

N.J.A.C. 19:66-6.1

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§ 19:66-6.1 Conditional use standards

The Authority governing body shall, subject to the procedures, standards, and limitations set forth in this chapter, have authority to review and approve or disapprove the development of conditional uses as permitted by this chapter.

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§ 19:66-6.2 Purpose

Conditional uses are those uses having some special impact or uniqueness that require a careful review of their location, design, configuration, and special impact to determine, against fixed standards, the desirability of permitting their establishment on any given site. They are uses which may or may not be appropriate in a particular location depending on a weighing, in each case, of the public need and benefit against the local impact and effect, giving effect to the proposals of the developer for ameliorating any adverse impacts or effect through special site planning and development techniques and contributions to the provision of public improvements, sites, ROW, and services.

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§ 19:66-6.3 Conditional uses and applicable standards

- (a) The following uses, and no others, may be allowed as conditional uses in the zoning districts set forth in this chapter:
1. Automobile service station and gas station and convenience center subject to the following requirements:
 - i. No outdoor storage of motor vehicles, automobile parts, or related accessories.
 - ii. There is adequate space to allow up to three cars to stack in a line at a pump without using any portion of the adjacent street.
 - iii. The visual impact of the use is minimized and screened from adjacent rights-of-way and properties through placement of buildings, screening, landscaping, and other site design techniques.
 - iv. Dispensing pumps are not located within 25 feet of a property line abutting a street.
 - v. A minimum landscaped side yard setback of 20 feet and a minimum rear yard landscaped setback of 25 feet are required where the use it abuts residential uses or zoning districts permitting residential uses.
 - vi. Servicing of vehicles is limited to the checking and adding of fluids and air and the cleaning of windows. No other repair or servicing of vehicles is permitted on site.
 2. Automobile repair, subject to the following requirements:
 - i. Spray booths are not permitted at any facility located within 1,000 feet of a property used for residential use.
 - ii. The establishment shall be completely enclosed and all operations shall occur within a building.
 - iii. The establishment shall provide a fence of six feet maximum along all property boundary lines except along street frontages.
 - iv. Storage areas for vehicles shall be provided on the lot and shall not occur in the public ROW.
 - v. All dismantled vehicles, equipment, and parts, and accessories thereof, shall be stored within a building or behind a solid screen fence no less than six feet high.
 - vi. Outdoor storage areas for vehicles, parts, or equipment shall not be permitted in any required yard.
 3. Houses of worship, subject to the following requirements:
 - i. A house of worship shall be located on a collector or arterial street.
 - ii. No off-street parking area shall be located closer than 15 feet to any residential property line or residential zoning district boundary to allow for the provision of a 10-foot-wide landscaped buffer that shall have a height at planting of no less than six feet.

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- iii. With the exception of housing for clergy, no housing or dormitories, whether for temporary or permanent occupancy, shall be permitted.
 - iv. All uses that are customarily accessory to places of worship are permitted accessory uses. Social service uses are expressly prohibited.
4. Food trucks/trailers, subject to the following requirements:
- i. Food trucks/trailers are permitted as a conditional use provided the owner/operator of the food truck currently owns/operates a business with all required government approvals.
 - ii. Food trucks/trailers shall be mobile and can only remain overnight on any street within the Tourism District with the express permission of the Authority.
5. Light industrial uses, such as wholesale and retail warehouses subject to the following requirements:
- i. Maximum height is as follows:
 - (1) Principal structure: 45 feet; and
 - (2) Accessory structure: 15 feet;
 - ii. Lot requirements are as follows:
 - (1) Minimum lot area: 20,000 square feet; and
 - (2) Minimum lot depth: 100 feet;
 - iii. Minimum yard requirement is as follows:
 - (1) Front yard: 25 feet;
 - (2) Each side yard: 15 feet; and
 - (3) Rear yard: 30 feet;
 - iv. Aggregate maximum lot coverage: 70 percent; and
 - v. Maximum floor area ratio: 2.0.
6. Single-family detached dwellings, subject to the following requirements:
- i. Any single-family development shall have a minimum of 10 single-family dwelling units;
 - ii. Any single-family development shall have a minimum density of nine dwelling units per acre; and
 - iii. Minimum area and bulk requirements are as follows:
 - (1) Lot area -- 3,000 square feet;
 - (2) Lot width -- 40 feet;
 - (3) Maximum lot coverage -- 35 percent;
 - (4) Principal building height -- 35 feet; and
 - (5) Accessory structures height -- 15 feet.
7. Public parks, playground, and community centers, subject to the following requirement:
- i. All outdoor areas of concentrated activity shall be separated from adjoining residential property by a minimum of 30 feet or by a buffer found sufficient by the Authority to ensure visual and auditory privacy to such properties.
8. Public utility stations, subject to the following requirements:
- i. All buildings and structures shall either have exteriors that give the appearance of a structure permitted in the zoning district where located or shall be screened from view from any private

