

**Chapter 16****ZONING****§ 16-1. TITLE, PURPOSE, SCOPE.****§ 16-1.1. Title. [Ord. No. 93-24]**

The title by which this chapter shall be known is "The Zoning Ordinance of the Township of Warren."

**§ 16-1.2. Purpose. [Ord. No. 93-24]**

In their interpretation and application, the provisions of this chapter shall be held to be minimum and requirements adopted for the promotion of the public health, safety, morals and general welfare. Among other purposes, the provisions of this chapter are intended to provide adequate light, air and convenience of access; 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; to regulate the density of population; and to conserve the value of property and encourage the most appropriate use of land throughout the Township, all in connection with the purposes of N.J.S.A. 40:55D-2 et seq.

**§ 16-1.3. Scope. [Ord. No. 93-24]**

It is not intended by this chapter to repeal, or change the existing provisions of other laws or ordinances, except those specifically repealed by this chapter.

Where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or lot coverage, or requires greater lot area, or larger yards, or other open spaces than are imposed or required by such rules, regulations or permits or by such private restrictions, the provisions of this chapter shall prevail.

**§ 16-2. ESTABLISHMENT OF DISTRICTS.**

**§ 16-2.1. Districts. [Ord. No. 93-24; Ord. No. 01-32, § 1; Ord. No. 02-15, § 1; Ord. No. 02-42, § 2; Ord. No. 07-46 § 1; Ord. No. 14-04 § 1; Ord. No. 2016-23 § 1; Ord. No. 2016-28 § 1; amended 2-28-2019 by Ord. No. 19-07; 2-28-2019 by Ord. No. 19-08; 3-14-2019 by Ord. No. 19-12; 3-14-2019 by Ord. No. 19-14; 3-14-2019 by Ord. No. 19-15; 3-14-2019 by Ord. No. 19-16; 3-14-2019 by Ord. No. 19-17; 4-11-2019 by Ord. No. 19-13; 8-13-2020 by Ord. No. 20-20]**

The Township is hereby divided into zones known as:

R-10	Residential District
R-20	1/2 Acre Residential
R-20(V)	1/2 Acre Residential
R-20 (V) PAC	1/2 Acre Residential/Planned Adult Community
R-40	Rural Residential District

R-65	1 1/2 Acre Residential
R-65/PAC	1 1/2 Acre Residential/Planned Adult Community
R-65/SC	1 1/2 Acre Residential/Senior Citizen/Community Business
ECR	Environmental Critical Rural Residential District
CR-130/65	3-1 1/2 Acre Environmental Critical Rural Residential District
EP-250	6 Acre Residential Environmental Protection
CB	Community Business
NB	Neighborhood Business
BR-40	Business Residential (1 Acre)
BR-80	Business Residential (2 Acre)
RBLR	Residential Business Limited Retail
OR	Office Research
ORH	Office Research Hotel
G-I	General Industrial
HNB	Historic Neighborhood Business District

#### Affordable Housing Districts

R-RAH	Affordable Housing
R-10AH	Affordable Housing
R-10AH/MF	Affordable Housing
R-40 AHMF	Affordable Housing
R-MF	Affordable Housing
AH-1	Affordable Housing
AH-2	Affordable Housing
AH-3	Affordable Housing
AH-4	Affordable Housing
AH-5	Affordable Housing
AH-6	Affordable Housing
AH-8	Affordable Housing
UR-F	Urban Renewal-F Affordable Housing Overlay

### **§ 16-3. OFFICIAL ZONING MAP AND INTERPRETATION.**

#### **§ 16-3.1. Official Zoning Map.**

The zones are established by the designations, locations, and boundaries set forth and indicated on the Official Zoning Map prepared by John T. Chadwick, IV, P.P., dated 10/6/11 which is attached to and made a part of this chapter. The Official Zoning Map is to be located in the office of the Township Engineer (hereinafter referred to as Engineer) and maintained by him and on file in the office of the Township Clerk with Ordinance

No. 11-17.

Amendments:

- (1) Pursuant to Ordinance No. 13-18, subsection 16-3.1 entitled "Official Zoning Map" is hereby further amended and supplemented in accordance with the Zoning Map dated March 21, 2013, on file in the Township Engineer's Office and in this Ordinance No. 13-18 on file in the Township Clerk's Office. **[Ord. No. 13-18 § 2]**
- (2) Pursuant to Ordinance No. 14-04, Section 16-3 entitled "Official Zoning Map and Interpretation" is hereby supplemented and amended by the amendment of the Official Zoning Map as authorized by subsection 16-3.1 entitled "Official Zoning Map" to include the HNB-Historic Neighborhood Business District zone as shown on Exhibit A (which may be found on file in the Township offices), which zone district shall include the following lots: **[Ord. No. 14-04 § 2]**
  - a. Block 78, Lot 12.
  - b. Block 78, Lot 13.
  - c. Block 80, Lot 1.
  - d. Block 80, Lot 5.
- (3) Pursuant to Ordinance No. 2016-17, subsection 16-3.1 entitled "Official Zoning Map" of Section 16-3 entitled "Official Zoning Map and Interpretation" of Chapter 16, entitled "Zoning" of The Revised General Ordinances of the Township of Warren is amended as follows: **[Ord. No. 2016-17]**
  - a. Change the zoning district classification on the Official Zoning Map from CR 130/65 Residential to OR Office Research District for the following properties:
    1. Block 8 Part of Lot 2.
    2. Block 9 Lot 1.01.

The boundaries of the rezoned area are indicated on Exhibit A which may be found on file in the Township offices attached to Ordinance No. 2016-17.
- (4) Pursuant to Ordinance No. 2016-18, subsection 16-3.1 entitled "Official Zoning Map" of Section 16-3 entitled "Official Zoning Map and Interpretation" of Chapter 16, entitled "Zoning" of The Revised General Ordinances of the Township of Warren is amended as follows: **[Ord. No. 2016-18]**
  - a. Change the zoning district classification on the Official Zoning Map from R-65 Residential and R-40 Rural Residential to CR 130/65 Environmental Critical Rural Residential District for the following properties:
    1. Block 12 Lots 21.01.
    2. Block 22 Lot 1.03.

The boundaries of the rezoned area are indicated on Exhibit A which may be found on file in the Township offices attached to Ordinance No. 2016-18.

- (5) Pursuant to Ordinance No. 2016-19, subsection 16-3.1 entitled "Official Zoning Map" of Section 16-3 entitled "Official Zoning Map and Interpretation" of Chapter 16, entitled "Zoning" of The Revised General Ordinances of the Township of Warren is amended as follows: **[Ord. No. 2016-19]**

- a. Change the zoning district classification on the Official Zoning Map from CR-130/65 Environmental Critical Rural Residential to OR Office Research District for the following properties:

1. Block 37 Part of lots 13.03 and 13.07.

The boundaries of the rezoned area are indicated on Exhibit A which may be found on file in the Township offices attached to Ordinance No. 2016-19.

- (6) Pursuant to Ordinance No. 2016-20, subsection 16-3.1 entitled "Official Zoning Map" of Section 16-3 entitled "Official Zoning Map and Interpretation" of Chapter 16, entitled "Zoning" of The Revised General Ordinances of the Township of Warren is amended as follows: **[Ord. No. 2016-20]**

- a. Change the zoning district classification on the Official Zoning Map from CR-130/65 Environmental Critical Rural Residential to R-65 Rural Residential District for the following properties:

1. Block 50 Lots 27.01-27.27
2. Block 50.02 Lots 27.28 - 27.32, 28.01 - 28.02

The boundaries of the rezoned area are indicated on Exhibit A which may be found on file in the Township offices attached to Ordinance No. 2016-20.

- (7) Pursuant to Ordinance No. 2016-21, subsection 16-3.1 entitled "Official Zoning Map" of Section 16-3 entitled "Official Zoning Map and Interpretation" of Chapter 16, entitled "Zoning" of The Revised General Ordinances of the Township of Warren is amended as follows: **[Ord. No. 2016-21]**

- a. Change the zoning district classification on the Official Zoning Map from R-65 Residential to CR-130/65 Environmental Critical Rural Residential District for the following properties:

1. Block 55 Lots 19
2. Block 57 Part of lots 6.02, 7.01, 8.01, 8.04, 9, 10, 11 and 12.01

The boundaries of the rezoned area are indicated on Exhibit A which may be found on file in the Township offices attached to Ordinance No. 2016-21.

- (8) Pursuant to Ordinance No. 2016-22, subsection 16-3.1 entitled "Official Zoning Map" of Section 16-3 entitled "Official Zoning Map and Interpretation", of Chapter 16, entitled "Zoning" of The Revised General Ordinances of the Township of Warren is amended as follows: **[Ord. No. 2016-22]**

- a. Change the zoning district classification on the Official Zoning Map from G-I General Industrial to R-40 Rural Residential District for the following properties:

1. Block 79 Lots 2, 3, 4 and 5

The boundaries of the rezoned area are indicated on Exhibit A which may be found in the Township offices attached to Ordinance No. 2016-22.

- (9) Pursuant to Ordinance No. 2016-23, subsection 16-3.1 entitled "Official Zoning Map" of Section 16-3 entitled "Official Zoning Map and Interpretation" of Chapter 16, entitled "Zoning" of The Revised General Ordinances of the Township of Warren is amended as follows: **[Ord. No. 2016-23]**

- a. Change the zoning district classification on the Official Zoning Map from OR Office Research to ORH Office Research Hotel District for the following properties:

1. Block 85.01 Lots 1 and 2

The boundaries of the rezoned area are indicated on Exhibit A which may be found in the Township offices attached to Ordinance No. 2016-23.

- (10) Pursuant to Ordinance No. 2016-24, subsection 16-3.1 entitled "Official Zoning Map" of Section 16-3 entitled "Official Zoning Map and Interpretation" of Chapter 16, entitled "Zoning" of The Revised General Ordinances of the Township of Warren is hereby amended as follows: **[Ord. No. 2016-24]**

- a. Change the zoning district classification on the Official Zoning Map from R-65 Rural Residential to CR-130/65 Environmental Critical Rural Residential District for the following properties:

1. Block 86 Part of lot 3.01 and Part of lot 4.

Boundaries of the rezoned area are indicated on Exhibit A which may be found in the Township offices attached to Ordinance No. 2016-24.

- (11) Pursuant to Ordinance No. 2016-25, subsection 16-3.1 entitled "Official Zoning Map" of Section 16-3 entitled "Official Zoning Map and Interpretation" of Chapter 16, entitled "Zoning" of The Revised General Ordinances of the Township of Warren is amended as follows: **[Ord. No. 2016-25]**

- a. Change the zoning district classification on the Official Zoning Map from R-65 Residential to RBLR Residential Business Limited Retail District for the following properties:

1. Block 90 Part of Lot 1.

The boundaries of the rezoned area are indicated on Exhibit A which may be found in the Township offices attached to Ordinance No. 2016-21.

- (12) Pursuant to Ordinance No. 2016-26, subsection 16-3.1 entitled "Official Zoning Map" of Section 16-3 entitled "Official Zoning Map and Interpretation" of Chapter 16, entitled "Zoning" of The Revised General Ordinances of the Township of

Warren is amended as follows: **[Ord. No. 2016-26]**

- a. Change the zoning district classification on the Official Zoning Map from R-65 Rural Residential to R-10 Residential District for the following properties:

1. Block 90 Lots 6-9.02, 12-15 and 18.

The boundaries of the rezoned area are indicated on Exhibit A which may be found on file in the Township offices attached to Ordinance No. 2016-26.

- (13) Pursuant to Ordinance No. 2016-27, subsection 16-3.1 entitled "Official Zoning Map" of Section 16-3 entitled "Official Zoning Map and Interpretation" of Chapter 16, entitled "Zoning" of The Revised General Ordinances of the Township of Warren is hereby amended as follows:

- a. Change the zoning district classification on the Official Zoning Map from CR-130/65 Environmental Critical Rural Residential to EP-250 Environmental Protection Residential District for the following properties:

1. Block 96 Lots 21, 22, 32, 33, 35, 43, 44 and 45

- (14) Pursuant to Ordinance No. 2017-18, Section 16-3 entitled "Official Zoning Map and Interpretation" is hereby supplemented and amended by the amendment of the Official Zoning Map as authorized by subsection 16-3.1 entitled "Official Zoning Map" to include the Lindberg Avenue Area Redevelopment Zone District as shown on Exhibit A (which may be found on file in the Township offices), which zone district shall include the following lots: **[Ord. No. 2017-18 § 2]**

- a. Block 114, Lot 22.03, and a portion of Lot 22.04.

- (15) Pursuant to Ordinance No. 2017-19, Section 16-3 entitled "Official Zoning Map and Interpretation" is hereby supplemented and amended by the amendment of the Official Zoning Map as authorized by subsection 16-3.1 entitled "Official Zoning Map" to include the King George Inn Area Redevelopment Zone District as shown on Exhibit A (which may be found on file in the Township offices), which zone district shall include the following lots: **[Ord. No. 2017-19 § 2]**

- a. Block 78, Lot 12

- (16) Pursuant to Ordinance No. 2017-20, Section 16-3 entitled "Official Zoning Map and Interpretation" is hereby supplemented and amended by the amendment of the Official Zoning Map as authorized by subsection 16-3.1 entitled "Official Zoning Map" to include the Flag Plaza Area Redevelopment Zone District as shown on Exhibit A (which may be found on file in the Township offices), which zone district shall include the following lots: **[Ord. No. 2017-20 § 2]**

- a. Block 88.04, Lot 15

- (17) Pursuant to Ordinance No. 2017-21, Section 16-3 entitled "Official Zoning Map and Interpretation" is hereby supplemented and amended by the amendment of the Official Zoning Map as authorized by subsection 16-3.1 entitled "Official Zoning Map" to include the Mt. Bethel Area Redevelopment Zone District as shown on

Exhibit A (which may be found on file in the Township offices), which zone district shall include the following lots: **[Ord. No. 2017-21 § 2]**

- a. Block 78, Lots 15.01 and 15.02.

(18) Pursuant to Ordinance No. 2017-25, Section 16-3 entitled "Official Zoning Map and Interpretation" is hereby supplemented and amended by the amendment of the Official Zoning Map as authorized by subsection 16-3.1 entitled "Official Zoning Map" to include Mt. Horeb and Mt. Bethel Roads Area Redevelopment Zone District as shown on Exhibit A (which may be found on file in the Township offices), which zone district shall include the following lots: **[Ord. No. 2016-27; Ord. No. 2017-25 § 2]**

- a. Block 71, Lot 37.01

The boundaries of the rezoned area are indicated on Exhibit A which may be found on file in the Township offices attached to Ordinance No. 2016-27.

(19) Pursuant to Ordinance No. 2016-28, subsection 16-3.1 entitled "Official Zoning Map" of Section 16-3 entitled "Official Zoning Map and Interpretation" of Chapter 16, entitled "Zoning" of The Revised General Ordinances of the Township of Warren is hereby amended as follows: **[Ord. No. 2016-28 § 2]**

- a. Change the zoning district classification on the Official Zoning Map from R-20 Residential to R-10 Residential District for the following properties:
  1. Blocks 98 and 99.
  2. Block 100 Lots 1.01, 1.02 and 2, 3 and 4.
  3. Blocks 107, 108 and 109.
  4. Block 110 Lots 21, 22.01, 22.02, 23, 24 and 25.

The boundaries of the rezoned area are indicated on Exhibit A which may be found in the Township offices attached to Ordinance No. 2016-28.

(20) Pursuant to Ordinance No. 2017-04, subsection 16-3.1 entitled "Official Zoning Map" of Section 16-3 entitled "Official Zoning Map and Interpretation" of Chapter 16, entitled "Zoning" of The Revised General Ordinances of the Township of Warren is amended as follows: **[Ord. No. 2017-04]**

- a. Change the zoning district classification on the Official Zoning Map from CR 130/65 Residential to OR Office Research District for Block 8, Lot 3.

The boundaries of the rezoned area are indicated on Exhibit A which may be found in the Township offices attached to Ordinance No. 2017-04.

For prior map amendments see Editor's Note.

If, in accordance with the provisions of this chapter and the Revised Statutes of the State of New Jersey, changes are made in the district boundaries or other matters portrayed in the map by the Township Committee, 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, a note shall be made thereon, stating the date of revision and the ordinance number.<sup>10</sup> **[Ord. No. 93-24; Ord. No. 11-17 § 2]**

- (21) Pursuant to Ordinance No. 19-07, subsection 16-3.1 entitled "Official Zoning Map" of Section 16-3 entitled "Official Zoning Map and Interpretation" of Chapter 16, entitled "Zoning" of The Revised General Ordinances of the Township of Warren is hereby amended as follows: **[Added 2-28-2019 by Ord. No. 19-07]**
- a. Change the zoning district classification on the Official Zoning Map from R-65 1½ Acre Residential to AH-1 Affordable Housing District for the following properties:
    1. Block 208, Lot 4.
    2. Block 208, Lot 10.
- (22) Pursuant to Ordinance No. 19-08, subsection 16-3.1 entitled "Official Zoning Map" of Section 16-3 entitled "Official Zoning Map and Interpretation" of Chapter 16, entitled "Zoning" of The Revised General Ordinances of the Township of Warren is hereby amended as follows: **[Added 2-28-2019 by Ord. No. 19-08]**
- a. Change the zoning district classification on the Official Zoning Map from R-65 1 1/2 Acre Residential to AH-2 Affordable Housing District for the following properties:
    1. Block 205, Lots 58, 59, 60, 61 and 62.
- (23) Pursuant to Ordinance No. 19-12, subsection 16-3.1 entitled "Official Zoning Map" of Section 16-3 entitled "Official Zoning Map and Interpretation" of Chapter 16, entitled "Zoning" of The Revised General Ordinances of the Township of Warren is hereby amended as follows: **[Added 3-14-2019 by Ord. No. 19-12]**
- a. Change the zoning district classification on the Official Zoning Map from CR-130/65 to AH-3 Affordable Housing District for the following properties:
    1. Block 83, Lot 4.
- (24) Pursuant to Ordinance No. 19-13, subsection 16-3.1 entitled "Official Zoning Map" of Section 16-3 entitled "Official Zoning Map and Interpretation" of Chapter 16, entitled "Zoning" of The Revised General Ordinances of the Township of Warren is hereby amended as follows: **[Added 4-11-2019 by Ord. No. 19-13]**
- a. Change the zoning district classification on the Official Zoning Map as follows:
    1. Block 85.01, Lots 1 and 2: From ORH Office Research Hotel to AH-4

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10. Editor's Note: The Zoning Map and amendments thereto are not contained herein. Map amendments include Ordinance Nos. 94-7, 95-4, 95-14, 96-26, 97-11, 97-16, 2000-11, 2000-19, 01-23, 01-32, Ord. Nos. 02-42, Ord. Nos. 06-36, 07-29, 07-30, 07-33, 07-34, 07-40, 07-48, 07-49, 07-50, 07-51, 07-52, 07-53, 07-54 and 11-06.



Affordable Housing.

