of violations received, all notices of violation issued by them and action taken by them consequent thereon. A copy of such report shall be filed with the tax assessor, the secretary of the Zoning Board of Adjustment, the secretary of the Planning Board and the Construction Official at the same time it is filed with the Borough Council.

ARTICLE 3 AMENDMENTS

SECTION NO. 1 AMENDMENTS

1.1 The Borough Council may from time to time or upon the recommendation of the Planning Board, after Public Notice and hearing, amend, supplement or change these regulations and districts herein established and adopt rules and regulations for the purpose of interpreting and carrying this Ordinance into effect. When owners of more than fifty percent (50%) of the frontage within a district or part of a district comprising not less than one (1) block, shall present to the Borough Council a duly signed petition for the change, relocation or revision of said district or part of district, the Borough Council shall act upon said petition within sixty (60) days after the filing of said petition with the Borough Clerk. Said petition shall be accompanied by a map showing the area for which the change of district is asked and all immediately abutting property and uses thereof and, further, shall be accompanied by a statement setting forth grounds or reasons for the proposed change. All such proposed changes in this Ordinance or relocation of districts shall be referred by the Borough Council to the Planning Board and the Board of Adjustment. In the event of unfavorable report from either of said boards, or in case of protests against such proposed change signed by owners of twenty percent (20%) or more either of the area of the lots or land included in such proposed change or of the lots or land in the rear thereof extending two hundred (200) feet therefrom, or of the lots or land on either side thereof or directly opposite thereto extending two hundred (200) feet therefrom (exclusive of street space) such change shall not become effective except by the favorable vote of two-thirds (2/3) of all members of the Borough Council.

SECTION NO. 2 CONSTRUCTION PRIOR TO APPROVAL

2.1 Any building permit hereto issued pursuant to any Ordinance which provided for the erection of a building or structure in conformance with the Ordinance or Ordinances to which this is an amendment and supplement shall continue in full force and effect, provided that the holder has substantially undertaken such construction on the date of adoption of this Ordinance.

ARTICLE 4 WORD USAGE and DEFINITIONS

SECTION NUMBER NO. 1 WORD USAGE

a. All words used in the present tense include the future tense; all words in the plural number include the singular number, and all words in the singular number include the plural number, unless the natural construction of the wording indicates otherwise.

b. Unless otherwise specified, all distances shall be measured horizontally.

c. The word "structure" includes the word "building"; the word "lot" includes the word "plot"; the word "used" shall be deemed also to include "occupied or designed, intended or arranged to be used or occupied"; the term "erected" shall be deemed also to include "constructed, reconstructed, structurally altered, enlarged, and moved"; and the word "shall" is mandatory and not directory.

SECTION NO. 2 DEFINITIONS

1. **ACCESSORY BUILDING:** A building on the same lot with and subordinate to a principal building, occupied or devoted exclusively to an accessory use. Where an accessory building is attached to a principal building by a breezeway, roof, wall or the like, such an accessory building shall be considered part of the principal building.

2. **ACCESSORY USE:** A use naturally and normally incident and subordinate to the principal use upon any premises. More particularly, but not by way of limitation, an accessory use shall be construed to include a private swimming Pool, driveway, private road, alley or other facility for ingress and egress by pedestrians and vehicles.

3. **ALLEY:** A permanent serviceway providing a secondary means of access to abutting properties.

4. **ALTERATION:** As applied to a building, a change or rearrangement in the structure parts or in the existing facilities, or an enlargement whether by extension of a side or by increasing in height or by moves from one location or position to another.

5. **APARTMENT HOUSE:** A building arranged, intended or designed to be occupied by three or more families living independently of each other.

6. **ATTIC:** The open, nonhabitable space between the ceiling beams of the top habitable story and the roof rafters in any building.

7. **AWNING:** A roof-like projection from the wall of a building, usually made of cloth, canvas, metal, fiberglass or similar material, which provides shade or decorative accent to a window or door.

8. **AUTO SERVICE STATION:** An area of land, including structures thereon, which is used for the retail sale and direct delivery to motor vehicles of gasoline and lubricating oil, and may include in the building facilities for lubricating, washing or otherwise servicing of vehicles. No autobody work, nor welding, nor painting, nor the repairing in any manner of buses or of trucks rated at more than one and one half ton capacity, nor the renting of cars, trailers or trucks, nor the rental of parking space shall be permitted.

9. **BASEMENT OR CELLAR:** A story partly underground, but having at least one half of its clear height and at least three feet of clear height above the average level of the adjoining finished grade in the case of split level or bi-level type homes. In an average dwelling, the height above the average grade shall be no less than an elevation of eleven inches.

10. **BLOCK:** An area bounded by streets or by streets and streams or by Borough boundary lines.

11. **BUILDINGS:** Any structure having a roof supported by columns, piers, or walls, including lunch wagons, tents, trailers, dining cars, camp cars or other structures on wheels or having other support, and any unroofed platform, terrace or porch having a vertical face higher than three feet above the level of the ground from which the height of the building is measured.

12. **BUILDING AREA:** The maximum horizontal projected area of the building and its accessories. Roofed-over porches, bay windows or similar extensions of a building shall be considered parts of the building. That part of any eave or similar projection in excess of two feet shall be considered as part of the building. That part of any eave or similar projection in excess of two feet shall be considered as part of the building for the computation of yards and land coverage.

13. **BUILDING HEIGHT:** The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof and to the average height between the plate and ridge of a gable, hip or gambrel roof.

14. **BUILDING LINE:** A line formed by the intersection of a horizontal plane at average grade level and a vertical

plane that coincides with the exterior surface of the building on any side. In case of a cantilevered section of a building of projected roof or porch, the vertical plane will coincide with the most projected surface. All front yard requirements are measured to the "building line" from the front lot line. If the front line is on a cul-de-sac or other curve, the "building line" shall be along the arc parallel to such front line.

15. **CANOPY:** A roof-like cover, not connected to any dwelling, open to the elements on all four sides, which is used to protect equipment, tables, etc. outdoors.

16. **CONSTRUCTION PERMIT :** That permit issued by the Building Construction Code Official to insure that the structure complies with the building code, zoning ordinance and other ordinances applicable to the construction itself, upon payment of the fees required by the Uniform Construction Code Ordinance.

17. **BUILDING, PRIMARY:** A building in which is conducted the principal use of the lot on which such building is situated.

18. **BUSINESS OFFICE:** A business establishment which does not offer a product or merchandise for sale to the Public, but offers a service to the Public. However, personal services, such as barber and beauty shops and repair services, such as radio and television repair shops are not to be included within the definition of "business office".

19. **CERTIFICATE OF OCCUPANCY:** A certificate issued upon completion of a building or alteration thereof or the change of use thereof, indicating the exact purpose for which the building is to be used and certifying its compliance along with the compliance of the structure itself with the Zoning Ordinance, other Borough Ordinances, as well as special agreements between the planning board or other agencies and the owner in consideration of the grant to construct, alter or change the use thereof.

20. **CEMETERY:** Land used or intended to be used for the burial of the dead and dedicated by deed or other legal instrument for such use.

21. **CHURCH:** A building or group of buildings including customary accessory building designed or intended for public worship. For the purpose of this Ordinance, the word Church shall include chapels, congregations, parish houses, convents and accessory uses, but this definition shall not include schools or cemeteries.

22. **CLUBHOUSE:** A building used to house a social, fraternal, or service organization or club not organized or

conducted for profit and which is not an adjunct to or operated by or in conjunction with a public tavern, cafe or other place of business.