property located in any residential zoning district, and any such screening located in or adjoining any front yard shall be limited to vegetation, which provides effective year-round screening.

- ii. All such uses shall be fenced where any hazard to the safety of human or animal life is present.
 - iii. No service or storage yard or building shall be permitted, except as permitted for other uses in the zoning district.
- 9.** Wireless telecommunication towers, subject to the following requirements:
- i. Wireless telecommunication towers shall not exceed 120 feet in height.
 - ii. A wireless telecommunication tower must be setback from roadways or adjoining lots and a distance equal to 25 percent of the height of the tower.
 - iii. The applicant shall provide mapping and supporting information depicting the coverage areas. If, based on this information, the Authority determines that the proposed site is a duplication of services provided from other existing providers, the applicant will be prohibited from constructing a wireless telecommunications tower at the proposed site and will be encouraged to colocate or multiplex for service to the surrounding community at existing sites.
 - iv. A wireless telecommunications tower must have a galvanized steel finish or subject to any applicable standards of the Federal Aviation Administration be painted a neutral color so as to reduce visual obtrusiveness. The applicant should make every effort possible to construct a monopole that blends with the natural landscape. Monopoles that resemble trees or flagpoles are required.
 - v. All antennas installed on a wireless telecommunications tower shall be of the whip type or panel type only.
 - vi. At a telecommunication towers site, the design of the buildings and related structures shall, to the extent possible, use materials, color textures screening, and landscaping that will blend them into the natural setting and surrounding buildings.
 - vii. The equipment cabinet or structure shall be no greater than six feet in height and 100 square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches. In all other instances structures or cabinets shall be screened from view of all adjoining properties that abut or are directly across the street from the structure or cabinet by a solid fence six feet in height or an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches, and shall be located in accordance with the minimum yard requirements of the zoning district in which located.
 - viii. All equipment cabinets and structures shall be constructed in a way so as to minimize noise to surrounding areas from condensers, air conditioners, and generators.

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§ 19:66-6.4 Application for conditional use approval

Applications that require conditional use approval shall be submitted to the land use administrator in accordance with all checklists promulgated by the Division. Nonrefundable application and hearing fees, as established pursuant to the provisions of this chapter, shall accompany each application.

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§ 19:66-6.5 Conditional use standards

An approval for any conditional use in a particular zoning district shall be granted only if evidence is presented to establish compliance with such conditional use standards, where the development rules authorize such conditional use.

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§ 19:66-6.6 Restrictions and conditions on conditional use approval

- (a) Every conditional use approval shall be conditioned upon the filing and final approval of a final site plan/subdivision plat pursuant to the provisions of this chapter, and upon the developer's continuing compliance with all applicable laws, rules, regulations, and all conditions imposed upon such approval.
- (b) All conditions imposed upon any conditional use approval, except to the extent made applicable to such approval by the express terms of this chapter, shall be expressly set forth in the resolution granting such approval. The violation of any condition upon any such approval shall be a violation of this chapter and grounds for revocation of such approval.

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