2. Block 85.01, Lots 3 and 4: From OR Office Research to AH-4 Affordable Housing.
- (25) Pursuant to Ordinance No. 19-14, subsection 16-3.1 entitled "Official Zoning Map" of Section 16-3 entitled "Official Zoning Map and Interpretation" of Chapter 16, entitled "Zoning" of The Revised General Ordinances of the Township of Warren is hereby amended as follows: **[Added 3-14-2019 by Ord. No. 19-14]**
- a. Change the zoning district classification on the Official Zoning Map of Warren Township from BR-40 to AH-5 Affordable Housing District for the following properties:
    1. Block 92, Lot 1.
- (26) Pursuant to Ordinance No. 19-15, subsection 16-3.1 entitled "Official Zoning Map" of Section 16-3 entitled "Official Zoning Map and Interpretation" of Chapter 16, entitled "Zoning" of The Revised General Ordinances of the Township of Warren is hereby amended as follows: **[Added 3-14-2019 by Ord. No. 19-15]**
- a. Change the zoning district classification on the Official Zoning Map from RBLR and R65 to AH-6 Affordable Housing District for the following properties:
    1. Block 90, Lot 2.
- (27) Pursuant to Ordinance No. 19-16, subsection 16-3.1 entitled "Official Zoning Map" of Section 16-3 entitled "Official Zoning Map and Interpretation" of Chapter 16, entitled "Zoning" of The Revised General Ordinances of the Township of Warren is hereby amended as follows: **[Added 3-14-2019 by Ord. No. 19-16]**
- a. Implement an affordable housing overlay zone designated as the AH-7 Affordable Housing Overlay District for the following properties:
    1. Block 89, Lot 4.
- (28) Pursuant to Ordinance No. 19-17, subsection 16-3.1 entitled "Official Zoning Map" of Section 16-3 entitled "Official Zoning Map and Interpretation" of Chapter 16, entitled "Zoning" of The Revised General Ordinances of the Township of Warren is hereby amended as follows: **[Added 3-14-2019 by Ord. No. 19-17]**
- a. Change the zoning district classification on the Official Zoning Map from CR-130/65 to AH-8 Affordable Housing District for the following properties:
    1. Block 69, Lot 8.01.
- (29) Pursuant to Ord. No. 20-20, Subsection 16-3.1 entitled "Official Zoning Map" of § 16-3 entitled "Official Zoning Map and Interpretation" of Chapter 16 entitled "Zoning" of the Revised General Ordinances of the Township of Warren is hereby supplemented and amended as follows:
- a. Delete AH-7 Affordable Housing Overlay District for the following property:

1. Block 89, Lot 4
- b. Implement an affordable housing overlay zone designated as the UR-F Affordable Housing Overlay District for the following property:
  1. Block 89, Lot 4

### **§ 16-3.2. Rules for Interpretation of District Boundaries. [Ord. No. 93-24]**

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:

- a. Center Lines. Boundary lines indicated as following or approximately following streets, highways or other public or private ways, shall be construed to coincide with the center line.
- b. Platted Lines. Boundaries indicated as following or approximately following lot lines shall be construed as coinciding with lot lines.
- c. Municipal Lines. Boundaries indicated as following or approximately following municipal lines shall be construed to coincide with the Township boundary.
- d. For the G-1 zone district only common ownership of land within the G-I zone district and the adjoining residential zone shall permit nonresidential development upon the adjoining residentially zoned land in accordance with standards established in subsection 16-17.6, Permitted Modifications, provided the common land ownership is:
  1. Contiguous and no public right-of-way or other public property separates the said G-I and residentially zoned properties.
  2. Accessible by an existing public industrial park street dedicated and accepted as of June 1, 1992.

## **§ 16-4. DEFINITIONS.**

### **§ 16-4.1. General Definitions. [Ord. No. 93-24]**

For the purpose of this chapter, certain terms or words used herein shall be interpreted as follows:

- a. Words used in the present tense include the future.
- b. Words used in the singular number include the plural number; and the plural, singular.
- c. The word "shall" indicates a mandatory requirement; and the word "may" indicates a permissive action.
- d. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
- e. The word "used" or "occupied" includes the words "intended, designed, or arranged to be used or occupied."

f. The word "building" includes the word "structure."

**§ 16-4.2. Definition of Terms. [Ord. No. 93-24; Ord. No. 97-13 § 1; Ord. No. 02-07 § 1; Ord. No. 05-38 § 1; Ord. No. 05-40 § 1; Ord. No. 11-09, § 2; Ord. No. 11-13 § 1]**

The following words and terms shall have the meaning set forth, except where otherwise specifically indicated. Words and terms not defined shall have the meaning indicated by common dictionary definition.

**ACCESSORY BUILDING** — A building subordinate to the main building on a lot and used for the purposes customarily and incidental to those of the main building.

**ACCESSORY USE** — A use customarily, incidental and subordinate to the principal use conducted on a lot. The use shall bear a relationship to the principal use.

**ALLEY** — A public or private way which does not conform to a definition of a street at the rear or side of a lot, which normally affords a secondary means of access to the abutting property. Frontage on any alley shall not be construed as satisfying the requirements of frontage on a dedicated street.

**ALTERATION** — As applied to a building or structure, an alteration is: (1) a change or rearrangement in the structural parts or in the means of ingress or egress; (2) an enlargement or reduction, whether by extending an exterior wall or by increasing or decreasing in height; (3) the moving the structure from one location to another.

**APARTMENT** — A "dwelling unit" as defined in this chapter.

**APARTMENT, GARDEN** — A building of not more than three stories in height on a lot and contains four or more dwelling units.

**ARTIST** — A person who is regularly engaged in the fine arts such as painting and sculpture or in the performing or creating arts including choreography and film making, or in the composition of music on a professional basis.

**ASSISTED LIVING RESIDENTIAL HEALTH CARE FACILITY** — A facility which is licensed by the New Jersey Department of Health and has obtained a certificate of need from said Department to provide apartment-style housing, congregate dining and assisted living services when needed for four or more adult persons unrelated to the proprietor of the facility. Apartment units offer, at a minimum, one unfurnished room, a private bathroom, a kitchenette, and a lockable door on the unit entrance (source N.J.A.C. 8:36-1.3).

**AUTOMOBILE BODY SHOP** — Any building or land area or portion thereof, used or intended to be used for the purposes of automobile body repair, including, but not limited to, repair or replacement of exterior automobile bodies, welding and straightening of body parts, straightening of automobile frames, and sanding or painting of exterior body parts and other customary services of this trade.

**AUTOMOBILE CAR WASH** — An establishment where automobiles are washed as the principal use on a lot. The word "washed" shall include "interior cleaning and treatments" commonly referred to as "detailing."

**AUTOMOBILE REPAIR (SPECIALIZED SERVICES)** — Any building, land area or other premises or portion thereof, used or intended to be used for the purposes of rendering specialized services associated with the maintenance of automobiles,

including: muffler repair and replacement, brake repair and replacement, automobile lubrication, transmission repair and replacement, tire sales, installation and alignment, auto upholstery installation, alternator and starter repair and replacement, auto glass installation and replacement, automobile detailing and engine repair and replacement.

**AUTOMOBILE WRECKING YARD (also JUNKYARD)** — A place where old metal junk or material of any kind including, but not by way of excluding, disabled vehicles either held or not held for sale in parts or as junk metal or materials, paper, glass, rags, bags, or other old material is collected, bought, sold, stored or dealt in. Any place, establishment or land which is maintained, operated or used for storing, keeping, buying, selling or just leaving junk on said premises or for the maintenance or operation of an automobile graveyard is hereby defined as a "junkyard."

**BASEMENT** — That portion of a building which is partly below and partly above grade, and having at least 1/2 its height and more than 50% of its cubic volume above grade.

**BOARDING HOME FOR SHELTERED CARE** — A for profit or not for profit boarding home, rest home, or other home for the sheltered care of adult persons which, in addition to providing food and shelter for four or more persons unrelated to the proprietor, also provides any personal care or service beyond food, shelter and laundry. These type of facilities may include but not be limited to halfway houses, homes for battered spouses and children, homes for the developmentally disabled, and homes to provide a transition from long-term institutional care to normal activities.

**BOARDING HOUSE** — Any dwelling in which two or more rooms or more than five persons rent with or without meals exclusive of the family as defined herein.

**BUFFER AREA** — Buffer area shall mean an area to provide a visual separation of uses and/or activities in which no building, parking area, driveway (except to provide access to property and which is perpendicular to the (buffer area), street, sign (except directional sign), light fixture(s) or storage of materials shall be permitted.

**BUILDING** — A combination of materials to form a construction adapted to permanent, temporary or continuous occupancy and having a roof.

**BUILDING AREA** — The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of steps and uncovered porch, terrace, patio or similar. All dimensions shall be measured between the exterior faces of walls.

**BUILDING HEIGHT** — The vertical distance from the finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip and gambrel roofs.

**BUILDING, PRINCIPAL** — A building in which the principal use of a lot is conducted.

**BULK AND BULK REGULATIONS** — A term used to indicate the standards and regulations that control the height, density, intensity and location of structures.

**CELLAR** — That portion of a building which is partly or completely below grade, and having at least 1/2 its height and more than 50% of its cubic volume below finished grade.

**CERTIFICATE OF OCCUPANCY** — A certificate issued by the Construction Code Official of Warren Township which permits the use of property in accordance with the approved plans and specifications and all applicable governmental laws, ordinances and

regulations.

**CHANGE OF USE OF A BUILDING** — A change of use of a building shall occur if occupancy changes from one use group to another as defined by the Uniform Construction Code of the State of New Jersey.

**COMMERCIAL VEHICLE** — All trucks and trailers, loaded or unloaded, buses or other vehicles with linear measurements greater than any one of the following: 20 feet in length, seven feet in width excluding rear view mirrors, or eight feet in height excluding radio antenna. Also included are all cabs or tractors capable of pulling a trailer. Specifically excluded from this definition are privately used campers and motor homes.

**COMMUNITY RESIDENCE FOR THE DEVELOPMENTALLY DISABLED** — Any community residential facility licensed pursuant to N.J.S. 30:11B-1 et seq. providing food, shelter and personal guidance, under such supervision as required, to not more than 15 developmentally disabled or mentally ill persons, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to: group homes, half-way houses, intermediate care facilities, supervised apartment living arrangements, and hostels. Such residence shall not be considered a health care facility within the meaning of the "Health Care Facilities Planning Act" N.J.S. 26:2H-1 et seq. In the case of such community residence housing mentally ill persons, such residence shall have been approved for a purchase of service contract or an affiliation agreement pursuant to such procedures as shall be established by regulation of the Division of Mental Health and Hospitals of the Department of Human Services. As used in this act, "developmentally disabled person" means a person who is developmentally disabled as defined in section N.J.S. 30:11B-2, and "mentally ill person" means a person who is afflicted with a mental illness as defined in R.S. 30:4-23, but shall not include a person who has been committed after having been found guilty of criminal offense by reason of insanity or having been found unfit to be tried on a criminal charge.

**COMMUNITY SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE** — Means any shelter approved for a purchase of service contract and certified pursuant to standards and procedures established by regulation of the Department of Human Services pursuant N.J.S. 30:40-1-14 providing food, shelter, medical care, legal assistance, personal guidance, and other services to not more than 15 persons who have been victims of domestic violence, including any children of such victims, who temporarily require shelter and assistance in order to protect their physical or physiological welfare.

**CONSTRUCTION (a/k/a CODE BUILDING) PERMIT** — An official document issued by the Construction Code Official of Warren Township, authorizing the erection, alteration, repair, renovation, demolition or removal of any building or structure, including excavation, filling and grading related to construction of a building.

**CUSTOMARY HOME OCCUPATION** — Such uses which are incidental to the use of the dwelling for residential purposes. Customary home occupation shall include, but not be limited to:

- a. Individual instruction of music, singing, etc.
- b. Individual private tutoring.
- c. Portrait painting or sculpturing, etc.
- d. Contractors, tradesmen, provided no materials or equipment are kept at the site.

- e. Home-based and self-employed salesperson and/or representative, provided no product is stored or distributed and no personal service rendered at the site.
- f. Family day care homes in accordance with subsection 16-5.20 of this chapter.

**DENSITY** — The permitted number of dwelling units per gross area of land area to be developed.

**DRIVE-IN RESTAURANT** — An establishment where patrons are served food, soft drinks, ice cream and similar confections, inclusive of refreshment stands commonly called "snack bars," dairy bars," "hamburger stands" or "hot dog stands" or similar uses where customers and patrons are served food, soft drinks or ice cream primarily for their immediate consumption outside the confines of the building or structure in which the business is conducted, regardless of whether seats or other accommodations are provided for the patrons thereto.

**DWELLING UNIT** — A permanent building or portion thereof providing sleeping room(s), bathroom(s) and kitchen facilities for the use of one or more persons. Dwelling units shall be differentiated one from the other as follows:

**DWELLING, MULTI-FAMILY** — A building designed and used as a residence for three or more families living independently of each other and doing their own cooking therein, including apartment houses but not including motels.

**DWELLING, SINGLE-FAMILY** — A detached building designed for and occupied exclusively by one family.

**DWELLING, TOWNHOUSE** — An attached single-family building wherein no family shall occupy air space one above the other as defined in N.J.S. 46:8-1 et seq.

**DWELLING-TWO FAMILY** — A building designed for and occupied exclusively by two families living independently of each other.

**EROSION** — The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

**FAMILY** — One or more persons living together as a single non-profit housekeeping unit whose relationship is of a permanent and domestic character, as distinguished from fraternities, sororities, societies, clubs and associations. Nothing herein shall be deemed to interfere with or restrict the placement of children in a group home per N.J.S. 40:55D-66 or any other use of single-family dwellings protected by State Statute. All commercial residences, non-familial institutions, boarding homes and other such occupancies shall be excluded from single family zones.

**FAMILY DAY CARE HOME** — A private residence which is registered as a family day care home pursuant to the "Family Day Care Provider Registration Act," (N.J.S. 30:5B-16 et seq.); and is further defined as a private residence in which child care services are provided for a fee to not less than three and no more than five children at any one time for not less than 15 hours per week.

**FARMING** — Agricultural activity conducted on an area of a lot of not less than five acres in size. The land area required by this chapter for a single family dwelling shall not be included as part of the farm land area.

**FILL** — Sand, gravel, earth or other materials of any composition whatsoever placed or deposited by any person or persons so as to form a level surface or an embankment or

raise the elevation of the land surface.

**FILLING STATION (a/k/a GAS STATION)** — Premises where the principal business conducted thereon is the sale, supply and disposing of gasoline, oil, grease, batteries, tires and automobile accessories at retail, and where normal automobile maintenance and minor repairs are performed, not including auto body work and auto laundry.

**FLOOD HAZARD AREA** — The land area which lies within the 100-year flood line as depicted on the current State of New Jersey Department of Environmental Protection and Energy (NJDEPE), Division of Water Services, Bureau of Flood Plain Management, Delineation of Floodway and Flood Hazard Area Maps.

**FLOOR AREA** — The area of floors of a structure measured from the exterior face of exterior walls. The floor area shall not include: basement or attic floor area.

**FLOOR AREA RATIO (F.A.R.)** — The sum of the area of all floors of buildings or structures compared to the total area of the site.

**FORESTRY** — Operation of timber tracts, tree farms, forest nurseries and related activities such as forestation services and the gathering of gums, barks, balsam needles, and maple sap, and which meets the requirements of the "Farmland Assessment Act."

**FREESTANDING SIGN** — A sign supported by poles, columns, upright or foundations affixed to the ground but not attached to any part of any building.

**FRESHWATER WETLANDS** — An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation; provided, however, in designating a wetland, the three parameter approach (that is, hydrology, soils and vegetation) enumerated in the April 1, 1987 interim final draft "Wetland Identification and Delineation Manual," developed by the United States Environmental Protection Agency, and any subsequent amendments thereto shall be used.

**GARAGE SALES** — A public sale of used personal property commencing not earlier than 9:00 a.m., terminating by sundown and extending not more than a three-day period. Garage sales shall offer only used items and personal property owned by the resident of the property when the sale is held. No new merchandise shall be offered for sale nor may merchandise from sources other than home(s) be brought in and offered for sale.

**GRADE** — The mean-average finished ground elevation at the corners of the building.

**HABITABLE FLOOR SPACE** — The floor area in a structure for living, working, sleeping, playing, eating or cooking (bathrooms, toilet compartments, closets, hallways and like space being included). Attics and basement floor space shall not be considered a habitable floor space unless finished into one of the uses set forth above.

**HAZARDOUS MATERIALS** — Any material which is listed or defined by the NJDEPE as hazardous to the public health, safety or welfare.

**HISTORIC BUILDING OR SITE** — Any building, structure, area or property that is significant in the history, architecture, archeology or culture of the Township, the State of New Jersey or the Federal Government and has been so designated officially by any of the said government bodies.

**HOME OCCUPATION** — See CUSTOMARY HOME OCCUPATION.

**HORTICULTURE** — Land devoted to the production for sale of fruits of all kinds, including grapes; nuts and berries; vegetables; nursery; floral, ornamental and greenhouse products, and which meets the requirements of the "Farmland Assessment Act."

**HOTEL** — A building which contains 100 or more furnished living units for its occupants and in which no living unit contains more than two rooms, exclusive of bathroom, foyer closet or dressing area, terraces or balconies, and providing among other things such services and features as lobby, maid and valet service, linens, central dining room, lounges, concessions, room service, dispensary, games and hobby rooms, public assembly area and other services and features customarily provided in a hotel, including twenty-four-hour office service and dwelling units, as defined in this subsection, for the sole use of resident employees.

**JUNKYARD** — A place where old metal, junk or material of any kind, including, but not by way of excluding, disabled vehicles either held or not held for sale in parts or as junk metal or materials, paper, glass, rags, bags or other old material is collected, bought, sold, stored or dealt in. Any place, establishment or land which is maintained, operated or used for storing, keeping, buying, selling or just leaving junk on said premises or for the maintenance or operation of an automobile graveyard is hereby defined as a "junkyard".

**KENNEL** — Any site whereon a business of boarding, selling or breeding dogs for sale is conducted. A pet shop is not included hereinabove.

**LOT** — A designated parcel, tract or area of land, established by a plat or otherwise permitted by law and to be used, developed or built upon as a unit.

- a. **CORNER LOT** — A lot at the junction of and fronting on two or more intersecting streets. The greater frontage of a corner lot is its depth and its lesser frontage is its width.
- b. **LOT, FLAG** — A lot not meeting minimum frontage requirements and where access to the public road is by a private right-of-way or driveway.
- c. **LOT LINE** — Any boundary line of a lot.
- d. **DEPTH OF LOT** — The mean distance between its mean front lot line and its mean rear lot line.
- e. **WIDTH OF LOT** — The width of any lot shall be measured along a straight line connecting the points of intersection of the required minimum front setback line and the side lines of the lot.<sup>11</sup>

**MOTEL** — A use which involves a facility which contains at least 100 sleeping rooms each having its own bathroom. Such use may also contain meeting rooms, office and temporary office space, restaurants and retail-commercial space.

**NONCONFORMING USE** — A use that does not comply with the regulations of this chapter for the zone in which it is located.