23. **COMMERCIAL VEHICLE:** A motor vehicle, other than a passenger car or recreational vehicle, which has a loading capacity in excess of one ton. Pick-up trucks and vehicles commonly known as vans not having more than two (2) axles and/or four (4) wheels shall not be considered commercial vehicles.

24. **CONDITIONAL USE:** A use permitted in a particular zone only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in the Zoning Ordinance and upon the issuance of an authorization therefor by the Planning Board.

25. **COURTYARD:** A required open, unoccupied space other than a yard, on the same lot with a building.

26. **CLUSTER DEVELOPMENT:** A residential development of attached and/or detached dwelling units planned as single entity in accordance with the provisions of this Ordinance and which has a courtyard or public open space as an appurtenance.

27. **COVERAGE, LOT:** That percentage of the lot area covered by the building area.

28. **CURB LEVEL:** The mean grade of the street in front of the midpoint of the lot.

29. **DWELLING:** A building containing dwelling units. The term "dwelling", "one-family dwelling", "two-family dwelling", or "multi-family dwelling", shall not be deemed to include hotel, motel, rooming house or other accommodations used for more or less transient occupancy.

30. **DWELLING, CONVERSION:** A one-family dwelling which, as a result of certain alterations, may be capable of accommodating two (2) families having separate cooking, living, sleeping, and sanitary facilities.

31. **DWELLING, DUPLEX:** Two (2) dwelling units having one (1) structural wall in common.

32. **DWELLING, TOWNHOUSE:** One of a series of one-family dwelling units, attached by a common wall between it and the adjacent dwelling unit(s), with individual and private front and/or rear yards provided for each unit. Such dwelling units shall be owner occupied. Said owners shall by deed provisions be jointly responsible for the ownership and maintenance of certain common use portions of the townhouse

development complex, including, but not limited to the following: courtyard and/or open space and recreation facilities, streets, roads and pedestrian ways, parking and garaging facilities, fencing and landscaping, and heating, cooling or utility systems. Such joint ownership and maintenance responsibilities of the owners shall be exercised through a homeowners association or some similar form of duly constituted agency.

33. **DWELLING, ONE-FAMILY:** A building containing one (1) dwelling unit only.

34. **DWELLING, MULTI-FAMILY:** A building or portion thereof containing two (2) or more dwelling units.

35. **DWELLING UNIT:** A building or portion thereof used for living purposes by one (1) family and having cooking and sanitary facilities for its exclusive use.

36. **EXISTING USE:** The use of a lot or structure at the time of the enactment of a zoning ordinance.

37. **FAMILY:** Any number of persons related by blood or marriage (including adopted children or children similarly placed in a home for care by a governmental agency), or not more than two (2) persons who are not so related, living together as a single housekeeping unit and using cooking facilities in common. A "family" shall be deemed to include household servants, but in no case shall a lodging or boarding house or rooming house be classified as a single housekeeping unit, nor shall any sleeping quarters in any residential dwelling be rented separately to boarders.

38. **FENCE:** A grown and/or artificially constructed barrier erected for the enclosure of yard areas. Said barrier shall be classified as a fence when it will restrict the free passage of pedestrians or is considered a necessary part of an artificially constructed barrier although it does not restrict the free passage of pedestrians.

39. **FLOOR AREA, LIVEABLE:** All space within the exterior walls of a dwelling unit, exclusive of garages, cellars, heater rooms and basements having a window area of less than eighteen (18) percent of the square foot area of the room and of unheated porches and breezeways, but shall include all spaces not otherwise excluded, such as principal rooms, utility rooms, bathrooms and all closets and hallways opening directly into and appurtenant to any rooms within the dwelling unit, and all attic space having a clear height of seven (7) feet, accessible by a permanent stairway. Such "liveable floor area" space shall be finished off, with framing members covered and ready for decorating.

40. **FRONT FACADE:** A facade which contains or

incorporates within its borders, a public entry. The front facade area is that portion of the structure corresponding to an individual activity or occupant situated therein and shall be measured horizontally and vertically to the limits of the activity.

41. **GARAGE, INDUSTRIAL:** A building designed or used for the storage of commercial vehicles, trucks or other motor vehicle equipment, including any incidental repair or servicing facilities.

42. **GARAGE, PRIVATE:** A compartment in or a structure appurtenant to the principal building of a residential use on the same lot, designed to house not more than four (4) motor vehicles for purposes of storage only. One (1) commercial vehicle not exceeding one (1) ton in rated capacity may be stored in a "private garage".

43. **GARAGE, PUBLIC:** A building designed or used as a commercial garage, the business of which includes the storage of motor vehicles, incidental auto service station services, sales of accessories or repair of motor vehicles or any combination thereof, but not including a showroom purely for the exhibit or display of new motor vehicles in conjunction with a new motor agency.

44. **GARAGE, REPAIR:** Premises which are used for the repair, greasing, servicing, adjusting, washing or equipping of motor vehicles, but not for the sale of gasoline or diesel fuel except as incidental and necessary to a repair.

45. **HOME OCCUPATION:** An occupation for gain or support conducted only by members of a family residing on the premises, and conducted entirely within the dwelling, provided that no article is sold or offered for sale except such as may be produced by members of the immediate family residing on the premises.

46. **HOTEL:** An establishment providing lodging and usually meals for the general public, especially transient guests. It may include such uses incident to the operation as follows: rest rooms, offices, meeting rooms, restaurants, cocktail lounges, beauty parlors, barber shops, apparel stores, confectionery shops and the like. Such incidentals uses shall be conducted solely within the primary building.

47. **JUNKYARD:** The use of more than one hundred (100) square feet of open area of any lot for the deposit, collection, storage, keeping or abandonment of wrecked or inoperative automobiles or other vehicles or parts thereof, wastepaper, rags, sheet metal, used building materials, house furnishings, machinery or other scrap materials or junk.

48. **LAND USE LAW:** An act relating to the planning and

regulation of land uses and revising parts of the statutory laws of the State of New Jersey, Chapter 291, Laws of New Jersey 1975. Approved January 14, 1976.

49. **LIVESTOCK:** Includes the following animals and their respective young: horses, mules, asses, goats, sheep, cows, reindeer, and hoofed animals, pigs, swine, ducks, chickens and pigeons.

50. **LOADING SPACE:** Any off-street space not less than ten (10) feet wide and twenty-five (25) feet long, surfaced to be available in all weather, suitable for the loading and unloading of goods without disrupting vehicular traffic on Borough streets and having direct access to a street.

51. **LOT:** A parcel or area of land, the dimensions and extent of which are determined by the latest official records or by the latest approved map of which the lot is a part.

52. **LOT, CORNER:** A lot at the junction of and abutting on two (2) or more intersecting streets when the interior angle of intersection does not exceed one hundred and thirty-five (135) degrees.

53. **LOT, COVERAGE:** That portion of the lot that is covered by buildings and structures.

54. **LOT, DEPTH:** The mean horizontal distance between the front and rear lot lines,

55. **LOT, FRONTAGE:** The horizontal distance measured along the full length of the front lot line.

56. **LOT, INTERIOR:** A lot other than a corner lot.

57. **LOT, LINE:** A line bounding a lot as defined herein:

A. **FRONT:** The street line of a lot. On a corner lot, the "front lot line" shall be the shorter street line. On a corner lot with equal street lines or having more than the required lot depth on two (2) or more streets, or on a through lot, the owner may elect which street line shall be considered the "front lot line".

B. **REAR:** The lot line which is most distant from and most nearly parallel to the front lot line.

C. **SIDE:** Any lot line which is not a front or rear lot line.

58. **LOT, THROUGH:** A lot abutting on two (2) parallel or approximately parallel streets.

59. **LOT, WIDTH:** The width of a lot measured at right angles to its depth at the set back line.

60. **MANUFACTURING:** The production of articles or finished products from previously refined raw materials by giving them new forms or qualities.

61. **MOTEL:** Two or more rental units, with individual entrances from the exterior of the building to each unit, operated as a business for the purpose of providing lodging to transient guests. An office and single dwelling unit may be included as secondary uses in conjunction with the operation of a "motel".

62. **MOTOR VEHICLE SALES ESTABLISHMENT:** A building or use which is designed for the display and sale of motor vehicles.

63. **NON-CONFORMING STRUCTURE:** A structure which conforms to the use regulations of this Ordinance but which violates one (1) or more of the applicable regulations in this Ordinance: also a structure which occupies a lot does not meet one (1) or more of the requirements of this Ordinance, or one (1) or more of the requirements regarding off-street loading or parking, fences, walls or signs.

64. **NON-CONFORMING LOT:** A lot of record existing at the date of the passage of this Ordinance which does not have the minimum width or contain the minimum area for the zone in which it is located.

65. **NON-CONFORMING USE:** A use which lawfully occupies a building or land at the time this Ordinance or any subsequent amendment thereto becomes effective and which does not conform to the use regulations of the zone in which it is located.

66. **OCCUPANCY:** The specific purpose for which land or a building is used, designed or maintained.

67. **OPEN SPACE:** An unoccupied space open to the sky on the same lot with a principal and/or accessory building.

68. **PARKING SPACE:** An off-street space available for the parking of a motor vehicle and which in this Ordinance is held to be an area ten (10) feet wide and twenty (20) feet long, exclusive of passageways and driveways appurtenant thereto and giving access thereto.

69. **PLACE OF PUBLIC ASSEMBLY:** A meeting hall, clubhouse, auditorium, church, synagogue or other structure or portion of a structure used at regular or periodic intervals as a gathering place for purposes of conference, deliberation, worship, entertainment, amusement, recreation

or education or for performance of social, athletic or cultural programs.

70. **PLANNING BOARD:** The Planning Board of the Borough of National Park.

71. **PREMISES:** The lot and any structure thereon, on or in which the subject use is situated.

72. **PRINCIPAL USE:** The main use for which a building or lot is to be used.

73. **PROFESSIONAL RESIDENCE :** Includes, but not limited to the following: architect, artist, accountant, dentist, surgeon or physician, engineer, lawyer, real estate or insurance agent, provided that the professional person owns and occupies as a dwelling the unit used in the practice of the profession and the use does not exceed thirty (30) percent of the floor area.

74. **RESTAURANT:** Any establishment, however designated, at which food or beverage or any combination thereof is sold for consumption on the premises to patrons seated within an enclosed building.

74.1 **RESTAURANT, DRIVE-IN:** An establishment where patrons are served soft drinks, ice cream and other food products for consumption outside the confines of the principal building or in automobiles parked upon the premises, regardless of whether or not, in addition thereto, seats or other accommodations are provided for the patrons.

75. **RETAIL STORE:** A building in which any article, excluding automotive vehicles and building materials is offered for sale at retail.

76. **SERVICE ESTABLISHMENT:**

a. **BUSINESS:** An establishment primarily engaged in rendering nonrepair services, such as advertising, building cleaning or household equipment rental, to business enterprises on a fee or contract basis.

b. **PERSONAL AND HOUSEHOLD:** A business conducted to render either a personal service, such as hair cutting or styling, shoe repair or dry cleaning, laundromats, provided that they have attendants, but not including mortuary services, or a household service, such as insect extermination or the repair of furniture, small household appliances and television sets, but not including the repair on the premises of furnaces, refrigerators, air conditioners and other articles of similar bulk and weight and not including any business which uses a truck of over one (1) ton in rated capacity in the provision of its services.

77. **SETBACK:** The distance from the street line as extended to its farthest point to the nearest projection of any building. The front, interior side, corner side, and rear "setback" shall be measured from the front, interior side, corner side and rear lot lines respectively.

78. **SCHOOLS, PRIVATE, PUBLIC AND PAROCHIAL:** A facility having regular sessions of instructions conducted by regularly employed instructors and teachers who teach those subjects which are fundamental and essential in general education under the supervision of the New Jersey Department of Education, or a lawfully constituted ecclesiastical governing body of the New Jersey Department of Education.

79. **SIGN:** Any device, structure, or object for visual communication that is used for the purpose of bringing the subject thereof to the attention of others, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images, but not including any flag, badge, or insignia of any public, quasi-public, civic, charitable or religious group.

79.1 **SIGN AREA:** The area defined by the frame or edge of a sign. When there is no geometric frame or edge of the sign, the area shall be defined by a projected, enclosed, four sided (straight sides) geometric shape which most closely outlines the said sign. For the purposes of making such calculation, the applicant may block off portions of the sign into not more than three (3) rectangular portions in order to exclude large areas of open space caused by the peculiar design or shape of the sign.

79.2 **SIGN AWNING:** A sign that is mounted or painted on, or attached to an awning that is otherwise permitted by this ordinance

79.3 **SIGN BANNER:** A graphic or sign which has its letters or design applied to cloth, canvas or other flexible material which is durable and weather resistant.

79.4 **SIGN CANOPY:** A sign that is mounted or painted on, or attached to a canopy that is otherwise permitted by this ordinance.

79.5 **SIGN, CHANGEABLE COPY:** A sign that is designed so that the message on the sign can be easily and periodically altered.

79.6 **SIGN, TEMPORARY:** A sign advertising a specific event or activity terminating on a specific or assumed date. Such signs may include, but are not necessarily limited to, sale signs for property and/or buildings, political signs, yard sale signs, etc.

79.7 SIGN DEFINITIONS:

a. An **ADVERTISING** sign is defined to be a sign which directs attention to a business, service, commodity or entertainment conducted, sold, or offered elsewhere than upon the premises it is erected on.

b. A **BUSINESS** sign is defined to be a sign that directs attention to a business or a profession conducted upon the premises it is erected on.. For Sale and For Rent signs relating to the property they are erected on shall be deemed a business sign.

79.8 SIGN CATEGORIES:

a. **INTERIOR SIGNS:** All signs located on the exterior or interior side of an exterior window of the front facade and intended to be visible from the exterior of the building.

b. **ATTACHED SIGNS:** Signs parallel to and attached to the front facade of a building and projecting not more than twelve (12) inches from the facade.

c. **SIGN, WALL:** A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than twelve (12) inches from such building or structure that is otherwise permitted by this ordinance.

d. **SIGNABLE FACADE AREA:** The rectangular, continuous area on the wall of a building which extends from the top line of windows and doors on one floor and the bottom line of the windows, roof, or cornice above it and which is uninterrupted by architectural details and openings, that is otherwise permitted by this ordinance.

e. **PROJECTING SIGNS:** Signs projecting horizontally and perpendicular to the plane of the facade more than twelve (12) inches.

f. **FREE STANDING SIGNS:** Signs not relying on a building for support, but having their weight supported by the ground.

80. **STORY:** That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

80.1 **STORY, HALF:** That portion of a building under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than

two(2) feet above the floor of such half story. A basement shall also be included as a half story.

81. **STREET:** A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, court, highway or road. A "street" as used herein, includes in its width the entire right-of-way.