**NURSERY SCHOOL** — A building where organized care or instruction is given to

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11. Editor's Note: The former definition of "medicinal cannabis retail establishment," added 4-11-2019 by Ord. No. 19-20, which immediately followed this definition, was repealed 12-12-2019 by Ord. No. 19-55.



more than six children under the age of seven years and requiring a minimum of 435 square feet of open space per person and which requires a license from the New Jersey Department of Community Affairs.

**NURSING HOME** — A health care facility regulated by the New Jersey Department of Health and for which a certificate of need is issued by the New Jersey Department of Health.

**OPEN PORCH** — A roofed structure which projects beyond the main wall of the building and is supported by columns but has no side walls or windows.

**OPEN SPACE** — Any land or water area essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

**PARKING SPACE, OFF-STREET** — For the purpose of this chapter, an off-street parking space shall consist of an open or enclosed space on a lot adequate for parking an automobile, with properly related access to a public street or alley.

**PERFORMANCE STANDARDS** — Standards regulating noise levels, glare, earthborne or sonic vibrations, heat, electronic or atomic radiation, noxious odors, toxic matters, explosive and inflammable matters, smoke and airborne particles, waste discharge, screening of unsightly objects or conditions. The specific standards are set forth in subsection 16-5.13 of this chapter.

**PRINCIPAL USE** — The main purpose for which a lot or building is used.

**PRIVATE GARAGE** — A building which is accessory to the main building and provides for the storage of motor vehicles and in which no occupation, business or service for profit is carried on.

**PUBLIC GARAGE** — Any building, premises or land, or part thereof, other than a private garage, used for the storage, repair of motor vehicles for profit, or where any such vehicles are kept for hire.

**RECREATIONAL MARIJUANA CULTIVATION FACILITIES** — A facility licensed to grow and cultivate recreational marijuana and to sell recreational marijuana to cultivation facilities but not to consumers. **[Added 4-11-2019 by Ord. No. 19-20]**

**RECREATIONAL MARIJUANA PRODUCT MANUFACTURING FACILITIES** — An entity licensed to purchase recreational marijuana; manufacture, prepare and package recreational marijuana items; and sell items to other recreational marijuana product manufacturing facilities and to recreational marijuana retailers, but not to consumers. **[Added 4-11-2019 by Ord. No. 19-20]**

**RECREATIONAL MARIJUANA RETAILER ESTABLISHMENTS** — an entity licensed to purchase recreational marijuana from recreational marijuana cultivation facilities and recreational marijuana items from recreational marijuana product manufacturing facilities or recreational marijuana wholesalers, and to sell recreational marijuana and recreational marijuana products to consumers from a retail store, which shall also be known as a dispensary. **[Added 4-11-2019 by Ord. No. 19-20]**

**RECREATIONAL MARIJUANA TESTING FACILITIES** — An independent, third-

party entity meeting accreditation requirements and which is licensed to analyze and certify the safety and potency of recreational marijuana items. **[Added 4-11-2019 by Ord. No. 19-20]**

**RECREATION SPACE** — Portion of a development, specifically designed for active or passive recreation, including but not limited to sitting areas, formal and informal sports fields, game rooms, court games, pools, gazebos and pavilions.

**RECYCLING SITE** — Premises where materials containing scrap metal and glass are brought to be sorted, baled, or compacted and then shipped to another location for use in a substantially different form. A recycling site does not include any use involving hazardous materials or flammable materials or the exposure of merchandise for retail use at the site.

**RESTAURANT** — A public eating facility where patrons are first seated at tables, booths or counters, after which food is ordered by them is served to the patrons by waiters or waitresses at such tables, booths or counters. The term "restaurant" does not include drive-in restaurants or fastfood restaurants as otherwise defined in this chapter. (See subsection 16-13.2c6.)

**SATELLITE DISH EARTH STATION AND ANTENNAS** — Any apparatus, including structural supports, which is designed for the purpose of receiving television, radio, microwave, satellite or similar signals, with the exception of conventional television antennas. Such apparatus is commonly referred to as a dish antenna.

**SETBACK LINE** — A line drawn parallel to a lot line and at a distance specified in Section 16-8, Schedule, of this chapter.

**SHARED HOUSING FOR SENIOR CITIZENS** — A structure containing no more than six bedrooms for occupancy by low and moderate income individuals of 62 years of age or greater.

**SIGN** — Any name, identification, description, display or device which is affixed to, or painted on, or represented directly or indirectly upon a building, structure or parcel of land, and which directs attention to a person, organization, institution, activity, place, object. The word "sign" shall also mean and include any and all forms of advertisement or display as fully described in this chapter and in the Uniform Construction Code.

**SOLAR ARRAY** — A ground-mounted solar connection system consisting of a linked series of photovoltaic modules.

**SOLAR COLLECTION SYSTEM** — A panel or other solar energy device, the primary purpose of which is to provide for the collection, inversion, storage and distribution of solar energy for electricity generation, space heating, space cooling or water heating.

**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 the floor and the ceiling next above it; the interior of a roof shall not be considered a ceiling. The height of a story shall be the minimum defined by the Uniform Construction Code.

**STORY, HALF** — A story under a pitched roof at the top of a building and as defined in the Uniform Construction Code.

**STREET** — Any thoroughfare, avenue, boulevard, road, parkway, viaduct, drive or other way (a) which is an existing State, County or Municipal roadway; or (b) which

is shown upon a plat heretofore approved pursuant to law; or (c) which is approved by official action as provided by this chapter, or (d) which is shown on a plat duly filed and recorded in the office of the County Clerk 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.

**STREET LINE** — The street right-of-way line forming the dividing line between the public right-of-way and a lot privately owned.

**STREET, PRIVATE** — A street that has not been, or will not be, accepted by the municipality or other governmental entity.

**STRUCTURE** — A combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land.

**SUBSTANTIAL IMPROVEMENTS** — Any improvement or repair of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the improvement is started or the damage has occurred.

**SWIMMING POOL** — Private residential and public pools, permanently constructed, above or below ground, having a depth of more than two feet and/or a water surface of more than 100 square feet, designed and maintained for swimming and bathing purposes; pools include all buildings, structures, edging, aprons, walkways and equipment appurtenant thereto.

**SWIMMING POOL, PORTABLE** — A pool not permanently installed, lacking water filtration, circulation and purification systems, without braces or supports, and having less than two feet in water in depth and less than 100 square feet of water surface area.

**TRAINING AND CONFERENCE CENTERS** — A facility not open to the general public, which provides space for training and instruction in a temporary work environment and where sleeping, dining accommodations and other amenities are provided. The facility shall not be deemed a hotel or motel.

**YARDS** —

- a. **FRONT YARD** — A front yard is an open space within and extending the full width of the lot between the front lot line and the principal building or front yard setback line, whichever the lesser. The depth of the yard shall be measured from the front lot line, where the same coexists with the street right-of-way line or 25 feet from the centerline of the street where the front lot line by deed extends into the roadway.
- b. **REAR YARD** — A rear yard is an open space within and extending the full width of the lot between the rear walls of the principal building or rear yard setback line, whichever the lesser and the rear lot line.
- c. **SIDE YARD** — A side yard is an open space within the lot line between a side lot line and the principal building or side yard setback line, whichever the lesser.

**ZONING OFFICER** — The person designated and charged with the administration and enforcement of this and all other applicable land use ordinances.

**ZONING PERMIT** — A document signed by the Zoning Officer which:

- a. Is required as a condition precedent to the commencement of a use and occupancy or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building.
- b. Acknowledges that such use, structure or building complies with the provisions of this chapter or a variance therefrom has been duly authorized by a municipal agency pursuant to Chapter 15 of the Revised General Ordinances of the Township of Warren.

## **§ 16-5. GENERAL REGULATIONS.**

### **§ 16-5.1. Application of District Regulations. [Ord. No. 93-24]**

This chapter shall apply to the construction, nature and extent of uses of all buildings and structures, and to the nature and extent of the uses of land. No building, structure or land, or any part thereof, shall be used or occupied and no building or structure shall be erected, constructed, reconstructed, moved, repaired, extended, converted, altered, maintained or used unless in conformity with all of the regulations of this chapter specified for the district in which it is located. All regulations set by this chapter within each of the districts shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided.

### **§ 16-5.2. Application to Township. [Ord. No. 93-24; Ord. No. 98-9, § 1]**

- a. Zoning Exemption. Regardless of whether the Township or any duly constituted Township Board, Agency, Department, Authority or Independent Township Fire Company or Township Rescue Squad is acting in or pursuant to the performance of a governmental or proprietary function, any municipally owned, operated or controlled building, structure, facility or use, or one owned by an Independent Township Fire Company or Township Rescue Squad, either existing or proposed (except for said fire companies or rescue squads such exemption shall only be for existing uses not proposed uses), shall be permitted in any class of zone as set forth in this chapter (applicable bulk requirements shall be as reasonably determined by the Warren Planning Board), it being the intention of this subsection that whatever the Township may authorize to do shall constitute a function of government and that whenever the Township shall act pursuant to granted authority, it acts as government and not as a private entrepreneur.
- b. Site Plan Exemption. The Township or any duly constituted Township Board, Agency, Department, Authority or Independent Township Fire Company, or Township Rescue Squad acting in the performance of a governmental or proprietary function, shall be exempt from site plan approval requirements for any land development projects being completed by it. This exemption, in the cases of Independent Township Fire Companies or Township Rescue Squads, shall only for construction related to the purposes of storage of the company's or squad's vehicles, life safety equipment and necessary administrative floor space. Further, this exemption does not affect the requirements of N.J.S. 40:55D-31 entitled "Review of Capital Projects." The Township, or its Boards, Agencies, Departments, Authorities or Independent Township Fire Companies or Township Rescue Squads will file land development projects to the Township Planning Board for its review,

comment and recommendations pursuant to N.J.S. 40:55D-31.

**§ 16-5.3. Yards. [Ord. No. 93-24; Ord. No. 96-11 § 1]**

- a. No yard or any other open space required about or in connection with any building or buildings on a lot shall be used for any other building.
- b. No existing yard or existing lot shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created hereafter shall meet at least the minimum requirements established by this chapter.
- c. Except as hereinafter specified, required yard areas shall be entirely free of buildings, parking and storage areas.
- d. Cornices, eaves, steps, bulkheads, bay/box/bow windows, and chimneys only may project not more than three feet over any required yard area. Cantilevered or garrison designed buildings shall not project into any required yard area.
- e. Sills, leaders, belt courses and similar ornamental or structural features may project only six inches into any required yard.
- f. The requirements for yard areas shall not apply to any retaining wall, steps or any other fence or wall which is less than three feet high. Multiple retaining walls constructed in a required yard area shall be separated one from the other by a level area of a width equal to the highest adjoining retaining wall.
- g. On a corner lot, no building or structure shall be located nearer to a street line than the required front yard depth.

**§ 16-5.4. Lot Frontage and Lot Width. [Ord. No. 93-24; Ord. No. 96-11 § 2]**

- a. On any lot running through from one street to another, the front of the lot, for the purposes of this section, shall be considered the frontage upon which the majority of the buildings in the same block front. Regardless, the front yard setback shall be required from both street frontages.
- b. The minimum lot frontage (as distinguished from lot width) may equal, but shall be no less than 2/3 of the required lot width as set forth in the schedule contained in Section 16-8 and further provided that no lot shall have a frontage of less than 65 feet. This provision shall apply to all lots, including those fronting upon the turn-around of a cul-de-sac or upon a street having a curved alignment with an outside radius of less than 500 feet.

**§ 16-5.5. Reduction of Open Space Prohibited. [Ord. No. 93-24]**

No lot shall be so subdivided or reduced in area as to cause any open space required by this chapter to be less in any dimension than is required for the zone and lot in question.

**§ 16-5.6. Off-Street Parking. [Ord. No. 93-24]**

Off-street parking space shall be provided as required in Section 16-24.

**§ 16-5.7. Access Driveways. [Ord. No. 93-24]**

- a. Any access driveway to any use shall be deemed to be accessory to such use. No driveway that is accessory to a business or industrial use shall be established in any residential zone.
- b. Ingress or Egress. No ingress or egress over private roads or private driveways through districts zoned for residential uses shall be permitted to or from nonresidential properties except for driveways designated for emergency access and approved by the Township.

**§ 16-5.8. Measurement of Building Height. [Ord. No. 93-24; Ord. No. 99-2 § 1; Ord. No. 09-02 § 1; Ord. No. 11-09 § 3]**

- a. The vertical distance from the finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distances between the eaves and the ridge level for gable, hip and gambrel roofs.
- b. Height limits shall not apply to flag poles, chimneys, or cupolas, provided that the horizontal area of such parts does not exceed 0.1% of the ground area covered by the main building, and further provided that height limits shall not apply to roof mounted heating, air conditioning or other mechanical equipment except that such equipment, when visible when standing at ground level from a residential zone, shall be screened by a wall, cover or by other means and that such screening shall be in keeping with the architectural motif of the building.
- c. Height limits shall not apply to antenna(s) mounted on the roof of the principal building provided that such antenna(s) shall not extend above the roof by more than 35 feet or the height of the principal building, whichever is lesser. No such antenna(s) shall have any form of lighting.

**§ 16-5.9. Accessory Buildings. [Ord. No. 93-24]**

No accessory buildings shall be placed in any required yard except as specified hereinafter in the Schedule, Section 16-8.

- a. The aggregate ground area covered by accessory buildings in the required rear yard area shall not exceed 20% of the required rear yard area within any zone.
- b. Limitations. Except for farm accessory buildings no accessory building within any zone shall be more than 20 feet in height or 1 1/2 stories, whichever the lesser. No building permit for any accessory building shall be issued in any zone until a permit for a permitted principal structure has been issued and construction started.
  1. No accessory building within any zone shall be located within the required front yard area.
  2. On through lots (any lot running from one street to another), no accessory building erected in the rear yard shall be nearer the street line than the minimum distance specified for a front yard setback on that part of the street which the yard abuts.
  3. Any accessory building attached to the main building shall be considered part

of the main building.

**§ 16-5.10. Minimum Lowest Floor Level. [Ord. No. 93-24]**

The lowest floor level in a cellar, basement, crawl space in any building or structure shall not be less than elevation required by the Township of Warren Floodplain and Watercourse Regulations (Chapter 15) unless otherwise specified by NJDEPE.

**§ 16-5.11. Flood Hazard Protection Area Delineation. [Ord. No. 93-24]**

The standards for control and regulation of land within said areas are as set forth in Chapter 15 of the Revised General Ordinances of the Township of Warren.

**§ 16-5.12. Site Plan Requirement. [Ord. No. 93-24]**

- a. No building permit shall be issued for building or use or enlargement of any building or use unless a site plan is approved, and no certificate of occupancy shall be given unless all construction conforms to the approved plan, except that site plan approval shall not be required for:
  1. Single-family dwellings or for permitted accessory uses incidental to single-family dwellings.
  2. A change of occupancy of an existing structure which does not change the use group as classification and defined in the Uniform Construction Code of the State of New Jersey.
  3. The Township or any duly constituted Township Board, Agency or Department as specified in subsection 16-5.2b of this chapter.
- b. Site plan application and approval shall be required for all parking areas not accessory to a single-family or two-family dwelling and all professional home office uses.

**§ 16-5.13. Performance Standards. [Ord. No. 93-24]**

All uses and activities shall comply with performance standards as set forth herein.

STANDARDS OF PERFORMANCE — Means standards (1) adopted by ordinance pursuant to N.J.S. 40:55D-65, regulating noise levels, glare, earth borne or sonic vibrations, heat, electronic or atomic radiation, noxious odors, toxic matters, explosive and inflammable matters, smoke and air borne particles, waste discharge, screening of unsightly objects or conditions and such other similar matters as may be reasonably required or (2) required by applicable Federal or State laws or municipal ordinances.

**§ 16-5.14. Sight Triangle. [Ord. No. 93-24]**

In any district on any corner lot, no fence, sign (other than a post(s) or pylon(s) having a diameter of eight inches or less) or other structure, planting or other obstruction to vision in excess of 30 inches up to a height of eight feet above the existing street grade shall be erected or maintained within a triangular area formed by a line connecting points on the two street lines located a distance as specified in Section 15-7 of the Revised General

Ordinances of the Township of Warren.

**§ 16-5.15. One Building on One Lot; Condominium or Cooperative Nonresidential Ownership. [Ord. No. 93-24; Ord. No. 04-22, § 1]**

No more than one single-family detached dwelling shall be permitted on any lot in a residential zone excepting Affordable Housing Zones permitting multi-family buildings and the R65/PAC and R65/5C zones. In any nonresidential zone, more than one principal structure may be erected.

**§ 16-5.16. Public Utilities. [Ord. No. 93-24]**

Public utility uses regulated by the New Jersey Board of Regulatory Commission (BRC) such as electric, gas, water, sewerage, telephone and cable television service lines shall be permitted in any district. All other public utility uses or structures including, but not limited to, antenna, yards and substations shall comply with regulations of the district in which located. Street lighting when required and located in a dedicated public street shall be provided in accordance with N.J.S. 40:55D-53.6 (Acceptance of Certain Public Utilities).

**§ 16-5.17. Keeping of Horse(s). [Ord. No. 93-24]**

No more than one horse per 40,000 square feet of lot area shall be kept on a lot.

**§ 16-5.18. Building Individuality. [Ord. No. 93-24]**

No building or other structure shall hereafter be erected, constructed or placed which shall be architecturally substantially identical to any building within 1,000 feet of the lot line along the most direct route of a public street right-of-way upon which the said building or other structure is to be erected, constructed or placed. This individuality requirement shall not apply to multi-family structures located in zones in which the same are a permitted use pursuant to this chapter.

**§ 16-5.19. Regulation of Community Residences for Developmentally Disabled and Community Shelters for Victims of Domestic Violence. [Ord. No. 93-24]**

Community shelters for the developmentally disabled and community shelters for victims of domestic violence, as defined in this chapter and in N.J.S. 40:55D-66.2, shall be a permitted use in all residential districts of the municipality, and the requirements therefor shall be the same as for single family dwelling units located within such districts. Any such residence for shelter having more than six persons, excluding residential staff, shall require a conditional use permit to be granted by the Planning Board in accordance with N.J.S. 40:55d-67, and the following minimum standards shall be applicable to the issuance of the said permit:

- a. Approval by the Planning Board of applicant's site plan pursuant to all requirements of the Township Site Plan Regulations (Chapter 15).
- b. A statement by the applicant setting forth the full particulars on the building and/or use must be submitted.
- c. Minimum lot area: 6,000 square feet for each resident (either patient or employee)



housed at the residence or shelter but not less than the minimum lot area required for single-family homes in the zone in which the residence or shelter is to be located.

- d. Minimum gross habitable floor area: 400 square feet for each patient and employees housed at the residence or shelter.
- e. No conditional use permit shall be granted if the number of patients at existing community residences or shelters exceeds 50 persons or 0.5% of the population of the municipality, whichever is greater.
- f. No community residence or shelter shall be located upon a lot containing any other use, nor shall any structure or facility on the site be utilized to provide services for any persons not residing on the site.
- g. Any such community residence or shelter shall not be located within 1,500 feet of an existing community residence.
- h. No community residence or shelter shall be in excess of two stories in height exclusive of basement areas. Basement areas shall not be utilized to house patients or recreation areas.
- i. Each community residence or shelter shall submit proof of licensing by the Department of Human Services of the State of New Jersey. In addition, the operator of a community residence for the developmentally disabled shall provide such properly licensed medical, nursing and supervisory staff as the Township Department of Health deems necessary and adequate for the particular facility in question.
- j. An applicant for a conditional use approval shall demonstrate to the Planning Board that every resident admitted shall be provided with assistance in maintaining a basic level of self-care and in developing the potential to live independently in the Township. The operator of a residence for the developmentally disabled shall provide to the Township Department of Health proper documentation certifying that each proposed resident is neither a danger to himself nor to the community. Such documentation shall be provided for each proposed resident before he is allowed to take up occupancy in the facility. Should a resident of the facility become a danger either to himself or to the community, said resident shall be removed immediately from the facility.
- k. The applicant shall supply information concerning the operation and maintenance of residences and the rules and regulations governing the admission and discharge of residents. In addition to providing said information to the Planning Board, the same information shall be provided by the operator of a community residence for the developmentally disabled to the Township Department of Health and shall immediately provide copies of any changes to rules and regulations to the Township Department of Health. No such rule or regulation shall be deemed effective unless and until the Township Department of Health has approved said rule or regulation as necessary and adequate for that particular facility.
- l. The applicant shall demonstrate that essential life-safety, health, and comfort conditions will exist in a homelike atmosphere in the proposed community

residence or shelter.

- m. Community residences and shelters shall provide internal and outdoor passive recreation areas to sufficiently accommodate the occupants of the dwelling. In addition, facilities shall be provided for internal recreation for meetings, games, and other similar activities.
- n. A community residence or shelter shall have twenty-four-hour on-site supervision and security. Security shall also consist of a physical barrier or signal adequate to prevent residents of the facility from leaving unnoticed and to prevent unauthorized persons from entering the facility, as deemed appropriate by the Planning Board.
- o. The applicant shall submit details concerning all life-safety and emergency facilities and equipment which are to be provided within the residence or shelter. The operator of the community residence for the developmentally disabled or shelter for victims of domestic violence shall provide a centrally-supervised fire alarm system with supervised smoke detectors monitored by the Fire Department. The installation of smoke detectors, fire alarms, fire escapes, and sprinkler systems shall be in accordance with the requirements of the Uniform Construction Code and the Bureau of Fire Prevention.
- p. The operators of the community residence for the developmentally disabled shall provide detailed information concerning its approval and compliance with the Rules and Regulations Governing Community Mental Health Service and State Aid Under the Community Mental Health Services Act.
- q. No community residence or shelter shall be located in areas of heavy vehicular or pedestrian traffic pedestrian traffic congestion or in any area where, by reason of any condition existing in proximity to the proposed community residence or shelter, the occupants of said proposed community residence or shelter would be exposed to undue hazard.
- r. Each community residence or shelter shall provide one off-street parking space for each employee on the shift employing the largest number of persons plus one off-street parking space for each two patients, or fraction thereof, residing on the site. The required off-street parking shall be subject to the provisions of this chapter and Chapter 15 of the Revised General Ordinances of the Township of Warren, and shall be screened from adjacent residentially zoned properties in accordance with the provisions of this chapter and Chapter 15 of the Revised General Ordinances of the Township of Warren.
- s. No building utilized as a community residence or shelter shall be constructed or altered so as to be inharmonious with the residential character of adjacent structures in the residential zone in which the same is located.
- t. The residence or shelter must be located in a residentially zoned district.
- u. No residence or shelter shall house more than 15 patients and resident employees.
- v. Sufficient off-street parking area is to be provided for the pick-up and discharge of patients, employee parking, visitor parking and delivery of supplies.
- w. No sign denoting the nature of the facility shall be allowed on the premises.

- x. The Planning Board shall require appropriate screening between residences and shelters and adjoining residential uses.
- y. Such other requirements as the Planning Board shall deem reasonable and appropriate due to conditions at or impacting the site.

**§ 16-5.20. Family Day Care Homes to Be Deemed a Home Occupation. [Ord. No. 93-24]**

- a. Notwithstanding the provisions of any law to the contrary, family day care homes shall be deemed to be a home occupation for purposes of this chapter and family day care homes shall not be subject to more stringent restrictions than exist or apply to all other home occupations in the particular residential zone in which the family day care home is located. Family day care is a permitted accessory use in all residential zones.
- b. "Family day care home" means any private residence approved by the Division of Youth and Family Services or any organization with which the division contracts for family day care in which child care services are regularly provided to no less than three and no more than five children for no less than 15 hours per week. A child being cared for under the following circumstances is not included in the total number of children receiving child care services:
  - 1. The child being cared for is legally related to the provider; or
  - 2. The child is being cared for as part of a cooperative agreement between parents for the care of their children by one or more of the parents, where no payment for the care is being provided.

**§ 16-5.21. Child Care Centers. [Ord. No. 93-24]**

Child care centers for which a license is required from the Department of Human Services pursuant to N.J.S. 30:5B-1 et seq. shall be a permitted use in all nonresidential districts of the Township. The floor area occupied in any building or structure as a child care center shall be excluded in calculating: (1) any parking requirement otherwise applicable to that number of units or amount of floor space, as appropriate, under State or municipal laws or regulations adopted thereunder; and (2) the permitted density allowable for that building or structure under this chapter.

**§ 16-5.22. Barrier and Construction Requirements Within 200 Feet of the Route 1-78 Right-of-Way. [Ord. No. 93-24]**

No dwelling unit shall be constructed within 200 feet of the right-of-way of Route 1-78 unless existing ground contours serve as an effective barrier to noise emanating from the highway. This regulation shall not apply to existing dwellings or enlargements, alternations or modifications thereto. The Zoning Officer shall waive this requirement if the dwelling proposed to be erected is positioned in such a manner that no windows are facing the highway noise source. This regulation applies only to development in the residential zones.

**§ 16-5.23. Floor Area Ratio (F.A.R.). [Ord. No. 93-24]**

Floor area ratio shall be calculated by dividing the total floor area of all buildings, as measured to the dimensions of the outside walls, and enclosed accessory structures (whether designed for occupancy or not) in square feet, on a lot, by the total lot area in square feet. Total floor area shall not include: (1) cellar or attic as defined in the Uniform Construction Code of the State of New Jersey; (2) multi-level parking structures permitted as a conditional use in the OR District, and (3) porch, deck, terrace balcony or similar provided same is not enclosed by walls, windows or other construction and does not have a roof.

**§ 16-5.24. Buffer Area Location and Purposes. [Ord. No. 93-24]**

The width of a buffer area required in a zone shall be measured from the property line when the same coincides with the zone boundary. In the instance where a zone boundary does not coincide with a property line, width of the buffer shall be measured from the zone boundary line.

The buffer area shall consist of existing natural vegetation, fencing, earth berming and new landscaping material or any combination of the foregoing, at the reviewing board's reasonable discretion. The buffer shall establish a permanent visual screen to separate the different uses as contained in the two zones which meet at the buffered area.

**§ 16-5.25. Prohibited Uses. [Ord. No. 93-24]**

- a. All uses not specifically permitted by zone or by State or Federal law are prohibited.
- b. Drive-through windows or other physical appurtenances designed or used to deliver food to customers are prohibited.
- c. Hazard or toxic waste disposal, storage and transfer facilities designed or used for the incineration, disposal, storage or transfer of hazardous or toxic waste produced off-site are prohibited.
- d. Adult book stores, businesses, showing x-rated movies or indecent or obscene live acts or simulated acts, massage parlors and other businesses dealing primarily with indecent or obscene acts or paraphernalia.
- e. All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a delivery service. **[Added 4-11-2019 by Ord. No. 19-20; amended 5-13-2021 by Ord. No. 21-15]**

**§ 16-5.26. On-Site Trailers. [Ord. No. 93-24]**

The use of trailers or modular office buildings as accessory buildings shall be temporarily permitted at a site for which a building permit has been issued for development of land. Upon completion of the approved project, such trailer or other temporary structure shall be removed from the site unless specifically authorized by site plan and/or subdivision application approval by the Planning Board or Board of Adjustment. No trailer or modular structure not permanently affixed to the ground shall be permitted unless approval is granted in accordance with the Land Use Ordinance

of the Township. Trailers or modular buildings used as an accessory building must be approved in accordance with the Land Use Ordinance of the Township. This subsection does not apply to recreation trailers or campers parked on a lot on which a home is also located.

**§ 16-5.27. Decks and Patios. [Ord. No. 93-24]**

The requirements for decks and patios accessory to a dwelling unit, whether attached or detached, shall be as follows:

- a. A deck or patio without walls, roof or other appurtenance and attached to the dwelling shall comply with all yard requirements for the principal structure and with lot coverage regulations as set forth in the Schedule in Section 16-8 of this chapter.
- b. All decks detached from the principal structure having a height of less than three feet shall comply with accessory building yard requirements for accessory buildings and with lot coverage regulations as set forth in the Schedule in Section 16-8 of this chapter.

**§ 16-5.28. Fences; Construction and Maintenance; Driveway Gates and Pillars. [Ord. No. 93-24; Ord. No. 99-12 §§ 1, 2; Ord. No. 02-20, §§ 1, 2; Ord. No. 02-34, § 1; Ord. No. 02-40, §§ 1, 2]**

All fences shall be constructed on land that has not been filled or had soil or other materials added thereto greater than 12 inches in height, unless the Zoning Officer determines unique circumstances exist such as, but not limited to, surface irregularities if greater than the aforesaid 12 inches which would allow a deviation from such requirement.

- a. In a residential zone, a fence consisting of or equivalent to a split rail or open rail (baluster) design of three feet or less in height shall be permitted in the front yard as defined in this chapter, provided no such fence shall be located less than three feet from the front property line or 28 feet from the center line of the street upon which the property fronts, whichever the greater, except and as further provided, that a fence consisting of or equivalent to a split rail or open rail (baluster) design of four feet or less in height, measured from the property line, shall be permitted in the front yard as defined in this chapter provided no such fence shall be located less than 10 feet from the front yard property line or 35 feet from the center line of the street upon which the property fronts, whichever the greater, except and further provided, that a fence not exceed six feet in height, except as provided for a tennis court (see subsection 16-5.29), measured from ground level, may be constructed in a side or rear yard. A zoning permit is required for construction of all fences. Fencing required by the Uniform Construction Code of Warren Township for pools and terraces shall conform to the standards required therein.
- b. In a nonresidential zone, a fence of three feet or less shall be permitted in the front yard but not less than 25 feet from edge of the paved roadway. A fence of eight feet or less shall be permitted in the side and rear yard.
- c. Construction Within Road Right-of-Way Prohibited. No fence shall be constructed

within any public right-of-way.

- d. **Construction Appearance and Materials.** All fences shall be situated on a lot in such a manner that the finished side of the fence shall face adjacent properties. All fences shall be uniform and symmetrical in appearance, shall have posts or columns separated by identical distances, except for deviations required by construction factors, and shall consist of materials conforming to a definite pattern. No fence shall be erected of barbed wire, razor wire, topped with metal spikes or other sharp objects, nor constructed of any material or in any manner which may be dangerous to persons or animals, except barbed wire shall be permitted for qualified (under the State Farmland Assessment Act) farms. Barbed wire farm fences are allowed in any yard and may be constructed in generally accepted farm use manner.
- e. **Location.** No fence shall be located within a required clear sight triangle.
- f. **Hedges, Trees and Plantings.** Except if specifically prohibited under the terms of any other applicable ordinance or regulation of the Township, nothing herein shall be construed to prohibit the use of hedges, trees or other plantings anywhere on a lot unless within a sight triangle.
- g. **Applicability of Restrictions.** The restrictions contained herein shall not be applied so as to prohibit the erection of a deer fence of no greater than eight feet in height and consisting only of an open weave, dark colored nylon wire rope, or equivalent dark colored material, retaining wall or otherwise contouring or terracing of property surface.
- h. **Electrically Charged Fences Prohibited.** Electrically charged fences are prohibited, except for use on qualified farms and around actively cultivated areas.
- i. **Construction Within Property Boundary Lines.** All fences shall be constructed within property boundary lines.
- j. **Construction Enclosing a Township Easement Prohibited.** No fence shall be constructed so as to enclose a Township easement or an easement in which there are public rights unless constructed in such manner as to not unduly interfere with the maintenance of any public use thereof.
- k. **Maintenance.** All fences shall be maintained in a safe, sound and upright condition.
- l. **Existing Fences.** The provisions of this section shall apply to all fences hereafter constructed. Fences currently existing which violate any provision set forth herein shall not be reconstructed, repaired or replaced to an extent exceeding 20% thereof without the total fence being brought into conformity with the provisions hereof.
- m. **Driveway Gates and Pillars.** No driveway gate or pillar shall exceed six feet in height provided that the same is not located less than three feet from the property line and if the same is located in the front yard, then in that case, not less than 28 feet from the centerline of the street upon which the property fronts, whichever is the greater distance. Lighting fixtures shall not be included in the above height calculation. No singular pillar structure which exceeds six feet in height shall exceed nine square feet in size. Any transition wall (wing wall or similar structure) from a pillar structure which exceeds three feet in height shall not exceed six feet in

length. All gates shall be ornamental/decorative in design.

**§ 16-5.29. Swimming Pools and Tennis Courts Accessory to Single-Family Dwelling. [Ord. No. 93-24; Ord. No. 99-25 § 1]**

Each is classified as an accessory structure to a single-family dwelling and shall comply with the following:

- a. A pool structure, which includes all pool edge caps, mechanical equipment and other parts which are appurtenant and integral or essential to the pool's construction, operation and use, except patio, fencing or decking associated therewith, shall comply with yard requirements for principal structures except that on any lot located in the R-20(V) zone and any corner lot as defined in subsection 16-4.2 located in an R-65 zone, such structures shall be permitted with a side or rear yard depth of 10 feet provided a five-foot wide landscape buffer area consisting of evergreen plantings of no less than six feet in height is provided in the side or rear yard to create a visual barrier to adjacent lots.
- b. A pool excluding water surface area, but including associated construction is classified as impervious surface. The entire surface area of a tennis court is classified as impervious surface.
- c. The tennis court structure includes all aprons, mechanical equipment and structures nexus and integral to its construction and use and all such construction shall comply with yard requirements for principal structure.
- d. A fence of eight feet maximum shall be permitted to enclose the court and out of bounds area provided the fence does not encroach upon the required yard and depth for principal structures.

**§ 16-5.30. Customary Home Occupations. [Ord. No. 93-24]**

As defined herein, such use shall conform to the following:

The use shall be conducted entirely within a dwelling and carried on solely by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, subject to the following:

- a. No article may be sold, offered for sale, except as may be produced by members of the immediate family residing in the dwelling.
- b. No machinery or equipment may be used which will cause electrical or other interference with radio and television reception in adjacent residences or cause offensive noise, odor, vibration, heat or glare.
- c. No advertising sign may be displayed except as provided in this chapter.
- d. No home occupation may be conducted with members of the public later than 10:00 p.m.

The following are examples, but not an exhaustive list, of uses which are not permitted accessory uses in a residential zone and are not permitted home occupations: clinics, barbershops, beauty parlors, coffee shops, tourist homes, bed and breakfast homes, animal hospitals, kennels, motor vehicle repair facilities, construction and excavating business, outdoor storage yards and offices of professionals, brokers or counselors.

The following are examples, but not an exhaustive list, of uses which are home occupations: instruction for art, music, dance, ceramics, sculpture or any academic subject; or baby sitting service; sewing or clothing alteration; catering; family day care homes (as defined in subsection 16-5.20 of this chapter.

### **§ 16-5.31. Wireless Telecommunications Facilities.<sup>12</sup> [Ord. No. 2000-18, § 1]**

a. Definitions:

**PUBLIC VIEW** — Shall mean visible from a public thoroughfare, public lands or public building.

**SEARCH AREA** — Shall mean that geographic area (which may or may not extend beyond Township boundary lines) within which additional wireless telecommunications facilities are required to provide reliable and adequate coverage consistent with the licensing requirements of the Federal Communications Commission (FCC).

**WIRELESS TELECOMMUNICATIONS ANTENNA** — Shall mean a system of electrical conductors that transmit or receive radio frequency signals, digital signals, analog signals.

**WIRELESS TELECOMMUNICATIONS EQUIPMENT COMPOUND** — Shall mean a secure area which houses any combination of wireless telecommunications structures, buildings, antennas, equipment and/or towers. All equipment must be enclosed within a building.

**WIRELESS TELECOMMUNICATIONS STRUCTURES, ANTENNAS, EQUIPMENT AND/OR TOWERS** — Shall mean buildings and/or structures and equipment for the receiving, sending or conditioning of wireless telecommunications for pagers and cell phones (satellite dish antennas not being included therein). For purposes of this definition, wireless telecommunications structures, antennas, equipment and/or towers may be collectively referred to herein as "wireless telecommunications facilities." This definition shall not include any tower, or the installation of any antenna, that is under 50 feet in height and is owned and operated by a Federally-licensed amateur radio station operator or is used exclusively for receive only antennas.

**WIRELESS TELECOMMUNICATIONS TOWER** — Shall mean a vertical structure designed for and intended to support wireless telecommunications antennas.

b. Purpose. The purpose of this section is to provide sound land use policies, procedures and regulations for the location and placement of wireless telecommunications structures, antennas and equipment within the Township in

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12. Editor's Note: Prior ordinance history includes portions of Ordinance No. 98-7.



order to protect the community from the impacts of wireless telecommunications facilities and to preserve the scenic and historic and environmental character of the countryside that the Township Master Plan seeks to protect. This section seeks to meet the mandate of the Telecommunications Act of 1996, and at the same time, without limiting the generality of the foregoing, to:

1. Protect certain areas and land uses from the impacts of towers and antennas.
  2. Require the location of towers in the Office Research District (OR), the General Industrial District (GI) and the Agricultural-Residential Environmental Protection District (EP-250), these districts being referenced as "Permitted Districts" hereinafter. Applicants are encouraged to locate towers on high tension electric tower transmission facilities if they are located within Permitted Districts.
  3. Require the use of Township owned properties if located within a Permitted District.
  4. Minimize the total number of towers within the Township.
  5. Strongly encourage the joint use of existing tower sites as a primary option rather than construction of additional single-use towers.
  6. Encourage users of towers and antennas to locate them to the extent possible in areas where the impact on the community is minimal.
  7. Encourage users of towers and antennas to configure them in a way that minimizes the visual impact of the towers and antennas through careful design, siting, landscape, screening and innovative camouflaging techniques.
  8. Avoid potential damage to adjacent properties from tower failure through proper engineering and careful siting of tower structures.
- c. Permitted Use/Conditional Use Treatment.
1. Notwithstanding anything in this section to the contrary, the installation of wireless telecommunications antennas on existing structures, subject to site plan approval pursuant to the Township Code and consistent with the visual compatibility requirements hereof shall be a permitted conditional use in Permitted Districts. The installation thereof shall be as inconspicuous as reasonably possible. The applicant shall meet the standards hereof and will obtain site plan approval.
  2. Notwithstanding anything in this section to the contrary, no new wireless telecommunications tower shall be permitted unless the applicant proves that no existing tower, structure or alternative technology can accommodate the applicant's need. Costs of alternative technology that exceed new wireless telecommunications tower or wireless telecommunications antenna development shall not be presumed to render any alternative technology unsuitable or unavailable.
  3. If a Township property can fulfill the requirements of applicant's antenna location, then the applicant must locate on Township property, if the Township

consents to such location and if the same is located within a Permitted District.

d. Visual Compatibility Requirements.