82. **STREET LINE:** The line determining the limit of the highway right of the public either existing or contemplated, not to be confused with the curb line.

83. **SWIMMING POOL:** A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty inches, designed, used and maintained for swimming and bathing.

84. **SWIMMING POOL, PRIVATE:** A swimming Pool operated as a secondary use to a residential dwelling unit or units and located on an individual residential lot.

85. **SWIMMING CLUB:** A public or privately owned Pool open to the general public or on a membership basis, having appropriate dressing room facilities, recreational facilities and off-street parking areas.

86. **TRAILER, DWELLING:** A vehicle with or without its own motive power and used for dwelling purposes, which use is prohibited, except as may be provided and authorized by the Borough Council of the Borough of National Park and/or zoning regulations.

87. **TRAILER, RECREATIONAL:** A vehicle with or without its own motive power, including campers and mobile homes, designed to be used as temporary living quarters or to hold camping and recreational equipment.

88. **USE:** The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

89. **YARD AREA:**

a. **YARD FRONT:** An open, unoccupied space on the same lot with the principal building, extending the full width of the lot and situated between the property line and the front line of the building projected to the side lines of that lot. Setback line shall be synonymous with the rear limit of the required front yard area. In the case of a corner lot, each yard with frontage on a street shall be considered a front yard. That which is otherwise permitted by this ordinance.

b. **YARD, REAR:** A yard extending across the full width of the lot lying between the rear line of the lot and the nearest line of any primary building on same lot. The depth of a rear yard should be measured at right angles to the rear line of the lot, or if the lot is not rectangular, then in the general direction of its side building lines.

c. **YARD, SIDE:** An open, unoccupied space between the side line of the lot and the nearest line of the primary building. It shall extend from the front yard to the rear yard, or in the absence of either, to the street or rear lot lines as the case may be. The width of a side yard shall be measured at right angles to the side line of the lot.

90. **ZONING BOARD:** The officially established Zoning Board of Adjustment of the Borough of National Park.

ARTICLE 5 APPLICABILITY OF REGULATIONS

SECTION NO. 1 REGULATIONS

1.1 No building shall hereafter be erected and no existing building shall be moved, structurally altered, rebuilt, added to or enlarged nor shall any land be used for any purpose other than those included among the uses listed as permitted uses in each zone by this Ordinance and meeting the requirements set forth in the appended schedule; nor shall any open space contiguous to any building be encroached upon or reduced in any manner, except in conformity with the area and bulk requirement, off-street parking requirements and all other regulations designated in the schedule and this Ordinance for the zone district in which said building or space is located. in the event of any such unlawful encroachment or reduction, such building or use shall be deemed to be in violation of this Ordinance, and the certificate of occupancy shall become void.

SECTION NO. 2 PRESERVATION OF NATURAL FEATURES

2.1 No structure shall be built within fifty (50) feet of the bed of a stream carrying water on an average of six (6) months of the year. No building shall be constructed on land subject to periodic overflow or on land which has an average water table within two (2) feet of the ground surface.

SECTION NO. 3 REMOVAL OF TOPSOIL

3.1 No person, firm or corporation shall strip, excavate or otherwise remove topsoil for sale or other use other than on the premises from which taken, except in connection with the construction or alteration of a building on such premises and excavation or grading incidental thereto, or except as herein specified.

SECTION NO. 4 EXISTING NATURAL FEATURES

4.1 Existing natural features such as trees, brooks, drainage channels and views shall be retained. Whenever such features interfere with the proposed use of such property, a retention of the maximum amount of such features consistent with the use of the property shall be required as specified by the Planning Board Site Plan Ordinance of the Borough of National Park.

ARTICLE 6 REGULATIONS APPLICABLE TO ALL ZONES

SECTION NO. 1 RESTRICTION OF PRINCIPAL BUILDINGS

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

1.2 No yard or other open space provided about any building for the purpose of complying with the provisions of this Ordinance shall be considered to provide a yard or open space for any other building.

1.3 A secondary building attached to a primary building shall comply in all respects with the yard requirements of this Ordinance for the primary building.

1.4 Detached accessory buildings shall be located to the rear of the front building line of the primary building, and if located in a side yard area shall conform to side yard requirements of the particular district in which it is located.

1.5 Every principal building shall be built upon a lot with frontage upon a public street improved to meet the Borough requirements.

1.6 Where a building lot has frontage on a street which is proposed for right-of-way widening, the required front yard area shall be measured from such proposed right-of-way line.

1.7 For the purpose of regulating the locations of accessory building on corner lots, and on through lots, all portions of a corner lot or a through lot which fronts on a public street shall be subject to the front yard requirements of the zone district in which said corner lot or through lot is located.

1.8 All yards, open space, off street parking and required landscaping must be contained within the zone in which the use is permitted.

1.9 When a new lot is formed so as to include within its boundaries any part of a former lot on which there is an existing building or use, the sub-division must be carried out in such a manner as will not infringe upon any of the provisions of this Ordinance either with respect to any existing structures or use or any proposed structures or use.

1.10 Rental residential dwellings of any kind shall not be located in the cellar of any building. Owner-occupied dwellings shall not be located or situated solely in the cellar of any building.

1.11 Business structures or uses shall not display goods for sale purposes or coin-operated vending machines of any type in any location which would infringe upon the required yard areas specified in this Ordinance.

1.12 The provisions of this Ordinance shall not apply to customary local utility distribution or collection lines for water, gas, telephone or electric service. All facilities such as pumping stations, repeater stations and electric substations which require a structure above ground shall be subject to the yard requirements of the Ordinance except as provided in the various zones.

1.14 All yards facing on a public street shall be considered front yards and shall conform to the minimum front yard requirements for the zone in which located. Corner lots shall provide the minimum front yard requirements for the respective zone for both intersection streets, for both principal and accessory buildings.

SECTION NO. 2 FLOODLIGHTING

2.1 Floodlighting is permitted in all zones, provided that all lights are shaded and the beams directed so as not to cause glare on adjoining buildings, properties or roadways.

SECTION NO. 3 PROHIBITED USES

3.1 Any use not specifically permitted in a zoning district established by this Ordinance is hereby prohibited from that district and further provided that the following uses or activities shall be specifically prohibited in any zone of the Borough.

3.2 All billboards, signboards, advertising signs or devices not expressly related to the business being conducted on the premises or otherwise specifically permitted by this Ordinance is prohibited.

3.3 AUCTION MARKETS

3.4 Junkyards, automobile wrecking or disassembly yards, the sorting or baling of scrap metal, paper, rags or other scrap or waste materials.

3.5 The keeping or raising of livestock which by reason of the nature of the living habits of the animals themselves normally cause or result in objectionable odors, and/or unsightly conditions.

3.6 Trailer courts, trailer coaches used as dwelling or

commercial activities related to the outdoor storage or display of trailer coaches.

3.7 Privately operated dumps for the disposal of garbage, trash, junk, refuse and similar materials, but excluding Borough Council authorized recycling centers.

3.8 Open air drive-in motion picture theaters.

3.9 The open storage of any unregistered, unlicensed motor vehicle or portion thereof for a period in excess of six (6) months.

3.10 Boarding kennels.

3.11 Manufacturing uses involving production of the following products from raw materials.

3.12 Asphalt, cement, charcoal and fuel briquettes.

3.13 Chemicals: aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen, industrial alcohol, nitrates (manufactured and natural), potash, plastic materials and synthetic resins, pyroxlin, rayon yarn, and hydrochloric, nitric, phosphoric, picric and sulfuric acids.