1. Wireless telecommunications antennas on existing structures or buildings and wireless telecommunications towers shall be designed, located and screened to blend with and into the existing natural or built surroundings so as to eliminate to the maximum extent practicable visual impacts through the use of color and camouflaging, screening, architectural treatment, landscaping and other appropriate means which shall minimize the visual impact of such antennas and towers on neighboring residences and the character of the Township as a whole. All potential visual impacts of the wireless telecommunications installation must be analyzed by the applicant to illustrate that the selected site provides the best opportunity to minimize the visual impact of the proposed facility. Wireless telecommunications installations should be located to avoid being visually solitary or prominent when viewed from residential areas or public view.
2. Wireless telecommunications antennas on existing structures or buildings and wireless telecommunications towers shall be placed to ensure that significant views, streetscapes, and landscapes are not visually impaired. The views of and vistas from architecturally and/or significant structures shall not be impaired or diminished by the placement of telecommunications facilities.
3. The wireless telecommunications equipment compound shall be located and screened from residential areas and the public way.
4. The wireless telecommunications equipment compound shall be secured as approved by the Township Engineer. When the compound is located on the ground, the height of the equipment building shall not exceed nine feet for flat roofs and 14 feet for pitched roofs and the area of the equipment building shall not exceed 200 square feet.
5. A ground located wireless telecommunications equipment compound comprised of no more than 1,000 square feet in area may be erected in support of wireless telecommunications antenna but only if:
  - (a) It is situated behind existing vegetation, tree cover, structures, buildings or terrain features which will shield completely the wireless telecommunications equipment compound from public view; or
  - (b) When a location completely out of public view is not possible, a landscape buffer not less than 20 feet in width shall be provided outside the wireless telecommunications equipment compound to shield completely the facility from public view. Landscaping shall include native evergreen and deciduous trees not less than eight feet high at the time of planting. The number of trees to be planted shall be the equivalent of staggered double rows at 15 feet on center around the compound perimeter; and
6. A wireless telecommunications equipment compound shall be maintained in accordance with the site plan approval for it in a serviceable, safe and

aesthetically pleasing manner.

e. Conditional Use Standards for the Location of Wireless Telecommunications Antennas or Towers.

1. An applicant which proposes to construct wireless telecommunications antennas or towers shall satisfactorily demonstrate, through the presentation and introduction of evidence, which may consist of plans, diagrams, reports, documents and expert testimony each, of the following:

(a) The evidence presented and introduced shall describe in detail: (i) the wireless telecommunications network layout and its coverage area requirements and (ii) the need for new wireless telecommunications facilities at the specific proposed location within the Township. The applicant shall also provide evidence of any and all alternate wireless network plan designs which would not require the applicant to construct a wireless telecommunications tower at the proposed location.

(b) That applicant has exercised its best efforts to locate the wireless telecommunications antennas on existing buildings or structures, on Township owned property and/or on high tension electric tower transmission facilities. The applicant, in order to meet its burden on this issue, shall provide copies of all correspondence from and between the wireless telecommunications provider and the said property owners of the existing buildings or structures and the Township. The failure of the applicant to present evidence of the foregoing shall constitute a rebuttable presumption that the applicant has not exercised its best efforts as required herein. Evidence demonstrating that no existing wireless telecommunications tower or building or structure, Township property or high tension electric tower transmission facilities can accommodate the provider's proposed antenna may consist of any one or more of the following reasons:

(1) No existing towers or structures, Township property or high tension electric tower transmission facilities are located within the geographic area that is necessary to meet the provider's requirement to provide reliable coverage.

(2) Existing towers or structures are not of sufficient height or cannot be made to be of sufficient height to meet the provider's radio frequency engineering requirements, or do not have sufficient structural strength to support the provider's proposed antenna and related equipment.

(3) The applicant's proposed antenna would cause electromagnetic interference with antennas on the existing towers or structures or the antenna on the existing towers or structures would cause interference with the applicant's proposed antennas.

(4) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are patently unreasonable. Actual

direct costs exceeding new tower design, development and construction are presumed to be patently unreasonable.

- (5) The applicant demonstrates that there are other limiting factors that render existing towers and structures or Township property unsuitable.
  - (c) The locations of all existing communications towers and other structures of 150 feet in height or less within the applicant's search area. The applicant shall provide competent testimony by a radio frequency engineer regarding the suitability of each location so identified by the applicant in light of the design of the wireless telecommunications network and the alternate network designs identified above.
  - (d) Where a suitable location on an existing tower or other structure, Township property or high tension electric tower transmission facility is found to exist, but the applicant is unable to secure an agreement to collocate its equipment on said tower or other structure or on the Township owned property, the applicant shall provide sufficient and credible written evidence of its attempt or attempts to collocate or to locate on Township property.
  - (e) A full, complete description of all alternative technologies not requiring the use of towers or other structures to provide the services by the applicant through the use of a new tower.
  - (f) That the applicant has exercised its best efforts to site new wireless antennas, equipment or towers within the applicant's search area according to this section. Without otherwise limiting the nature of the evidence to be provided by the applicant, the applicant shall provide to the approving authority the block and lot number of any parcel for which the wireless provider has attempted to secure a lease or purchase agreement and copies of all correspondence from and between the wireless provider and the property owner; the failure of the applicant to present evidence of the foregoing shall constitute a rebuttable presumption that the applicant has not exercised its best efforts as required herein; and
  - (g) Comply with the Township standard that no wireless telecommunications towers shall be permitted which would require lighting affixed thereto unless required by the FCC, FAA or any other governmental agency regulations or requirements.
  - (h) Comply with the Township standard that no wireless telecommunications towers shall not be erected within 1,000 feet of any historic district or site listed on the National and/or State Register of Historic Places.
- f. Bulk Standards. An applicant proposing to construct a wireless telecommunications tower who has satisfied the requirements of paragraph e above shall comply with the following bulk standards (these standards not being applicable to installations on high tension electric tower transmission facilities):

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|----|--|---|
| 1. | Minimum total lot size (the lot upon which the applicant has leased or purchased a portion thereof for its use). | Lot must comply with the zoning requirements in the zone in which located. Excluding Township owned properties which have no limitation |
| 2. | Minimum setback of wireless telecommunications tower from:   |   |
|    | (a) Any property line  | Towers must be set back a distance equal to at least 20% of the tower height from any adjoining lot line                                |
|    | (b) Any existing residence   | Towers must be set back a distance equal to at least 200% of the tower height from all non-appurtenant buildings                        |
|    | (c) Any existing wireless telecommunications tower   | 1,500 feet  |
| 3. | Minimum setback for equipment compound from any property line  | The zone district setback requirements for any principal building   |
| 4. | Maximum height of wireless telecommunications tower  | 120 feet  |
| 5. | Maximum height of antenna attached to a building   | 10 feet beyond the highest elevation of the building or structure on which attached   |
- g. Site Plan Application Requirements for the Installation of Wireless Telecommunications Towers, in Addition to the Checklist Requirements Contained in Subsection 15-6.3 of the Township Codification.
1. All site plan details required herein for wireless telecommunications towers shall be provided and shall include the site boundaries, tower location, existing and proposed structure, including accessory structures, existing and proposed ground-mounted equipment, vehicular parking and access and structures and land use designations on the site and abutting parcels.
  2. A landscape plan drawn to scale showing proposed landscaping, including species type, size, spacing, other landscape features, and existing vegetation to be retained, removed or replaced.
  3. A report from a qualified expert certifying that the wireless telecommunications tower and equipment facility comply with the latest structural and wind loading requirements as set forth in the Building Officials and Code Administrators (BOCA) International, Inc., Code, or the Electronic Industries Association Telecommunications Industries Association (EIA/TIA) 222 Revision F Standards, entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures" (or equivalent), as it may be updated or amended, or such other code as may apply to these facilities, including a description of the number and type of antennas it is designed to accommodate.

4. A binding, irrevocable letter of commitment by the applicant and the property owner to lease excess space on the tower to other potential users at prevailing market rates and conditions. The applicant's counsel shall simultaneously submit a separate opinion of counsel expressing such counsel's opinion as to the enforceability of such binding, irrevocable letter of commitment by the Township under the laws of the State of New Jersey. The letter of commitment shall be recorded with the County Clerk prior to issuance of a building permit. The letter shall commit and be binding upon the tower owner and successors in interest.
5. Elevations of the proposed tower and accessory building generally depicting all proposed antennas, platforms, finish materials and all other accessory equipment.
6. A copy of the lease or deed for the property.
7. A plan which shall reference all existing wireless telecommunications facilities in the Township, any such facilities in the abutting municipalities which provide service to areas within the Township and any changes proposed within the following twelve-month period, including plans for new locations and the discontinuance or relocation of existing facilities.
8. A 360° drawn perspective or a photo simulation at four locations (at 90° increments) of the proposed tower drawn to an appropriate scale.
9. In implementing the National Environmental Policy Act (NEPA), the Federal Communications Commission requires applicants to prepare "environmental assessments" for towers that are proposed to be located in certain environmentally sensitive areas, including: officially designated wildlife preserves or wilderness areas; 100-year floodplain; situations which may affect threatened or endangered species or critical habitats; or situations which may cause significant change in surface features, such as wetland fills, deforestation or water diversion. In addition, an environmental assessment must be prepared when sites listed or eligible for listing in the National Register of Historic Places may be affected.

The fact that an environmental assessment is required does not necessarily mean the tower cannot be built. It does, however, call for public notice and opportunity to comment on the environmental impacts of the proposed tower. If the FCC, after review of the comments, makes a finding of "no significant impact," the project has cleared NEPA scrutiny.

- h. Design Standards, in Addition to Those Design Standards Contained in Section 15-7 of the Township Codification.
  1. A wireless telecommunications tower shall be designed and constructed to accommodate at least three antenna arrays of separate telecommunication providers (the applicant's plus two collocators).
  2. Signs shall not be permitted except for a sign displaying owner contact information, warnings, equipment information and safety instructions. Such sign shall not exceed two square feet in area. No commercial advertising shall

be permitted on any wireless telecommunications facility.

3. No lighting is permitted except as follows:
  - (a) Wireless telecommunications equipment compounds enclosing electronic equipment may have security and safety lighting at the entrance, provided that the light is attached to the facility, is focused downward and is on timing devices and/or sensors so that the light is turned off when not needed for safety or security purposes; and
  - (b) No lighting is permitted on a wireless telecommunications tower unless required by the FAA.
4. Wireless telecommunications antennas and towers shall be properly maintained by the owner or lessee to assure their continued structural integrity. The owner of the tower or antenna shall also perform regular maintenance of the structure and of the site as to assure that it does not create a visual nuisance. An independent licensed professional engineer shall submit a written report to the Township Engineer every two years and/or after tower modification or the addition of any antennas as to the structure of the tower and any related matters.
5. Wireless telecommunications towers antennas and other equipment shall be of a color appropriate to the tower's locational context and to make it as unobtrusive as possible, unless otherwise required by the Federal Aviation Administration (FAA).
6. Wireless telecommunications facilities shall be surrounded by security features such as a fence. All towers shall be designed with anti-climbing devices in order to prevent unauthorized access. Additional safety devices shall be permitted or required, as needed, and as approved by the approving authority.
7. Any proposed new telecommunications tower shall be a "monopole" unless the applicant can demonstrate that a different type structure is necessary for the collocation of additional antennas on the tower. Such structures shall employ camouflage technology where appropriate and where required by the approving authority.
8. No equipment shall be operated so as to produce noise in excess of the limits set by the local noise ordinance, except for emergency situations requiring the use of a backup generator.
9. Wireless telecommunications towers and antennas shall be constructed to the Electronic Industries Association Telecommunications Industries Association (EIA/TIA) 222 Revision F Standard entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures" (or equivalent), as it may be updated or amended.
10. All equipment shall be designed and automated to the greatest extent reasonably possible in order to reduce the need for on-site maintenance and thereby minimize the need for vehicular trips to and from the site. Access shall

be from established site access points whenever possible, minimal off-street parking shall be permitted as needed and as approved by the approving authority.

i. Antenna Modifications; Abandonment.

1. Whenever antennas are modified or replaced, operators of wireless telecommunications facilities shall provide to the Township a report from a qualified expert certifying that a wireless telecommunications tower or building or other support structure as modified complies with the latest structural and wind loading requirements as set forth in the Building Officials and Code Administrators (BOCA) International, Inc. Code and the EIATIA Standard referenced above. Such modifications shall be subject to site plan review and approval and all the requirements set forth herein.
2. Operators of wireless telecommunications facilities shall notify the Township when the use of such antennas and/or ancillary equipment is discontinued. Facilities that are not in operational use for wireless telecommunications purposes for a period of six months shall be removed by the operator at its cost. This removal shall occur within 90 days of the end of such six-month period. Upon removal, the telecommunication facility site shall be cleared, restored, and revegetated to blend with the existing surrounding vegetation at the time of abandonment. If the above is not accomplished by the operator or owner, the Township may remove the same at the operator's or owner's expense. The operator shall be required to submit to the Township Zoning Officer verification of continued use of the facilities as issued by the State and/or the FCC on or about the first of every calendar year or other renewal period. The Township retains the right to use any abandoned wireless telecommunications equipment on municipal property for its own use. Notwithstanding the above, it shall be the Township's option to assume ownership of the aforesaid facilities instead of the operator's removal of the said equipment from the site.

j. Collocation and Shared Facilities and Sites.

1. FCC licensed wireless telecommunications providers are encouraged to construct and site their facilities with a view toward sharing facilities with other utilities, collocating with other existing wireless facilities and accommodating the collocation of other future facilities where technically, practically and economically feasible.

k. Nonconforming Wireless Telecommunications Sites.

1. Wireless telecommunications sites in existence on the date of the adoption of this subsection which do not comply with the requirements of this subsection (are nonconforming), are subject to the following provisions:
  - (a) Such nonconforming sites may continue in use for the purpose presently used, but may not be expanded without complying with this subsection except as provided below.
  - (b) Such nonconforming sites whose structures are partially damaged or



destroyed due to any reason or cause may be repaired and restored to their former use, location and physical dimensions subject to obtaining a building permit therefor, but without otherwise complying with this subsection, unless destruction to the structure is greater than 50%, then repair or restoration will require compliance with this subsection.

- (c) The owner or operator of any nonconforming site may repair, rebuild and/or upgrade (but not expand such site or increase its height, reduce its setbacks or exceed the existing footprint), in order to improve the structural integrity of the facility, to allow the facility to accommodate collocated antennas or facilities, or to upgrade the facilities to current engineering, technological or communications standards, without having to conform to the provisions of this subsection.

1. Site plan application fees and escrows for telecommunications installations shall be as follows:
  1. If no new tower is proposed, an application fee of \$2,500 and an escrow fee of \$2,500.
  2. If a new tower is proposed, an application fee of \$4,000 and an escrow fee of \$5,000.

**§ 16-5.32. Developed Lots in the R-65 and CR-130/65 Zone Districts. [Ord. No. 01-25 § 1; Ord. No. 11-17 § 1; Ord. No. 13-18 § 1]**

- a. An existing dwelling located on a lot in that portion of the R-65 zone district as identified by dot pattern on the Official Zoning Map of the Township of Warren as amended hereby, and having a lot size of 39,500 square feet or greater but less than 65,340 square feet may be razed and reconstructed, or further altered and/or enlarged without the need for variance relief; provided however, that the reconstruction, alteration and/or enlargement conforms to all other zoning standards of the R-65 zone district (other than for lot size).
- b. An existing dwelling located on a lot in that portion of the CR-130/65 zone district as identified by dot pattern on the Official Zoning Map of the Township of Warren as amended hereby, and having a lot size of 39,500 square feet or greater but less than 130,000 square feet may be razed and reconstructed, or further altered and/or enlarged without the need for variance relief; provided, however, that the reconstruction, alteration and/or enlargement conforms to all other standards of the CR-130/65 zone district (other than for lot size).

**§ 16-5.33. Churches, Synagogues and Other Places of Worship.**

Churches, synagogues and other places of worship including resident housing for employees, education/school buildings and other accessory structures thereto shall be a permitted conditional use in all zone districts (except the RR(AH), R-10(AH), R10(AH/MF), R-40(AH/MF and R-MF) zone district(s) subject to the following:

- a. The lot shall have a minimum of five acres and a width of 300 feet.
- b. All accessory uses or buildings shall conform to the required yard depth for a

principal building.

- c. The development shall comply with the following bulk, yard and FAR standards:

Maximum Required Yd. Depth (in feet) Principal Building				Maximum % Lot Coverage by Building	Maximum* Height in Feet	Maximum Lot Coverage by All Buildings and Pavement	Maximum Floor Area Ratio
Front Yard in Feet	Minimum One Side Yard in Feet	Both Side Yards in Feet	Rear Yard in Feet				
150	50	100	65	15% nonresidential zones	35	50% nonresidential zones	0.15 nonresidential zones
				7.5% residential zoned		20% residential zones	0.125 residential zones

\* Shall not apply to steeple structures which shall not exceed twice the principal building height or exceed 70 feet, whichever is less.

- d. Parking shall conform to the requirements of Section 16-24 of this codification chapter.
- e. Proof of nonprofit qualification and valid tax-exempt status.
- f. Shall also comply with Schedule 16-8 for the applicable zone, unless modified herein.

#### **§ 16-5.34. Flag Lots Prohibited. [Ord. No. 05-38 § 2; Ord. No. 14-14]**

- a. The creation of flag lots is prohibited.
- b. Any flag lot in existence as of the effective date of this subsection (May 22, 2014) shall be exempt from this prohibition.

#### **§ 16-5.35. Access and Streets. [Ord. No. 05-40 § 2]**

- a. Each development shall have access to a street. Such access shall be designed and constructed for and shall be evaluated by the board as to adequacy for entering and exiting vehicles and for emergency vehicles.
- b. All lots in the R-20, R-20(V), R-65, ECR, CR-130/65 and EP-250 zones shall have frontage on a public street.
- c. Private streets are not permitted in the R-20, R-20(V), R-65, ECR, CR-130/65 and EP-250 zones.

**§ 16-5.36. Solar Collection Systems. [Ord. No. 11-13 § 2]**

Solar collection systems, as defined in 16-4 shall be considered an accessory use in all zoning districts. The purpose of this section is to establish regulations to facilitate the installation and construction of solar arrays.