3.14 Linoleum and oilcloth, matches, paint, varnishes and turpentine.

3.15 Rubber, (natural or synthetic), soaps, including fat rendering, starch.

3.16 The following manufacturing processes: nitrating of cotton or other materials; milling or processing of flour, feed or grain; magnesium foundry; reduction, refining, smelting and alloying of metal or metal ores, refining secondary aluminum; refining of petroleum products; distillation of wood or bones; reduction and processing of wood pulp and fiber, including paper mill operations; lime, gypsum, plaster or plaster of paris.

3.17 Operations involving stockyards and slaughterhouses, grain elevators and slag piles.

3.18 Any use of any building or premises in such a manner that the health, morals, safety or welfare of the community may be endangered.

3.19 Any trade or use which is noxious or offensive by reasons of the emissions of odor, dust, smoke, gas or noise.

SECTION NO. 4 PERMITTED MODIFICATIONS

4.1 Height modification.

4.2 The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas and domes not used for human occupancy.

4.3 Chimneys, ventilators, skylights, water tanks, television and radio antenna and similar features, and necessary mechanical appurtenances usually carried on and above the roof level may exceed the height limitations of this Ordinance by not more than twenty (20) feet. Special provisions apply to satellite dish earth station antennas. If such equipment is constructed as a secondary structure apart from the primary structure, the height restriction of this Ordinance shall apply excluding radio antenna.

4.4 The provisions of this Ordinance shall not apply to prevent the erection above the building height limit of a parapet wall or cornice for ornament exceeding the height limits of this Ordinance by not more than five (5) feet.

4.5 Public and quasi-public buildings, schools, churches and other similar permitted uses shall increase the front, rear and side yards by one (1) foot for each foot by which such buildings exceed the height limit herein established for such zone in which it is located.

SECTION NO. 5 TEMPORARY USES

5.1 It is recognized that it may be in the interests of the Borough and in accordance with the purpose of this Ordinance to permit temporary activities for a limited period of time, which activities may not be permitted by other provisions of this Ordinance. Such uses shall be permitted if they are of such nature and are so located that at the time of application they will:

5.2 In no way exert a detrimental effect upon the lawful use of land and activities normally permitted in the zone in question:

5.3 Contribute materially to the welfare and well-being of the Borough.

5.4 Upon proper application and favorable finding by the Borough Council, it may direct the Construction Official to have issued a permit for said use for a period not to exceed one (1) month.

5.5 For periods in excess of one (1) month, a use variance shall be required.

SECTION NO. 6 CONFORMITY OF BUILDING SETBACK LINES

6.1 Notwithstanding other requirements of this ordinance there shall be in conformity of building setback lines with the median set back lines of existing structures on the same side of street and within 300 feet of the proposed new construction.

ARTICLE 7 ZONE REGULATIONS

SECTION NO. 1 ESTABLISHMENT OF ZONES

1.1 For the purpose of this Ordinance, the Borough of National Park is divided into the following zones:

- 1.2 RESIDENTIAL-----R 1
- BUSINESS DISTRICT-----B 1
- MARINE COMMERCIAL-----B 2
- LIGHT INDUSTRIAL DISTRICT-----LI 1

SECTION NO. 2 ZONING MAP

2.1 The boundary of the districts shall be shown on a map attached to this part of this Ordinance and titled Zoning Map of the Borough of National Park dated the said map and all notations, and references thereon are hereby incorporated and declared as a part of this Ordinance.

SECTION NO. 3 ZONE BOUNDARIES

3.1 Zone boundaries are intended to follow the center line of roadways, public right-of-ways, streams and public property, except where indicated otherwise by dimensions or other notations on the Zoning Map of the Borough of National Park.

3.2 In unsubdivided land, where a zone boundary divides a property and the location of such boundary is not fixed by dimensions or other notation on the zoning map, then the location of such boundary shall be determined by the Zoning Board through use of the graphic scale appearing on the map.

ARTICLE 8 RESIDENTIAL ZONE R1

SECTION NO. 1 PERMITTED USES PRINCIPAL

1.1 Detached single-family dwelling.

1.2 Municipal parks, playgrounds, buildings, and or structures connected with the governmental function or a governmental service.

SECTION NO. 2 PERMITTED USES...ACCESSORY

2.1 Private garages.

2.2 Normal residential storage structures not to exceed one hundred twenty (120) square feet.

2.3 Animal shelter for domestic pet not to exceed three (3) pets.

2.4 Private swimming pool.

2.5 Fences

2.6 Signs

SECTION NO. 3 CONDITIONAL USES AS DEFINED

3.1 Professional residence.

3.2 Home occupations.

3.3 Non-governmental public utility uses.

3.4 Public and private schools and libraries.

3.5 Churches, Sunday School buildings.

SECTION NO. 4 FENCES, WALLS AND HEDGES

4.1 As required by Article 15

SECTION NO. 5 OFF-STREET PARKING

5.1 As required by Article 13

SECTION NO. 6 SIGNS

6.1 As required by Article 14

SECTION NO. 7 AREA, YARD AND HEIGHT REQUIREMENTS

7.1 MINIMUM REQUIREMENTS, ZONE R1

	DWELLINGS	MUNICIPAL USES, LIBRARIES, CHURCHES, SCHOOLS SUNDAY SCHOOL BUILDINGS
Lot width (feet)	60	120
Lot Depth (feet)	100	100
Lot area (square feet)	6,000	12,000
Front yard (feet)	25	30
Each side yard (feet)	* 10	**20
Rear Yard (feet)	20	20
First floor living area (square feet)	900	
*Note: Fifteen (15) feet if side yard abuts street		
** Note: twenty(20) feet if side yard abuts street		

7.2 MAXIMUM REQUIREMENTS

Lot coverage (%)	30	40
Building Height (feet)	35	35

7.3 MINIMUM REQUIREMENTS ACCESSORY STRUCTURES

	REAR AND SIDE SET- BACKS	FROM PRINCIPAL BUILDING
Private garages	**5 feet	
Storage structures	**3 feet	
Animal Shelters	3 feet	
Swimming Pools	*,**6 feet	10 feet
* NOTE: Not to be located in front yard.		
** Note: Fifteen feet if side yard abuts street.		

ARTICLE 9 BUSINESS ZONE B1

SECTION NO. 1 PERMITTED USES..PRINCIPAL

- 1.1 Detached single-family dwelling.
- 1.2 Retail business establishments which are clearly of a community service character, such as, but not limited to the following:
- 1.3 Stores selling groceries, meats. baked goods and other such food items.
- 1.4 Stationery, tobacco, and newspaper stores, drug stores, luncheonettes and confectionery stores.
- 1.5 General merchandise stores such as hardware, appliance, furniture, and radio and television stores. Clothing, accessory and jewelry stores.
- 1.6 Personal service establishments which are clearly of a community service character, such as, but not limited to the following: barber and beauty shops, shoe repair shops, tailor shops, dry cleaning, pick-up shops and self-service laundries.
- 1.7 Business and professional offices, banks and financial institutions.
- 1.8 Commercial schools, conducted for profit. Theaters, playhouses and other similar places of public assembly.
- 1.9 Auto service stations.
- 1.10 Other business uses which in the opinion of the Board of Adjustment are similar in nature and scale to those permitted above, provided that no warehousing shall be permitted in this zone.

SECTION NO. 2 PERMITTED ACCESSORY USES

- 2.1 Off-street parking facilities for the use of customers and employees.
- 2.2 Private garage space for the storage of commercial vehicles used in conjunction with a permitted business use, provided that said garage is not used for the storage of goods or warehousing.
- 2.3 Off-street loading facilities.
- 2.4 Signs
- 2.5 Fences

SECTION NO. 3 CONDITIONAL USES AS DEFINED

3.1 Churches

3.2 Clubhouses and meeting houses

3.3 Restaurants, including drive-in types and taverns

3.4 Funeral parlors, veterinarian hospitals

SECTION NO. 4 FENCES, WALLS AND HEDGES

4.1 As required by Article 15

SECTION NO. 5 OFF-STREET PARKING

5.1 As required by Article 13

SECTION NO. 6 SIGNS

6.1 As required by Article 14

SECTION NO. 7 AREA, YARD AND HEIGHT REQUIREMENTS

DETACHED SINGLE FAMILY AND CONVERSION DWELLING	RETAIL AND PERSONAL SERVICE ESTABLISH- MENTS	RESTAURANTS AND TAVERNS	OFFICE AND BANKS
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7.1 MINIMUM REQUIREMENTS

Width (feet)	60 *	60	100	100
Depth (feet)	100 *	100	150	150
Area (sq. ft.)	6000 *	6000	15,000	15,000
Front yd. (ft.)	25 *	25	30	30
Side yd. (ft.)	10 *	10*	20**	20**
Rear yd. (ft.)	20*	20	20	20

* Note: See Art. 8, 7.1 minimum requirements for dwellings

**Note: Business Zone B2 shall conform to Business Zone B1 except that called for under Marine District.

7.2 MAXIMUM
REQUIREMENTS

LOT COVERAGE %	30	35	20	20
BUILDING HT. ft.	35	35	35	35

SECTION NO. 8 BUFFERS/SCREENING

8.1 Fences, walls, shrubbery or other appropriate screening devices shall be installed around garbage and trash storage areas, parking areas, property lines serving as zoning district lines with residential districts and at other locations deemed desirable or necessary by the Planning Board.

ARTICLE 10 MARINE COMMERCIAL ZONE B2

SECTION NO. 1 PERMITTED USES..PRINCIPAL

- 1.1 Detached single-family dwelling.
- 1.2 Marine services, such as dockage, boat landing, boat repairs and marine gasoline stations on docks or bulkheads.
- 1.3 Boat sales.
- 1.4 Marine engine sales and repairs.
- 1.5 Marine supplies and equipment sales.
- 1.6 Bait and tackle sales.
- 1.7 Retail fish markets.
- 1.8 Outside storage of boats in conjunction with marine operations, but subject to the following provisions:
 - a. The lands for parking may be used for winter storage but may not include dry storage, for year round use or summer repair work.
 - b. No boat may be stored in a required minimum front yard.

SECTION NO. 2 PERMITTED ACCESSORY USES

- 2.1 Same as those specified for B1 zone.

SECTION NO. 3 CONDITIONAL USES

- 3.1 Same as those specified for B1 zone.

SECTION NO. 4 FENCES, WALLS AND HEDGES

- 4.1 As required by Article 15

SECTION NO. 5 OFF-STREET PARKING

- 5.1 As required by Article 13

SECTION NO. 6 SIGNS

- 6.1 As required by business zone B1

SECTION NO. 7 AREA, YARD AND BUILDING REQUIREMENTS

7.1 As specified in the B1 schedule.

SECTION NO. 8 BUFFERS/SCREENING

8.1 As required for B1 Zone

SECTION NO. 9 OTHER PROVISIONS AND REQUIREMENTS

9.1 No gasoline pump, gasoline storage tank or any structure used for storing any fuel or oil shall be situated nearer than one hundred (100) feet to adjacent residential or commercial lands except other boatyards and marinas.

9.2 Nothing in this section shall be construed to prevent community or neighborhood boat docks or slips, which may be on a cooperative or proprietary basis, provided that they shall offer nothing for sale other than space for wet or dry storage and no repair facilities other than devices with the capacity to launch and recover boats not over three (3) tons.

ARTICLE 11 LIGHT INDUSTRIAL ZONE LI 1

SECTION NO. 1 PERMITTED USES--PRINCIPAL

1.1 All of those uses permitted in the business zones except dwelling units.

1.2 Veterinarian hospitals, greenhouses, wholesale business establishments, lumber yards, building material yards, warehouses and food associated industries.

1.3 Body and fender repair shops. Electronic and electric repair shops. Executive and administrative offices, scientific and/or research laboratories. Machine shops, woodworking shops and fabrication of paper products.

1.4 Other businesses of similar nature providing they do not by reason of odor, noise, dust or smoke, or use of flammable materials constitute a nuisance or danger to life or property.

SECTION NO. 2 PERMITTED USES---ACCESSORY

2.1 Off-street loading facilities

2.2 Off-street parking facilities

2.3 Signs

2.4 Fences

SECTION NO. 3 CONDITIONAL USES AS DEFINED

3.1 Automotive service establishments, motor vehicle sales establishments.

SECTION NO. 4 FENCES, WALLS AND HEDGES

4.1 As required by Article 15

SECTION NO. 5 OFF-STREET PARKING

5.1 As required by Article 13

SECTION NO. 6 SIGNS

6.1 As required by Article 14

SECTION NO. 7 AREA AND YARD REQUIREMENTS

7.1 Minimum requirements:

- a. Retail: as permitted in Business Zone.
- b. Offices and Banks: as permitted in Business Zone.

	REPAIR SHOPS	WHOLESALE TRADE WAREHOUSE
Lot width (feet)	60	100
Lot depth (sq. ft.)	100	100
Lot area (feet)	6000	10,000
Front yard (feet)	30	30
Side yard (feet)	10	10
Rear yard (feet)	20	20

7.2 Maximum height requirements: the maximum height of buildings shall not exceed two (2) stories or thirty-five (35) feet.

7.3 Occupied area requirements: No building in this zone will occupy more than forty percent (40%) of the lot area including accessory buildings.

SECTION NO. 8 BUFFERS/SCREENS

8.1 Buffers and screens shall be provided as described in the Business Zone. Further, depending upon the nature of the business being established, the Planning Board or Zoning Board shall decide the extent and type of buffers and screens, however, the basic requirements as provided in this Ordinance shall prevail.

SECTION NO. 9 LIGHTING

9.1 Lighting shall be provided in Business Zone.

ARTICLE 12 NON-CONFORMING USES, LOTS and STRUCTURES

SECTION NO. 1 CONTINUANCE

1.1 Except as otherwise provided in this Article, the lawful use of land or buildings existing at the date of the adoption of this Ordinance may be continued although such use or building does not conform to the regulations specified by this Ordinance for the zone in which such land or building is located, provided however:

1.2 That no non-conforming lot shall be further reduced in size.

1.3 No non-conforming use may be enlarged.

1.4 That no non-conforming building shall be extended or increased unless such enlargement would tend to reduce the degree of non-conformance.

SECTION NO. 2 ABANDONMENT

2.1 A non-conforming use shall be adjudged as abandoned when there occurs a cessation of any use or activity by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of six (6) months from the date of cessation or discontinuance.

SECTION NO. 3 RESTORATION

3.1 Any non-conforming structure existing at the time of the passage of this Ordinance may be restored or repaired in the event of partial destruction thereof is not abandoned. Nothing in this Ordinance shall prevent any such existing non conforming structure from being restored to a safe condition or from being repaired, reconstructed, or structurally altered, provided that such restoration, repair, reconstruction or alteration would comply with all other municipal regulations and Ordinances; and provided further, that no restoration, repair, reconstruction, or alteration shall in any way enlarge or extend any non-conforming structure or non-conforming use.