The following standards shall apply to the development of solar collection systems:

- a. Collection systems, including solar arrays shall be classified as accessory structures and shall not be located in the front yard between the principal structure and the public right-of-way.
- b. Setbacks. As specified for principal structure in Section 16-8, Schedule of Area, Yard and Building Requirements, for zone in which located.
- c. Height. Freestanding collection systems on residential properties shall not exceed five feet in height.
- d. Size. Freestanding collection systems on residential properties shall not exceed the greater of 1/2 the footprint of the principal structure or 1,000 square feet, whichever is the lesser. The size of arrays for nonresidential properties shall not exceed 1/2 of the footprint of the principal structure.
- e. Solar collection systems are permitted to be located on the roof or exterior wall of a structure subject to the following:
  1. Collection systems shall not extend above the roof line;
  2. Collection systems located on the roof or attached to a structure shall provide, as part of their permit application a structural certification;
  3. Code Compliance. Solar collection systems shall comply with all applicable building and electrical codes;
  4. Solar collection systems may be located on accessory structures.

**§ 16-5.37. Keeping of Fowl. [Ord. No. 12-22]**

- a. For the purposes of this subsection, "fowl" shall be defined as chickens, turkeys, pigeons, ducks, geese or other undomesticated bird kept for its eggs or flesh.
- b. Fowl may be kept principally for home use and consumption of such fowl or their products, or for sale of such fowl or their products where such sales are incidental, subject to the following requirements:
  1. Minimum lot size. A minimum lot size of 1 1/2 acres is required to keep fowl pursuant to this subsection. Fowl may only be kept in the following zones:
    - (a) R-65 1 1/2 Acre Residential.
    - (b) ECR - Environmental Critical Rural Residential District.
    - (c) CR-130/65 3-1 1/2 Acre Environmental Critical Rural Residential District.

- (d) EP-250 6 Acre Residential Environmental Protection.
- 2. Number of allowable fowl. No more than six fowl may be kept on any parcel that meets the minimum lot size. For each additional one acre, four additional fowl may be kept.
- 3. Roosters and cockerels. Mature roosters and cockerels are prohibited.
- 4. Shelters. All fowl kept pursuant to this subsection must be kept in a suitable shelter or coop.
  - (a) All shelters and coops must have a floor impervious to moisture, and must be waterproof, free from rats and vermin, and properly ventilated and lighted.
  - (b) All shelters and coops shall be located at least 50 feet from any door or window of any residential building and at least 50 feet from any property line.
  - (c) All shelters and coops must be kept in a clean and sanitary condition, open to inspection by the Township.
- c. Free-Ranging Prohibited. All fowl permitted pursuant to this subsection shall be kept in a fenced area. No free-ranging shall be permitted.
- d. Noise. All fowl kept pursuant to this subsection shall be subject to the provisions of Chapter 3, General Police Regulations, Section 3-2.
- e. Penalty. Any person owning, keeping or maintaining any fowl pursuant to this subsection, who violates or refuses to comply with the provisions of this subsection 16-5.37, shall be liable for a penalty as prescribed in Chapter 16, Zoning, Section 16-27.
- f. Farmland Assessment. Nothing in this subsection shall be construed to apply to any property owner whose property has qualified for farmland assessment under the provisions of N.J.S.A. 54:4-23.1 et seq. by the Tax Assessor of the Township of Warren.

**§ 16-6. AFFORDABLE HOUSING UNIT REGULATIONS FOR R-R (AH), R-10 (AH), R-10 (AH/MF), R-40 (AH/MF), R-MF, AH-1, AH-2, AH-3, AH-4, AH-5, AH-6, AH-7, AH-8, UR-LINDBERG AVE., UR-MT. BETHEL, UR-MT. HOREB/ MT. BETHEL AND UR-FLAG PLAZA DISTRICTS.<sup>13</sup> [Amended 5-9-2019 by Ord. No. 19-30]**

**§ 16-6.1. Purpose.**

- a. The purpose of this section is to establish the Uniform Housing Affordability Controls ("UHAC") and regulations for low- and moderate-income housing units in Warren Township that are consistent with the provisions of N.J.A.C. 5:80-26.1 et seq., effective as of December 20, 2004. These rules are pursuant to the Fair Housing Act of 1985 and Warren Township's constitutional obligation to provide

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13. Editor's Note: Prior ordinance history includes portions of Ordinance No. 93-24.

for its fair share of low- and moderate-income housing. This section is intended to provide assurances that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy those units. This section shall apply, except where inconsistent with applicable law.

- b. The Warren Township Planning Board has adopted a Housing Element and Fair Share Plan ("HEFSP") pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. The HEFSP has been endorsed by the Township Committee. This section implements and incorporates the adopted and endorsed HEFSP and addresses the requirements of N.J.A.C. 5:93-1 et seq., as supplemented and amended, N.J.A.C. 5:80-26.1 et seq., as supplemented and amended, and the New Jersey Fair Housing Act of 1985.
- c. Subsections 16.1 through 16.18 of the Warren Township Zoning Ordinance, adopted December 2, 1993, are preserved for the limited purposes of regulation of and restrictions for the existing affordable housing units which were approved and developed pursuant to N.J.A.C. 5:93 et seq. and Subsections 16-6.1 through 16-6.18 referenced above, while the same were in effect. All future affordable housing units constructed and/or restricted during the third round will be governed by this § 16-6. The prior Subsections 16-6.1 through 16-6.18 will be maintained by the Warren Township Clerk. **[Ord. No. 96-1 § 1]**

#### **§ 16-6.2. Monitoring and Compliance Requirements.**

The Township of Warren shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its Court-approved HEFSP:

- a. Beginning on October 10, 2019, and on every anniversary of that date through October 10, 2025, the Township agrees to provide annual reporting of its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services.
  - 1. The reporting shall include an accounting of all housing trust fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended; however, the Township may redact or remove any personally identifying information on individual assistance raising privacy concerns from the website.
- b. On March 30, 2020, and every March 30 thereafter through March 30, 2025, the Township shall provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website, with a copy of such posting provided to Fair Share Housing Center using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master or Fair Share Housing Center.
- c. For the midpoint realistic opportunity review due on July 1, 2020, as required

pursuant to N.J.S.A. 52:27D-313, the Township will post on its municipal website, with a copy to Fair Share Housing Center, a status report as to its implementation of its HEFSP and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the court regarding these issues.

- d. For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, by November 9, 2021, and every third year thereafter, the Township will post on its municipal website, with a copy to Fair Share Housing Center, a status report as to its satisfaction of its very-low-income requirements, including the family very low requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality and to Fair Share Housing Center on the issue of whether the Township has complied with its very-low-income housing obligation.

### **§ 16-6.3. Definitions.**

The following terms when used in this section shall have the meanings given in this subsection:

ACT — The Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.).

ADAPTABLE — Constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

ADMINISTRATIVE AGENT — The entity designated by the Township to administer affordable units in accordance with this section, N.J.A.C. 5:93, and UHAC (N.J.A.C. 5:80-26).

AFFIRMATIVE MARKETING — A regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

AFFORDABILITY AVERAGE — The average percentage of median income at which new restricted units in an affordable housing development are affordable to low- and moderate-income households.

AFFORDABLE — A sales price or rent level that is within the means of a low- or moderate-income household as defined within N.J.A.C. 5:93-7.4, and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be supplemented and amended.

AFFORDABLE HOUSING DEVELOPMENT — A development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Township's fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100% affordable housing development.

**AFFORDABLE HOUSING PROGRAM(S)** — Any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

**AFFORDABLE UNIT** — A housing unit proposed or created pursuant to the Act and approved for crediting by the Court and/or funded through an affordable housing trust fund.

**AGE-RESTRICTED UNIT** — A housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development wherein the unit is situated are 62 years of age or older; or 2) at least 80% of the units are occupied by one person who is 55 years of age or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

**AGENCY** — The New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

**AHPNJ** — The Affordable Housing Professionals of New Jersey.

**ALTERNATIVE LIVING ARRANGEMENT** — A structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternate living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

**ASSISTED LIVING RESIDENCE** — A facility that is licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

**CERTIFIED HOUSEHOLD** — A household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

**COAH** — The Council on Affordable Housing, as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.).

**DCA** — The State of New Jersey Department of Community Affairs.

**DEFICIENT HOUSING UNIT** — A housing unit with health and safety code violations that requires the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load-bearing structural systems.

**DEVELOPER** — Any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land included in a proposed development including the holder of an option to contract to purchase, or other person having an enforceable proprietary interest in such land.

**DEVELOPMENT** — The division of a parcel of land into two or more parcels, the

construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

**INCLUSIONARY DEVELOPMENT** — A development containing both affordable units and market-rate units. This term includes, but is not limited to, new construction, the conversion of a nonresidential structure to residential use and the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

**LOW-INCOME HOUSEHOLD** — A household with a total gross annual household income equal to 50% or less of the regional median household income by household size.

**LOW-INCOME UNIT** — A restricted unit that is affordable to a low-income household.

**MAJOR SYSTEM** — A primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include, but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and load-bearing structural systems.

**MARKET-RATE UNITS** — Housing not restricted to low- and moderate-income households that may sell or rent at any price.

**MEDIAN INCOME** — The median income by household size for the applicable housing region, as adopted annually by AHPNJ or a successor entity approved by the Court.

**MODERATE-INCOME HOUSEHOLD** — A household with a total gross annual household income in excess of 50% but less than 80% of the regional median household income by household size.

**MODERATE-INCOME UNIT** — A restricted unit that is affordable to a moderate-income household.

**NON-EXEMPT SALE** — Any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of an inheritance; the transfer of ownership through an executor's deed to a Class A beneficiary and the transfer of ownership by court order.

**RANDOM SELECTION PROCESS** — A process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

**REGIONAL ASSET LIMIT** — The maximum housing value in each housing region affordable to a four-person household with an income at 80% of the regional median as defined by duly adopted regional income limits published annually by AHPNJ or a successor entity or other state or federal agency approved by the Court..

**REHABILITATION** — The repair, renovation, alteration or reconstruction of any



building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

RENT — The gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program.

RESTRICTED UNIT — A dwelling unit, whether a rental unit or an ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as supplemented and amended, but does not include a market-rate unit financed under UHROP or MONI.

UHAC — The Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26 et seq.

VERY-LOW-INCOME HOUSEHOLD — A household with a total gross annual household income equal to 30% or less of the regional median household income by household size.

VERY-LOW-INCOME UNIT — A restricted unit that is affordable to a very-low-income household.

WEATHERIZATION — Building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for purposes of a rehabilitation program.

#### **§ 16-6.4. Applicability.**

- a. The provisions of this section shall apply to all affordable housing developments that are proposed to be created within the Township of Warren pursuant to the Township's most recently adopted HEFSP.
- b. The following sections shall apply to all developments that contain low- and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

#### **§ 16-6.5. Alternative Living Arrangements.**

- a. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:
  1. Affirmative marketing (N.J.A.C. 5:80-26.15); provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court.
  2. Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).
- b. With the exception of units established with capital funding through a twenty-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least thirty-year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.
- c. The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

**§ 16-6.6. Phasing Schedule for Inclusionary Zoning.**

In inclusionary developments, the following schedule shall be followed:

<b>Maximum Percentage of Market-Rate Units Completed</b>	<b>Minimum Percentage of Low- and Moderate-Income Units Completed</b>
25%	0%
25% + 1%	10%
50%	50%
75%	75%
90%	100%

**§ 16-6.7. New Construction.**

## a. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

1. The fair share obligation shall be divided equally between low-and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be very-low-income units (affordable to a household earning 30% or less of regional median income by household size), with at least half of the very-low-income units being available to families. The very-low-income units shall be counted as part of the required number of low-income units within the development.
2. In each affordable development, at least 50% of the restricted units within each bedroom distribution shall be low-income units, including at least 13% of the restricted units within each bedroom distribution which shall be very-low-income units.
3. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
  - (a) The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low- and moderate-income units;
  - (b) At least 30% of all low- and moderate-income units shall be two-bedroom units;
  - (c) At least 20% of all low-and moderate income units shall be three-bedroom units; and
  - (d) The remaining units may be allocated among two- and three-bedroom units at the discretion of the developer.
4. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income limits within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

## b. Accessibility Requirements.

1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7 and the following:
2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
  - (a) An adaptable toilet and bathing facility on the first floor; and
  - (b) An adaptable kitchen on the first floor; and
  - (c) An interior accessible route of travel on the first floor; and
  - (d) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
  - (e) If not all of the foregoing requirements in Subsection b2(a) through (d) can be satisfied, then an interior accessible route of travel must be provided within an individual unit; but if all of the terms of Subsection b2(a) through (d) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and
  - (f) An accessible entranceway as set forth in P.L. 2005, C. 350 (N.J.S.A. 52:27D-31 1a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that Warren Township has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
    - (1) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
    - (2) To this end, the builder of restricted units shall deposit funds within the Township of Warren's Affordable Housing Trust Fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
    - (3) The funds deposited under Subsection b2(f)(2) above shall be used by the Township of Warren for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
    - (4) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Township's Affordable Housing Trust Fund in care of the Chief Financial Officer of the Township who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.

- (5) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7.

c. Design:

1. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
2. In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.

d. Maximum Rents and Sales Prices:

1. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD and the calculation procedures set forth in the settlement agreement executed as of October 10, 2018 as approved by order entered by the Hon. Thomas C. Miller, P.J.Cv., on December 18, 2018.
2. Income limits for all units that are part of the HEFSP and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 shall be updated by the Township annually within 30 days of the publication of determinations of median income by HUD as follows:
  - (a) Region 3 income limits shall be established based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total number of households from the most recent decennial Census in the Township's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80% of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50% of the HUD determination of the regional weighted average income for a family of four. The income limit for a very-low-income unit for a household of four shall be 30% of the regional weighted average median income for a family of four. These income units shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.
  - (b) The Township shall update the income limits after HUD has published

median income limits for each succeeding fiscal year.

- (c) The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Township annually by taking the percentage increase of the income limits calculated pursuant to Subsection d(2)(a) above over the previous year's income limits, and applying the same percentage increase to the regional asset limit from the previous year.
  - (d) Fair Share Housing Center and the Township have heretofore requested the Court, prior to or as part of the Fairness Hearing in this matter, to enter an order implementing the regional income limits referenced in this subsection.
- 3. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60% of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52% of median income.
- 4. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13% of all low- and moderate-income units shall be affordable to very-low-income households, which very-low-income units shall be part of the low-income requirement.
- 5. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income, and each affordable development must achieve an affordability average of 55% for restricted ownership units. In achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.
- 6. In determining an initial sales price and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:
  - (a) A studio shall be affordable to a one-person household;
  - (b) A one-bedroom unit shall be affordable to a one-and-one-half-person household;
  - (c) A two-bedroom unit shall be affordable to a three-person household;
  - (d) A three-bedroom unit shall be available to a four-and-one-half-person household;
  - (e) A four-bedroom units shall be affordable to a six-person household.
- 7. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living

facilities and age-restricted developments, the following standards shall be used:

- (a) A studio shall be affordable to a one-person household;
  - (b) A one-bedroom unit shall be affordable to a one-and-one-half person household;
  - (c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
8. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95% of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28% of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be supplemented and amended; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be supplemented and amended.
9. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30% of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be supplemented and amended; and N.J.A.C. 5:80-26.3, as may be supplemented and amended.
10. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.
11. The rents of very-low-, low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the Northeast Urban Area. This increase shall not exceed 9% in any one year. Rent increases for units constructed pursuant to low-income housing tax credit regulations shall be indexed pursuant to the regulations governing low-income housing tax credits.

#### **§ 16-6.8. Utilities.**

- a. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.
- b. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by HUD for the Section 8 program.

#### **§ 16-6.9. Occupancy Standards.**

In referring certified households to specific restricted units, the Administrative Agent

shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

- a. Provide an occupant for each bedroom;
- b. Provide children of different sexes with separate bedrooms;
- c. Provide separate bedrooms for children and parents; and
- d. Prevent more than two persons from occupying a single bedroom.

**§ 16-6.10. Control Periods for Restricted Ownership Units and Enforcement Mechanisms.**

- a. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be supplemented and amended, and each restricted ownership unit shall remain subject to the requirements of this section for a period of at least 30 years, until Warren takes action to release the unit from such requirements. Prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be supplemented and amended.
- b. Notwithstanding the foregoing, all of the affordable housing units within the inclusionary projects identified below shall be subject to affordability controls for at least 50 years in a form approved by FSHC and otherwise consistent with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., or any successor regulation governing at the time of the issuance of the certificate of occupancy, which controls shall be in the form of a deed restriction and duly recorded in the Somerset County Clerk's Office prior to occupancy of the affordable housing units:
  1. AH-1 (Block 208, Lot 4 and 10);
  2. AH-2 (Block 205, Lots 58, 59, 60, 61 and 62);
  3. AH-4 (Block 85.01, Lots 1, 2, 3 and 4);
  4. AH-8 (Block 69, Lot 8.01).
- c. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- d. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the nonrestricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restriction in place.
- e. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first nonexempt sale after the unit's release from the restrictions set forth in the Ordinance, an amount equal to the difference between the unit's nonrestricted fair market value and its restricted price, and the recapture note shall be secured by a

recapture lien evidenced by a duly recorded mortgage on the unit.

- f. The affordability controls set forth in this section shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- g. A restricted ownership unit shall be required to obtain a continuing certificate of occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be supplemented and amended.

**§ 16-6.11. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices.**

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be supplemented and amended, including:

- a. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- b. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- c. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market rate purchasers.
- d. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom. See § 16-6.14.

**§ 16-6.12. Buyer Income Eligibility.**

- a. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be supplemented and amended, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50% of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80% of median income.
- b. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the Township Administrator or his or her designee, and subject to the Court's approval, permit a moderate-income purchaser to buy a low-income unit if, and only if, the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low-income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit.



- c. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
- d. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33% of the household's eligible monthly income.

**§ 16-6.13. Limitations on Indebtedness Secured by Ownership Unit; Subordination.**

- a. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.
- b. With the exception of first purchase money mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95% of the maximum allowable resale price of the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C. 5:80-26.6(b).

**§ 16-6.14. Capital Improvements to Ownership Units.**

- a. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or which add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.
- b. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price, which shall be subject to a ten-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of rent.

**§ 16-6.15. Control Periods for Restricted Rental Units.**

- a. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be supplemented and amended, and each restricted rental unit shall remain subject to the requirements of this section for a period of at least 30 years, until Warren takes action to release the unit from such requirements. Prior to such action, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be supplemented and amended.
- b. Notwithstanding the foregoing, all of the affordable housing units within the inclusionary projects identified below shall be subject to affordability controls of at least 50 years in a form approved by FSHC and otherwise consistent with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., or any successor regulation governing at the time of the issuance of the certificate of occupancy, which controls shall be in the form of a deed restriction and duly recorded in the Somerset County Clerk's Office prior to occupancy of the affordable housing units:
  1. AH-1 (Block 208, Lot 4 and 10);
  2. AH-2 (Block 205, Lots 58, 59, 60, 61 and 62);
  3. AH-4 (Block 85.01, Lots 1, 2, 3 and 4);
  4. AH-8 (Block 69, Lot 8.01).
- c. Deeds of all real property that includes rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Somerset. A copy of the filed document shall be provided to the Administrative Agent within 30 days of receipt of a certificate of occupancy.
- d. A restricted rental unit shall remain subject to the affordability controls of this section despite the occurrence of any of the following events:
  1. Sublease or assignment of the lease of the unit;
  2. Sale or other voluntary transfer of the ownership of the unit; or
  3. The entry and enforcement of any judgment of foreclosure on the property containing the unit.