SECTION NO. 4 REVERSION

4.1 No non-conforming use shall, if once changed into a conforming use, will be changed back again to a non-conforming use.

SECTION NO. 5 DISTRICT CHANGES

5.1 Whenever the boundaries of a district shall be changed so as to transfer an area from one (1) district to another of a different classification, the foregoing provisions shall also apply to any non-conforming use existing therein or created thereby.

ARTICLE 13 OFF-STREET PARKING AND LOADING FACILITIES

SECTION NO. 1 GENERAL REGULATIONS

1.1: No structure or building of a portable nature or commercial vehicle of more than one (1) ton capacity including trailers, display vehicles for commercial purposes shall be parked on any public street overnight except that certain recreational vehicles or municipal equipment may upon approval of the Department of Public Safety receive limited parking privilege allowing maximum parking time of five (5) days in front of the residence of the registered owner, providing proper lighting or other safety devices are provided. The habitation of any vehicle will be prohibited. These limitations extend to all districts.

1.2 No front yard shall be used for open storage of boats, vehicles or any other equipment except parking on driveways will be permitted.

1.3 Off-street parking space shall be provided as further specified in this Ordinance and shall be furnished with necessary passageways and driveways. All such space shall be deemed to be required space on the lot on which it is situated, and shall not be encroached upon or reduced in any manner. All parking areas, passageways and driveways, except where provided in connection with one-family residences, shall be surfaced with a dustless, durable, all-weather pavement, clearly marked for car spaces and shall be adequately drained.

1.4 None of the off-street parking facilities as required in the Ordinance shall be required for any existing building or use, unless said building or use shall be enlarged.

1.5 The collective provision of off-street parking areas by two (2) or more buildings or uses located on adjacent lots is permitted, provided that the total of such facilities shall not be less than the sum required of the various buildings or uses computed separately and further provided that the land upon which the collective facilities are located is owned or leased by one (1) or more of the collective users.

1.6 All parking areas and appurtenant passageways and driveways serving commercial uses shall be illuminated adequately during the hours between sunset and sunrise when the use is in operation. Adequate shielding shall be provided by commercial uses to protect adjacent residential zones from the glare of such illumination and from that of automobile headlights.

1.7 Off-street parking areas located in commercial zones and which provide parking for twenty (20) or more vehicles shall be provided with shade trees of a quantity and type approved by the Shade Tree Commission of the Borough of National Park.

1.8 All parking spaces herein described shall be a minimum of ten (10) feet wide by twenty (20) feet long, exclusive of passageways and driveways appurtenant thereto and giving access thereto.

1.9 All residential off-street parking facilities which are commonly referred to as driveways, must be as a minimum ten (10) feet wide and twenty (20) feet long with access to an indented dedicated street or road and must be hard surfaced with an all-weather durable pavement.

SECTION NO. 2 PARKING IN RESIDENTIAL ZONE R1

2.1 Off-street parking space together with appropriate access thereto shall be provided on the same property as it is intended to serve in accordance with the following minimum standards:

- a. Dwellings: two (2) spaces for each dwelling unit.
- b. Churches and public meeting places, one (1) space for each four (4) seats or other similar form of accommodation.
- c. Other public and quasi-public buildings, one (1) space for each four hundred (400) square feet of total floor area.
- d. Public parks, playgrounds and recreation areas, two (2) spaces for each acre devoted to such use.
- e. Parking is not permitted between the building and the street line.

SECTION NO. 3 PARKING and LOADING IN BUSINESS ZONE B1

3.1 Off-street loading and unloading. Truck loading and unloading facilities shall be provided on the property in other than the front yard area in sufficient amount to permit the transfer of goods in other than a public street. This paragraph shall not require such facilities for uses which are in existence on the effective date of this Ordinance.

3.2 Off-street parking. Off-street parking facilities shall not be located within twenty (20) feet of the boundary of a residential district. As a minimum, the uses enumerated

below shall provide the specified number of parking spaces with suitable means for ingress and egress.

- a. Dwellings....two (2) spaces for each dwelling unit.
- b. Public meeting places....one (1) space for each four (4) seats or other similar form of accommodation.
- c. Other public buildings....one (1) space for each four hundred (400) square feet of total floor area.
- d. Business and professional offices....one (1) space for each two hundred (200) square feet of total floor area devoted to such use, but in no case less than two (2) spaces.
- e. Any retail business or personal service establishment enumerated in Section No. 1 employing five (5) full time employees or the equivalent total number of part-time and full-time employees on the premises----one (1) space for each such full-time employee and one half (1/2) space for each part-time employee.
- f. Theaters, restaurants, taverns and other places-----off-street parking shall be provided at the rate of one (1) space for each three (3) seats or similar forms of accommodation, plus one (1) space for each employee.
- g. Public parks, playgrounds, recreation areas----two (2) spaces for each acre devoted to such use.
- h. Parking lots are encouraged to be coordinated with adjacent properties minimizing points of access to the streets.
- i. Parking is not permitted between the building and the street line unless the building setback is a minimum of eighty (80) feet.

SECTION NO. 4 PARKING IN BUSINESS ZONE B2

4.1 Off-street parking for the use of patrons and employees shall be provided as further detailed in Article 13 Section No. 3.

SECTION NO. 5 PARKING / LOADING IN LIGHT INDUSTRIAL ZONE LI 1

5.1 Off-street parking shall be provided for employees and customers as follows:

Retail: one (1) space for every four hundred (400) square feet of floor space.

Offices: one (1) space for each three hundred (300) square feet of floor space.

Industrial: one (1) space for each six hundred (600) square feet of floor space.

5.2 Off-street loading facilities providing so as to allow the transfer of goods in other than a public right-of-way.

a. A minimum of twelve (12) feet wide by thirty (30) feet long and fourteen (14) feet high shall be hereby defined as a "loading unit".

b. The number of spaces to be provided for each commercial or industrial use as follows:

SQUARE FOOT FLOOR AREA	NUMBER OF SPACES
5000 to 10,000	1
10,000 to 25,000	2
25,000 to 40,000	3
40,000 to 60,000	4

For each additional 50,000 square feet or portion thereof, one (1) additional space.

c. Loading spaces shall be provided on the same lot as the principal use and in other than the front yard area.

d. These facilities shall not be required for uses that are in existence on the effective date of this Ordinance.

ARTICLE 14 SIGNS

SECTION NO. 1 GENERAL REGULATIONS

1.1 The limitation of signs as set forth for the various zones by this Ordinance shall not apply to any sign or directional device erected by the Federal, State or County or Local Government or any Agency thereof.

1.2 Temporary signs, as enumerated in this Ordinance shall be removed from the property upon which located within two (2) weeks following completion of the activity or event described.

1.3 No temporary sign exceeding six (6) square feet in area on either of two (2) sides shall be erected or repaired until a building permit for same shall have been issued.

1.4 No permanent sign which exceeds four (4) square feet in area on either of two (2) sides shall be erected until a building permit for same shall have been issued as provided for elsewhere by this Ordinance.

1.5 The use of fluorescent or reflective type paint or tape materials on signs is prohibited.

1.6 All permanent signs shall be limited to identification of occupant, and principal project and/or activity located on the premises. Silhouetted or three-dimensional signs, i.e., signs lacking a background, and having letters, figures, or devices silhouetted against the sky or other open space not a part of the sign and/or signs in which objects or representational devices are present in relief, in the round, or other than in a plan, are prohibited.

1.7 Advertising signs as defined herein are prohibited.

1.8 In a business district, a sign may be erected and maintained in conjunction with a business providing that all the limitations noted herein apply. Further, a sign in this district will be limited to forty (40) square feet on any two (2) sides. Such sign must comply with all other limitations, and regulations as noted herein.

1.9 An application for a building permit for a sign must contain such information as shall be necessary to assure, under the circumstances full compliance with the provisions of this Ordinance and all other applicable Ordinances of the Borough of National Park.

1.10 No sign shall be so erected that it impedes the vision of the motorist or pedestrians, or otherwise endangers their safety.

SECTION NO. 2 SIGNS IN RESIDENTIAL ZONE R1

2.1 Signs in accordance with the following:

a. One name plate sign situated within the property lines and not exceeding four (4) square feet in area on either of two (2) sides.

b. One temporary sign pertaining to the lease or sale of property or construction of a structure on the property or a political sign, none of which shall be illuminated. They shall be situated not less than two (2) feet from the inner most line of the sidewalk or ten (10) feet from the street if no sidewalk exists, unless attached to the structure, and shall not exceed six (6) square feet in area on either of two (2) sides.

c. One (1) sign, which may be illuminated by non-flashing light, identifying a playground, park, or other such permitted use, which is situated on the property to which it relates not less than two (2) feet from inner most line of the sidewalk and does not exceed forty (40) square feet in area on either of two (2) sides, and sign shall not be higher than twelve (12) feet from finished grade to top of sign.

d. One sign, which may be illuminated by non-flashing light, which shall indicate only the name and profession of the resident, shall be situated not less than fifteen (15) feet from the inner most line of the sidewalk, and shall not exceed four (4) square feet in area on either of two (2) sides. nor shall the top of the sign be more than five (5) feet from the finished grade to the top of the sign for a free standing sign, eight (8) feet for an attached sign.

SECTION NO. 3 SIGNS IN BUSINESS ZONE B1

3.1 Signs in accordance with the following: all signs associated with permitted residential uses are permitted in the commercial zone. All other signs shall comply with the standards listed below:

3.2 One (1) identification sign may be placed or inscribed upon the front facade of a building for each permitted use or activity. Said sign shall not exceed an area of forty (40) square feet or fifty (50) percent of the signable facade area, whichever is less, and shall not project more than twelve (12) inches in front of the front facade. Signs may be illuminated by non-flashing light which shall be shielded to prevent glare in a public street or adjacent residence zone.

3.3 Awning signs, provided the area of the sign does not exceed twenty (20) percent of the entire awning or forty (40) square feet, whichever is less.

3.4 Canopy signs, provided the area of the sign does not exceed fifty (50) percent of entire canopy face or forty (40) square feet, whichever is less.

3.5 One (1) changeable copy sign, provided the area of the sign does not exceed twenty (20) square feet. Copy signs are permitted to display special events, attractions, or similar time related notices only. Copy signs shall not be used to advertise merchandise. Change of the copy of a changeable copy sign does not require a new permit.

3.6 One (1) free standing sign, which may be illuminated by non-flashing light, indicating the business being conducted on the premises shall be situated not less than 2 feet from the inner most line of the sidewalk and shall not exceed twenty (20) square feet in area on either of two sides, nor shall the height of the sign be more than six (6) feet, nor shall the top of the sign be more than fifteen (15) feet from finish grade.

3.7 Window signs shall not exceed twenty-five (25) percent of the glass area of the window in which placed.

SECTION NO. 4 SIGNS IN LIGHT INDUSTRIAL ZONE LI 1

4.1 Signs in accordance with the following: all signs associated with commercial uses are permitted in the light industrial zone. All other signs shall comply with the standards listed below:

4.2 One free standing sign shall be permitted for each structure, said sign shall not exceed fifty (50) square feet, plus ten (10) square feet for each separately operated use or activity in the structure, if there is more than one (1). However, in no case shall any sign exceed one hundred and fifty (150) square feet in area on either of two (2) sides.

4.3 Such signs shall not be located within fifty (50) feet of a street or property line.

4.4 Such signs shall be for the sole purpose of identifying the facility and listing the individual occupants.

4.5 Such signs shall not be more than nineteen (19) feet in height from grade to top of the sign nor less than twelve (12) feet from grade to the bottom of the sign.

4.6 In no event shall the height of the individual letters comprising the sign exceed thirty (30) inches or be less than six (6) inches.

ARTICLE 15 FENCES, WALLS AND HEDGES

SECTION NO. 1 REGULATIONS FOR ALL ZONES

1.1 All fences, walls and hedges shall be securely built and fastened and maintained so as not to inhibit pedestrian or vehicular traffic upon a public cartway.

1.2 At the intersection of two (2) or more streets, no fence, wall or hedge will be permitted to obstruct the vision of vehicular traffic in any direction. No fence, wall or hedge at any intersection may exceed a height of three (3) feet measured from the lowest point of the intersecting street. Further, that a hedge, wall or fence or any existing obstruction of this character which curtails the view of drivers of vehicles approaching the intersection, shall be removed by and at the expense of the owner of such corner lot within six (6) months of the date of passage of this Ordinance.

1.3 No fence, wall or hedge will be erected on any property line or beyond any property line. Further, where a fence, wall or hedge is established along a front or side property line adjacent to public sidewalks or property line, a distance of six (6) inches will be maintained from the inner-most line of the sidewalk or property line to the outer-most face of the fence, wall or hedge. A fence, wall or hedge established along the front and side lines of any property will be restricted to a height of four (4) feet along the front lines, and a height of six (6) feet along the side lines to a distance equal to the front set back distance set forth within this Ordinance. Further, properties lying within the light industrial areas may erect a fence surrounding the whole property within the restrictions as provided herein to a height of ten (10) feet.

1.4 All fences facing a street shall be constructed with the finished side exposed to the street. In the case of side yard and rear yard fences, the finished side may face either direction.

1.5 In the case of abutting driveways, no fence shall be erected in such a manner as to obscure the vision of a vehicle exiting one's driveway.

1.6 No fence in any zoning district shall be constructed of, or topped with, barbed wire, or any other materials which may be considered dangerous unless approved as a conditional use by the planning board.

ARTICLE 16 POOLS and DECKS (RECREATIONAL USES)

SECTION NO. 1 GENERAL REGULATIONS

1.1 The regulations of this section shall apply to all open private recreational uses which require the installation of permanent surfaces, either elevated or at ground level, including swimming pools.

1.2 No such use shall be located in front yards or less than six (6) feet from any property line measured from the edges of any permanent surface.

1.3 Such uses are considered "structures" for the purpose of permits and certain other regulations; however, they are not counted as floor area in computing building coverage.

1.4 No such use shall be constructed until a building permit for the same is obtained. The application for said permit shall be accompanied by a plan showing the size and location of any recreational facility and its enclosure to insure such facility is in full compliance of this ordinance.

SECTION NO. 2 SPECIAL REGULATIONS FOR POOLS

2.1 All in-ground swimming pools used for bathing or swimming purposes in which water may collect in excess of a depth of two (2) feet shall be completely enclosed by a fence.

2.2 Such fence shall be at least four feet in height, but not in excess of six (6) feet, and non-removable. Fences shall have self locking gates and shall be as such as to prevent unauthorized children and stray animals from entering the pool area.

2.3 A fence around an above ground pool is required if the pool is less than four feet (4) above the surrounding grade and also where there is no safety ladder for said pool.

ARTICLE 17 REGULATIONS APPLICABLE TO SATELLITE DISH
ANTENNAS

RESERVED