**§ 16-6.16. Rent Restrictions for Rental Units; Leases.**

- a. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- b. No additional fees or other charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative

Agent.

- c. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this section.
- d. No rent control ordinance or other pricing restriction shall be applicable to either the market units of the affordable units in any development in which at least 15% of the total number of dwelling units are restricted rental units in compliance with this section.

**§ 16-6.17. Tenant Income Eligibility.**

- a. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be supplemented and amended, and shall be determined as follows:
  - 1. Very-low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of the regional median household income by household size.
  - 2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of the regional median household income by household size.
  - 3. Moderate-income rental units shall be reserved for households with a gross household income less than 80% of the regional median household income by household size.
- b. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very-low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligibility monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be supplemented or amended; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
  - 1. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
  - 2. The household currently pays more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
  - 3. The household is currently in substandard or overcrowded living conditions;
  - 4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
  - 5. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.

- c. The applicant shall file documentation sufficient to establish the existence of the circumstances in Subsection b1 through 5 above, with the Administrative Agent, who shall counsel the household on budgeting.

**§ 16-6.18. Rehabilitated Units; Regulations and Requirements.**

- a. Rehabilitated owner-occupied single family housing units that are improved to Code standards will be subject to affordability controls for at least six years; and
- b. Rehabilitated renter-occupied housing units that are improved to Code standards will be subject to affordability controls for at least 10 years.

**§ 16-6.19. Municipal Housing Liaison.**

- a. The Township of Warren has established the position of Municipal Housing Liaison by Ordinance No. 6-27, Section 2. The Township of Warren shall appoint a specific municipal employee to serve as a Municipal Housing Liaison for purposes of administering this section. The Municipal Housing Liaison shall be responsible for overseeing the Township's affordable housing program, including overseeing the administration of affordability controls on the affordable units and the affirmative marketing of available affordable units in accordance with the Township's Affirmative Marketing Plan; fulfilling monitoring and reporting requirements; and supervising Administrative Agent(s). Warren Township shall adopt a resolution appointing the person to fulfill the position of Municipal Housing Liaison. The Municipal Housing Liaison shall be appointed by the Township Committee and may be a full-time or part-time municipal employee. Compensation may be fixed by the Township Committee at the time of appointment of the Municipal Housing Liaison. The Municipal Housing Liaison shall be approved by the Court and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of Municipal Housing Liaison.
- b. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Warren Township, including the following responsibilities which may not be contracted out to the Administrative Agent:
  - 1. Serving as Warren Township's primary point of contact for all inquiries from the state, affordable housing providers, Administrative Agents and interested households;
  - 2. Monitoring the status of all restricted units in Warren Township's HEFSP;
  - 3. Compiling, verifying, submitting and posting all monitoring reports as required by the Court and by this section;
  - 4. Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and
  - 5. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.

- c. Subject to the approval of the Court, the Township of Warren shall designate one or more Administrative Agent(s) to administer and to affirmatively market the affordable units constructed in the Township in accordance with UHAC and this section. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s) to be adopted by resolution of the Township Committee and subject to approval of the Court. The Operating Manual(s) shall be available for public inspection in the office of the Township Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the work of the Administrative Agent(s).

#### **§ 16-6.20. Administrative Agent.**

An Administrative Agent shall be an independent entity serving under contract to and reporting to the municipality. The fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required. The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in § 5:80-26.14, 16 and 18 thereof, which includes:

- a. Affirmative Marketing:
  1. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Township of Warren and the provisions of N.J.A.C. 5:80-26.15; and
  2. Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- b. Household Certification:
  1. Soliciting, scheduling, conducting and following up on interviews with interested households;
  2. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
  3. Providing written notification to each applicant as to the determination of eligibility or noneligibility;
  4. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
  5. Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located;
  6. Employing a random selection process as provided in the Affirmative Marketing Plan of the Township of Warren when referring households for certification to affordable units; and

7. Notifying the following entities of the availability of affordable housing units in the Township of Warren: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the New Brunswick, Plainfield Area, Perth Amboy and Metuchen/Edison branches of the NAACP, NORWESCAP, the Supportive Housing Association, and the Central Jersey Housing Resource Center.
- c. Affordability Controls.
1. Furnishing to attorneys or closing agent forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
  2. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate.
  3. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Somerset County Register of Deeds or Somerset County Clerk's office after the termination of the affordability controls for each restricted unit;
  4. Communicating with lenders regarding foreclosures; and
  5. Ensuring the issuance of continuing certificate of occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.
- d. Resales and Rerentals:
1. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental;
  2. Instituting and maintaining an effective means of communicating information to low- (or very-low-) and moderate-income households regarding the availability of restricted units for resale or rental.
- e. Processing Requests from Unit Owners:
1. Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this section;
  2. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;
  3. Notifying the municipality of an owner's intent to sell a restricted unit; and
  4. Making determinations on requests by owners of restricted units for hardship waivers.

## f. Enforcement:

1. Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
2. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
3. Posting annually, in all rental properties (including two-family homes), a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;
4. Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
5. Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund; and
6. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Township Committee and the Court, setting forth procedures for administering the affordability controls.

## g. Additional Responsibilities.

1. The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
2. The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet the Court-approved monitoring and reporting requirements in accordance with the deadlines set forth in this section.
3. The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

**§ 16-6.21. Affirmative Marketing Requirements.**

- a. The Township of Warren shall adopt, by resolution immediately after the adoption of this section, an Affirmative Marketing Plan, subject to approval by the Court, that is compliant with N.J.A.C. 5:80-26.15, as may be supplemented and amended.
- b. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The

Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs marketing activities toward Housing Region 3 and is required to be followed throughout the period of restriction.

- c. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 3, comprised of Hunterdon, Middlesex and Somerset Counties.
- d. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and rerentals. The Administrative Agent designated by the Township of Warren shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.
- e. In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- f. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.
- g. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
- h. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the Township's Administration Building; the Warren Township Library and the developer's rental office. Applications shall be mailed to prospective applicants upon request.
- i. In addition to other affirmative marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable units in Warren, and copies of the application forms, to the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the New Brunswick, Plainfield Area, Perth Amboy and Metuchen/Edison branches of the NAACP, NORWESCAP, the Supportive Housing Association, and the Central Jersey Housing Resource Center.
- j. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

#### **§ 16-6.22. Enforcement of Affordable Housing Regulation.**

- a. Upon the occurrence of a breach of any regulations governing an affordable unit by an owner, developer or tenant, the municipality shall have all remedies provided at law or equity, including, but not limited to, foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a



mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry onto the premises, and specific performance.

- b. After providing written notice of a violation to an owner, developer or tenant of a low- or moderate-income unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action(s) against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
  1. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the owner, developer or tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units, the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
    - (a) A fine of not more than \$500 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
    - (b) In the case of an owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payments into the Warren Township Affordable Housing Trust Fund of the gross amount of rent illegally collected;
    - (c) In the case of an owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's relocation costs, as determined by the Court.
  2. The municipality may file a court action in the Superior Court seeking a judgment that would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- or moderate-income unit.
    - (a) The judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- or moderate-income unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating owners shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.
    - (b) The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection

with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the owner or forfeited to the municipality.

- (c) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- (d) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- (e) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser which may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- (f) The owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.

**§ 16-6.23. Appeals.**

Appeals from all decisions of an Administrative Agent appointed pursuant to this section shall be filed in writing with the Superior Court or such other entity as the Superior Court may designate.

**§ 16-7. NONCONFORMING LOTS, STRUCTURES AND USES.****§ 16-7.1. Intent. [Ord. No. 93-24]**

Within the districts established by this chapter or amendments thereto, there exists lots, structures and uses of land and structures which were lawful before adoption of this chapter but which are prohibited, regulated or restricted under the terms of this chapter or amendment. It is the intent of this chapter to permit any nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared to be incompatible with permitted uses in the districts involved. It is further the intent that nonconformities shall not be enlarged, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

**§ 16-7.2. Adjacent Nonconforming Lots in Single Ownership. [Ord. 93-24]**

If two or more lots or combination or portions of lots with continuous frontage in single ownership regardless of separate deeds are of record and if all or part of the lots do not meet the requirements for lot width and area, the lands involved shall be considered to be an undivided parcel, and no portion of the parcel shall be used which does not meet lot width and area requirements, nor shall there be any division of the parcel without Planning Board approval.

**§ 16-7.3. Nonconforming Uses of Land. [Ord. No. 93-24]**

Where a lawful use of land exists that is no longer permissible under the terms of this chapter, the same use may be continued. No such nonconforming use shall be enlarged, increased, intensified, extended to occupy a greater area of structure or land, or moved in whole or in part to a different portion of the lot or structures thereon.

The prospective purchaser, prospective mortgagee, or any other person interested in any land upon which a nonconforming use or structure exists may apply in writing for the issuance of a certificate certifying that the use or structure existed before the adoption of the ordinance which rendered the use or structure nonconforming. The applicant shall have the burden of proof. Application pursuant hereto may be made to the Zoning Officer within one year of the adoption of the ordinance which rendered the use or structure nonconforming or at any time to the Board of Adjustment. The Zoning Officer shall be entitled to demand and receive for such certificate issued by him/her a fee of \$25. The fees collected by the official shall be paid by him to the municipality. Denial by the Zoning Officer shall be appealable to the Board of Adjustment. N.J.S.A. 40:55D-72 to 75 shall apply to applications or appeals to the Board of Adjustment.

**§ 16-7.4. Nonconforming Structures and Their Uses. [Ord. No. 93-24]**

- a. Structures and their uses that are nonconforming may be continued so long as they otherwise remain lawful but shall not be enlarged, expanded or altered except to

become more in conformity. Any replacement of a nonconforming structure shall conform to this chapter. Any nonconforming structure destroyed to an extent greater than 50% of its assessed valuation shall not be reconstructed except in conformity with this chapter. Changes from one nonconforming use to another are prohibited.

- b. No nonconforming building shall be enlarged, extended or increased unless the use of the same is permitted in the district in which it is located and provided said enlargement, extension or increase by itself conforms with all requirements of this Zoning Chapter and the dimensions and setback of said enlargement, extension or increase, when aggregated with the existing building do not create or increase any dimensional or setback violation of this Zoning Chapter and provided further that the area of said enlargement, extension or increase, when aggregated with the area of the existing building, does not exceed the maximum lot coverage standard permitted in that zone or any other standard whatsoever established by this Zoning Chapter. Exception to yard depths are set forth in the Schedule referenced in Section 16-8 of this chapter.
- c. Any nonconforming use or structure existing at the time of the passage of an ordinance may be continued upon the lot or in the structure so occupied and any such structure may be restored or repaired in the event of partial destruction thereof.

#### **§ 16-7.5. Abandonment of Nonconforming Uses or Structures. [Ord. No. 93-24]**

When a nonconforming use is discontinued for six consecutive months or for 18 months during any three-year period, the structure and premises in combination shall be presumed to have been abandoned and shall not thereafter be used except in conformance with the regulations of the district in which it is located.

#### **§ 16-7.6. Repairs and Maintenance. [Ord. No. 93-24]**

Ordinary repairs may be made on any building devoted in whole or in part to any nonconforming use. Repair or replacement of non-bearing walls, fixtures, wiring or plumbing may be made, but the cubic content of the building shall not be increased. Furthermore, this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe.

#### **§ 16-7.7. Construction Commenced. [Ord. No. 93-24]**

Nothing in this chapter shall require any change in the plans, construction, size or designated use of any building permit which was issued before adoption of this chapter provided that construction pursuant to such plans has been substantially started and cannot be reasonably adapted to the provisions of this chapter, and provided further that the construction shall be diligently pursued to completion.

### **§ 16-8. SCHEDULE OF DISTRICT REGULATIONS.**

#### **§ 16-8.1. Schedule. [Ord. No. 93-24; Ord. No. 2000-29, § 1; Ord. No. 01-23 § 2; Ord. No. 07-26 § 2; Ord. No. 13-20; Ord. No. 2016-28 § 3]**

The schedule of regulations applying to each district entitled Schedule of Area, Yard and

Building Requirements, hereinafter referred to as "Schedule," is a part of this chapter and is attached hereto.<sup>14</sup>

**§ 16-8.2. Intent. [Ord. No. 93-24]**

The Schedule summarizes the major regulations by zoning district, including lot size, yards, building heights and other regulations that may be easily summarized in tabular form; it is not meant to provide a complete index of all requirements and provisions stated within this chapter.

**§ 16-8.3. Exceptions to Yard Depths for New Construction or Addition to Existing Building. [Ord. No. 93-24]**

Where a vacant or developed lot is situated between two developed lots, the minimum front yard requirements of such lot shall be the average of the front yards of the existing buildings on the adjacent lots, except no front yard shall be reduced by more than 50% of the required depth, nor shall any front yard be less than 25 feet in depth, and further provided, where in a given block there is a pronounced uniformity of existing buildings where the front yard depths are greater than required, any new building shall conform substantially with the established alignment but shall not be required to provide a front yard depth of greater than 100 feet.

**§ 16-9. EP-250 AGRICULTURAL-RESIDENTIAL ENVIRONMENTAL PROTECTION DISTRICT.**

**§ 16-9.1. Purpose. [Ord. No. 93-24]**

This zone includes areas of significant environmental constraints, as identified on the Environmental Constraints Map contained in the adopted Master Plan of Warren Township dated January 22, 1990. Development standards encourage clustered single-family dwellings. Areas of accessible, and contiguous buildable uplands which are greater than 20 acres are considered appropriate for uses other than strictly large lot single-family residential or clustered single-family dwellings. Conditional uses consist of nursing homes, retirement facilities, private membership, nonprofit and recreation facilities.

**§ 16-9.2. Permitted Uses. [Ord. No. 93-24; Ord. No. 98-7, § 2; Ord. No. 03-23 § 1]**

No building, structure or lot shall be used and no building or structure shall be erected or structurally altered except for the following uses:

- a. Single-family detached dwellings.
- b. Farming consisting of vegetable growing, the raising or keeping of farm animals such as cows and sheep for commercial purposes, keeping and boarding of horses, including riding stables, tree farming and nurseries. No farm building used to house livestock and farm animals shall be located within 25 feet of a lot line.
- c. Volunteer fire company station provided that the lot has a minimum of six acres

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14. Editor's Note: The Schedule referred to herein is included as an attachment to this chapter.

and width of 200 feet and further that no accessory use shall be located within 25 feet of a lot line.

- d. Public and private golf courses provided the lot has a minimum of 75 acres and that no structure or parking area is located within 100 feet of a lot line.
- e. Wireless communication facilities in conformity with subsection 16-5.31.

### **§ 16-9.3. Permitted Accessory Buildings and Uses. [Ord. No. 93-24]**

Accessory uses customary and incidental to the principal use, including but not limited to those specified. The term accessory use shall not include a business, nor any building or unit not located on the same lot with the principal building to which it is accessory.

- a. Private garages and carports.
- b. Private swimming pools and tennis courts provided such uses shall comply with the minimum required yard requirements for the principal building.
- c. Outdoor barbecue structures.
- d. Storage buildings.
- e. Animal shelters to house domestic pets and livestock.
- f. Farm storage buildings.
- g. Day care and customary home occupations as defined in subsection 16-4.2 and subject to standards and requirements of Section 16-5, as applicable.

### **§ 16-9.4. Conditional Uses. [Ord. No. 93-24; Ord. No. 97-13, § 2; Ord. No. 03-23 § 1]**

- a. Public and private nonprofit school offering early childhood, elementary and/or secondary secular or religious education instruction and approved by the State of New Jersey, provided:
  - 1. The use is located on a lot of no less than 10 acres in size and of 200 feet in width.
  - 2. No building shall be located within 75 feet of a lot line.
  - 3. No accessory use be located within 75 feet of a lot line.
  - 4. The use has direct access to a street classified as other than a local access street as shown in the adopted Master Plan of Warren Township.
  - 5. A planted buffer area of no less than 15 feet in depth or fencing or both shall be required between all parking areas, outdoor facilities and adjacent lot lines. This provision may be waived if natural topography, wetlands or other natural or man made features adequately separate parking areas from adjoining residentially zoned land.
- b. Public Auctions and Flea Markets. Such use may be permitted as an accessory use

to a nonprofit corporation or organization limited to fire companies, church and other places of worship, and Lions, Elks and further provided:

1. The use is located on a lot of no less than six acres in size.
  2. A planted buffer area of no less than 15 feet in depth or fencing or both shall be required between all parking areas and adjacent lot lines. This provision may be waived if topography, wetlands or other natural or man made features adequately separate parking areas from adjacent residential zoned land.
  3. A license has been obtained as prescribed by the general ordinances of Warren Township.
- c. Private membership recreational facilities and nonprofit recreation facility including facilities open to the general public, offering activities limited to swimming, tennis, racket ball and handball courts, but not including commercial recreation uses wherein the principal use is an indoor activity consisting of exercise rooms, court(s), pools(s), etc., provided:
1. The use is located on a lot of no less than 10 acres in size.
  2. A planted buffer area of no less than 25 feet in depth or fencing or both shall be required between all parking areas, picnic areas, playing fields and buildings and the adjacent lot lines. This provision may be waived by the Planning Board if natural topography, wetlands or other natural or man made features adequately separate the above from adjoining residential zoned land.
  3. No building shall be located within 100 feet of any lot line nor have a total floor area of more than 10% of the lot area nor shall any building exceed two stories or 25 feet in height.
- d. Churches, synagogues and other places of worship including resident housing for employees, education/school buildings and any other accessory structures thereto shall be a permitted conditional use subject to the provisions set forth in subsection 16-5.33 of this chapter.

**§ 16-9.5. Height, Area and Bulk Requirements. [Ord. No. 93-24]**

As specified in the Schedule referenced in Section 16-8, except as hereinafter provided.

**§ 16-9.6. Permitted Modifications. [Ord. No. 93-24; Ord. No. 01-25 § 2]**

- a. Variable Lot Size Provision. In a subdivision application, variable lot sizes may be approved by the Planning Board. The lot sizes may be varied to the extent lots may have areas of not less than 65,340 square feet each, a width of not less than 200 feet, the total of both side yards shall be at least 75 feet (no side yard shall be less than 25 feet), and further provided that the average lot size will be not less than six acres. The Planning Board, in passing on such plats, shall consider the physical and structural characteristics including topography, floodplain, wetland and I-78 environmental impacts on the land included in the subdivision and determine that such variation in lot size will provide a superior layout of the subdivision and a better use of the land for building sites than would be obtained from a uniform lot

size. The subdivider shall submit a map showing the development according to the requirements of the EP-250 district, as shown in Section 16-8, and another map showing the development as modified in accordance with this subsection. In no event shall the density of development throughout the subdivision exceed the exact number of lots that would have been permitted to be built if such development had proceeded on the basis of six acres per lot with a width of 150 feet.

- b. Open Space Provision. In order to preserve and protect natural woodlands, waterways and further to provide open space area(s) to future residents concurrent with development, modifications may be permitted. The lot area and minimum lot width as required in the Schedule contained in Section 16-8, may be reduced provided all of the following requirements are met:

1. Each lot permitted under this subsection shall meet all of the following requirements:
  - (a) Not less than six acres or 60% of the total area of the tract, whichever is more, shall be either dedicated to Warren Township or to a homeowners association as per N.J.S. 40:55D-43 to be held as open space.
  - (b) The minimum lot area shall be 65,340 square feet.
  - (c) The minimum lot width of any lot shall be 200 feet.
  - (d) The minimum total of both side yards shall be 75 feet (no side yard shall be less than 25 feet).
2. Plat map. The subdivider shall submit a plat map showing the development according to the requirements of the EP-250 District as provided in the Schedule referenced in Section 16-8 and another plat map showing the development as modified in accordance with this subsection. In no event shall the density of development throughout the subdivision exceed the exact number of lots that would have been permitted to be built if such development had proceeded on the basis of six acres per lot with a width of not less than 150 feet.
3. Open space. When lands are proposed to be dedicated to the Township or homeowners association, the Planning Board shall condition final approval upon acceptance of such land by the Township Committee or establishment of a homeowners association as the case may be. Open space may also be established through deed restricted conservation easement, or similar instrument, to Warren Township or similar instrument.

All open space areas of the tract may be dedicated and conveyed by the owner to the Township for public use in fee simple subject to acceptance by Township Committee.

4. Application review. The Planning Board shall review the plat utilizing modified lot design standards and thereafter decide upon the submission. The Board shall base its decision upon the modified lot design plat proposal with regard to the following:
  - (a) Whether the proposal conforms to the comprehensive plan of the



Township;

- (b) Whether the proposal furthers the intent and spirit of the adopted Open Space Plan of the Township; and
- (c) Whether the proposal does comply with the intent and purpose of the lot design provision as described.

The Planning Board shall not be compelled to approve a proposal for open space/cluster development if in its discretion the proposal does not further the orderly development of the area and the proposed open space does not relate to the comprehensive plan for development and provision of parks, conservation, preservation of natural features and natural drainage systems in the Township.

**§ 16-9.7. Off-Street Parking Requirements. [Ord. No. 93-24]**

As specified in Section 16-24.

**§ 16-9.8. Sign Regulations. [Ord. No. 93-24]**

As specified in Section 16-25.

**§ 16-10. CR-130/65 ENVIRONMENTAL CRITICAL RURAL RESIDENTIAL DISTRICT.**

**§ 16-10.1. Purpose. [Ord. No. 93-24; Ord. No. 07-46 § 2]**

The CR-130/65 zone applies to large area of vacant land with environmental constraints present within portions or all of these areas. The base zoning is one unit on three acres (130,000 square feet) minimum lot size in a traditional subdivision form.

**§ 16-10.2. Permitted Uses. [Ord. No. 93-24; Ord. No. 03-23 § 2]**

No building, structure or premises shall be used and no building or structure shall be erected or structurally altered except for the following uses:

- a. Single-family detached dwellings.
- b. Farming consisting of vegetable growing and the raising or keeping of farm animals for commercial purposes, such as horses, cows and sheep, but not including riding stables, provided the plot or lot shall contain an area not less than five acres, and provided that no farm building used to house livestock and farm animals is located within 25 feet of a lot line.
- c. Public and private golf courses provided the lot has a minimum of 75 acres and that no structure or parking area is located within 100 feet of a lot line.

**§ 16-10.3. Permitted Accessory Buildings and Uses. [Ord. No. 93-24]**

Same as specified in subsection 16-9.3.

**§ 16-10.4. Conditional Uses. [Ord. No. 93-24; Ord. No. 97-13 § 3; Ord. No. 03-23 § 2]**

Same as specified in subsections 16-9.4a and 16-9.4b, except that minimum lot size for public auctions and flea markets (16-9-4b) shall be three acres.

Churches, synagogues and other places of worship including resident housing for employees, education/school buildings and any other accessory structures thereto shall be a permitted conditional use subject to the provisions set forth in subsection 16-5.33 of this chapter.

**§ 16-10.5. Height, Area and Bulk Requirements. [Ord. No. 93-25]**

As specified in the Schedule, Section 16-8, except as hereinafter provided.

**§ 16-10.6. Permitted Modifications. [Ord. No. 93-24; Ord. No. 01-25 § 3]**

- a. Variable Lot Size Provision. In a subdivision application, variable lot sizes may be approved by the Planning Board. The lot sizes may be varied to the extent lots may have areas of not less than 65,340 square feet each and a width of not less than 200 feet, the total of both side yards shall be at least 75 feet (no side yard shall be less than 25 feet), and further provided that the average lot size will be not less than three acres in size. The Planning Board, in passing on such plats, shall consider the physical and structural characteristics including topography, floodplain, wetland and I-78 environmental impacts on the land included in the subdivision and determine that such variation in lot size will provide a superior layout of the subdivision and a better use of the land for building sites than would be obtained from a uniform lot size. The subdivider shall submit a map showing the development according to the requirements of the CR-130/65 zone, as shown in Section 16-8, and another map showing the development as modified in accordance with this subsection. In no event shall the density of development throughout the subdivision exceed the exact number of lots that would have been permitted to be built if such development had proceeded on the basis of three acres per lot with a width of not less than 150 feet.
- b. Open Space Provision. In order to preserve and protect natural woodlands, waterways and further to provide open space area(s) to future residents concurrent with development, modification may be permitted. The lot area and minimum lot width as required in the Schedule contained in Section 16-8, may be reduced provided all of the following requirements are met:
  1. Each lot permitted under this subsection shall meet all of the following requirements:
    - (a) The minimum lot area shall be 65,340 square feet and shall have a width of not less than 200 feet. The lot width, yard and building requirements for lot(s) created by this subsection shall be the same as the R-65 zone as set forth in the Schedule referenced in Section 16-8, except that the minimum for both side yards shall be at least 75 feet (no side yard shall be less than 25 feet).
  2. Plan and density modification. The subdivider shall submit a map showing the

development according to the requirements of the CR-130/65 district as provided in the Schedule contained in Section 16-8 and another map showing the development as modified in accordance with this subsection. In no event shall the density of development throughout the subdivision exceed the exact number of lots that would have been permitted to be built if such development had proceeded on the basis of three acres per lot with a width of not less than 150 feet.

3. Open space. When lands are proposed to be dedicated to Warren Township or a homeowners association, the Planning Board shall condition final approval upon acceptance of such land by the Township Committee or establishment of a homeowners association as the case may be. Open space may also be established through deed restriction, conservation easement, or similar instrument, as approved by the Township Attorney.
4. Application review. The Planning Board shall review the plat utilizing modified lot design standards and thereafter decide upon the submission. The Board shall base its decision upon the modified lot design plat proposal with regard to the following:
  - (a) Whether the proposal conforms to the comprehensive plan of the Township;
  - (b) Whether the proposal furthers the intent and spirit of the adopted open space plan of the Township; and
  - (c) Whether the proposal does comply with the intent and spirit of the Open Space Cluster provision as described.

The Planning Board shall not be compelled to approve a proposal for modified size development if in its discretion the proposal does not further the orderly development of the area and the proposed open space does not relate to the comprehensive plan for development and provision of parks, conservation, preservation of natural features and natural drainage systems in the Township.

#### **§ 16-10.7. Off-Street Parking Regulations. [Ord. No. 93-24]**

As specified in Section 16-24.

#### **§ 16-10.8. Sign Regulations. [Ord. No. 93-24]**

As specified in Section 16-25.

### **§ 16-11. R-65 RURAL RESIDENTIAL DISTRICT, R-65/SC RURAL RESIDENTIAL SENIOR CITIZEN OPTION AND R-65/PAC RURAL RESIDENTIAL PLANNED ADULT COMMUNITY OPTION.**

#### **§ 16-11.1. Purpose. [Ord. No. 93-24; Ord. No. 01-32 § 4]**

The R-65 district encompasses the majority of existing 1 1/2 acre lot single family neighborhoods of Warren Township. The standards and requirements of this district are

designed to recognize the existing developed neighborhood character and to further the goals of the Warren Township Master Plan.

The R-65/SC district provides for senior citizen development within the Warren Township town center area as described within the adopted Master Plan of Warren Township. The R65/SC zone provides for the phased implementation of the Township Master Plan. The R-65/SC zone is differentiated from the R-65 zone by conditional uses and standards set forth in subsection 16-11.6c of this chapter.

The R-65/PAC district provides for adult/senior citizen development within Warren Township consistent with the adopted Master Plan of the Township. The R-65/PAC zone provides for the phased implementation of the Township Master Plan. The R-65/PAC zone is differentiated from the R-65 and R-65/SC zone by standards set forth in subsection 16-11.2f of this chapter.

**§ 16-11.2. Permitted Uses. [Ord. No. 93-24; Ord. No. 01-32 § 5; Ord. No. 03-23 § 3]**

No building, structure or premises shall be used and no building or structure shall be erected or structurally altered except for the following uses:

- a. Single-family detached dwellings.
- b. Farming consisting of vegetable growing, the raising or keeping of farm animals such as cows and sheep for commercial purposes, keeping and boarding of horses, (but not including riding stables), provided the lots shall contain an area of five acres and further provided that no farm building used to house livestock and farm animals shall be located within 25 feet of a lot line.
- c. Volunteer fire company station provided that the lot has a minimum of three acres and width of 200 feet and further that no accessory use shall be located within 25 feet of a lot line.
- d. Public and private golf courses provided that the lot has a minimum of 75 acres and that no structure or parking area is located within 100 feet of a lot line.
- e. In the R-65/SC zone only, senior citizen housing and uses permitted in the CB zone subject to the standards and regulations of subsection 16-11.6c hereof.
- f. Adult Planned Housing/PAC ("PAC" hereinafter) shall be permitted in the R-65 PAC district. Dwelling units constructed therein shall be occupied by families having a head of household 55 years of age or greater and be subject to the following:
  1. The purpose of this paragraph is to establish the standards and requirements for planned development that include a mix of market-priced housing and housing affordable to low and moderate income households.
  2. The following shall be the requirements of a PAC in addition to other provisions of this chapter, not inconsistent with this paragraph. In case of conflict with the other provisions of this chapter, the provisions of this paragraph shall control.

3. Permitted uses:
  - (a) Single-family detached dwellings.
  - (b) Zero lot line dwelling units.
  - (c) Townhouses.
  - (d) Apartments.
  - (e) Open space and recreation facilities.
4. Area, yard and building requirements for a PAC are as follows:
  - (a) Minimum area and maximum density. The minimum site area for a PAC shall be 10 acres.
    - (1) Gross Maximum Density: 3.5 dwellings/acre when 50% of all dwellings are single family detached dwellings; 3.25 dwellings/acre when 75% of all units are single detached dwellings. Density shall be proportionately reduced from 3.5 units/acre with increased percentile of single family detached dwellings above the minimum 50% requirement.
    - (2) The following chart provides the basis for the calculated density referenced above:

Density	% S.F. Detached
3.5	50%
3.45	55%
3.4	60%
3.35	65%
3.3	70%
3.25	75%

Interpolation shall determine exact density based upon the above chart.

- (b) Bulk and yard requirements.
  - (1) Maximum lot coverage by residential buildings shall be a maximum of 20% this restriction excludes common facilities such as clubhouses, gazebos, maintenance sheds, shelters and similar structures.
  - (2) Minimum landscaped, recreation and open space area shall be 40% of the total site.
  - (3) Building height. No buildings shall exceed a height of two stories or 35 feet.

- (4) Minimum setback from all property boundaries shall be 50 feet.
  - (5) Off-street parking. Off-street parking spaces shall be provided in accordance with applicable Residential Site Improvement Standards ("RSIS" hereinafter) N.J.S.A. 5:21-4.14 (parking).
- (c) No parking shall be permitted in the required fifty-foot setback area
- (d) Lighting standards for common areas shall conform to Town Center design standards as set forth in this chapter.
- (e) Roads. All interior roads shall be private streets and conform to applicable RSIS standards.
- 5. Required housing mix. No less than 50% and no more than 75% of all dwellings shall be free standing detached dwellings.
- 6. Establishment of owners association. The developer of the PAC shall provide for an organization for the ownership and maintenance of any common facilities and recreation facilities, landscaped areas, internal roadways and other amenities in the development for the benefit of owners and residents of the development. The documentation establishing such owner's association shall be subject to the approval of the Township Attorney.
- 7. Recreation facilities.
  - (a) The areas within the common open space shall provide recreation facilities appropriate for the size of the development.
  - (b) The common open space and recreation facilities located on the development shall be available on an equal basis to all residents of the development.
  - (c) The recreation facilities may include a central recreation complex swimming pool, tennis courts, picnic areas and similar facilities.
  - (d) The recreation facilities shall include meandering open space and trails system linking residential dwellings and other structures located within and without the development.
- 8. Sidewalks and walkways.
  - (a) A system of contiguous walkways shall be provided throughout the development, including its common areas, for safe pedestrian movement. Such walkways shall link the development with off-site Township, and/or County roads. Such walkways need not parallel local streets.
  - (b) Walkways within common areas shall connect to sidewalks along streets.
- 9. Buffers.
  - (a) All buildings shall be set back a minimum of 50 feet from all property lines of the tract. At least 25 feet of this setback area shall either be preserved with its natural vegetation or landscaped to provide a visual

buffer from adjacent properties.

- (b) Buffering shall provide a year-round visual screen in order to minimize adverse impacts on the site from adjacent areas. Buffering shall also ensure privacy for dwelling units and minimize adverse impacts from traffic, noise and light.
  - (c) Buffering shall consist of a berm and either fencing or evergreens, or combinations of materials, to achieve the stated buffering objectives.
10. Low and moderate income housing requirement. Required percentage of affordable units to be constructed on-site. The developer shall designate and set aside 20% of the total dwelling units as affordable to low and moderate income households as defined in this chapter subsection 16-6.1 through 16-6.18 of this chapter as applicable.
11. Tract access restrictions. The sole means of vehicular access/egress to a PAC shall be to an existing County roadway or Town Centre Drive, either through direct connection or easement.

**§ 16-11.3. Permitted Accessory Buildings and Uses. [Ord. No. 93-24; Ord. No. 02-43, § 1]**

Accessory uses customary and incidental to the principal use, including, but not limited to those specified. The term accessory use shall not include a business, nor any building or unit not located on the same lot with the principal building to which it is accessory.

- a. Private garages and carports.
- b. Private swimming pools and tennis courts provided such uses shall comply with the minimum required yard depth requirement for the principal building.
- c. Outdoor barbecue structures.
- d. Storage buildings.
- e. Animal shelters to house domestic pets and livestock.
- f. Farm storage buildings.
- g. Day care, customary home occupations as defined in Section 16-4 and subject to the standards and the requirements of subsection 16-5.30 of this chapter.

**§ 16-11.4. Conditional Uses. [Ord. No. 93-24; Ord. No. 01-14; Ord. No. 01-30 § 1; Ord. No. 03-23 § 3]**

- a. Public and private school offering early childhood, elementary and/or secondary secular or religious education instruction and approved by the State of New Jersey, provided:
  - 1. The use is located on a lot of no less than three acres in size and of 200 feet in width.
  - 2. No building shall be located within 50 feet of a lot line.

3. No accessory use be located within 25 feet of a lot line.
  4. The use has direct access to a street classified as other than a local access street as shown in the adopted Master Plan of Warren Township.
  5. A planted buffer area of no less than 15 feet in depth or fencing or both shall be required between all parking areas, outdoor facilities and adjacent lot lines. This provision may be waived if natural topography, wetlands or other natural or man-made features adequately separate parking areas from adjoining residentially zoned land.
- b. Public Auctions and Flea Markets. Such use may be permitted as an accessory use to a nonprofit corporation or organization limited to fire companies, church or other places of worship, and Lions and Elks and further provided:
1. The use is located on a lot of no less than three acres in size.
  2. A planted buffer area of no less than 15 feet in depth or fencing or both shall be required between all parking areas and adjacent lot lines. This provision may be waived if topography, wetlands or other natural or man-made features adequately separate parking areas from adjacent residential zoned land.
  3. A license has been obtained as prescribed by the general ordinances of Warren Township.
- c. Private membership recreational activities and non-profit recreation facility including facilities open to the general public offering activities limited to swimming, tennis, racket ball and handball courts, but not including commercial recreation uses wherein the principal use is an indoor activity consisting of exercise rooms, equipment, etc., provided:
1. The use is located on a lot of no less than 10 acres in size.
  2. A planted buffer area of no less than 25 feet in depth or fencing or both shall be required between all parking areas, picnic areas, playing fields and building and the adjacent lot lines. This provision may be waived if natural topography, wetlands or other natural or man made features adequately separate the above from adjoining residential zoned land.
  3. No building shall be located within 100 feet of any lot line nor have a total floor area of more than 10% of the lot area nor shall any building exceed two stories or 25 feet in height.
  4. The lot has frontage on a street classified as other than a local street in the adopted Master Plan of Warren Township.
- d. Residential child care and educational facilities which are defined as a facility licensed and approved by the Department of Human Services, Division of Youth and Family Services (DYFS) and the New Jersey Department of Education (DOE) and preexisting the adoption of the Warren Township Zoning Ordinance of 1948, provided:
1. The use is located on a lot or contiguous lots of no less than three acres in size



which has a minimum width of 200 feet.

2. No principal building used for resident dormitory purposes shall be located within 50 feet of a lot line unless previously granted a variance or the same was preexisting the adoption of subsection 16-11.4d.<sup>15</sup> All other structures, unless preexisting the adoption of subsection 16-11.4d<sup>16</sup> shall conform to the yard requirements of this zone.
3. No accessory use shall be located within 25 feet of a lot line unless previously granted a variance or the same was preexisting the adoption of this subsection 16-11.4d.
4. The site has frontage upon a street classified as other than a local access street as shown in the currently adopted Master Plan of Warren Township.
5. A planted buffer area of no less than 15 feet in depth or fencing or both shall be required between all parking areas, outdoor use facilities and adjacent lot lines. This provision may be waived if natural topography, wetlands or other natural or man-made features adequately separate parking areas from adjoining properties.
6. Approval by the Development Board of applicant's site plan pursuant to all requirements of the Township Site Plan Regulations (Chapter 15).
7. A statement by the applicant setting forth the full particulars concerning the building and use must be submitted to the Development Board, including approvals by DYFS and DOE and other State, County and Township agencies, as applicable.
8. The use shall be located upon a lot or contiguous lots containing no other use, except other educational or child-related uses may take place at the site when resident students are not present. No structure or facility on the site shall be utilized to provide services for any persons not residing on or assigned to the site by DYFS and/or DOE except when resident students are not present at the site.
9. No resident dormitory shall be in excess of two stories in height exclusive of basement areas. Basement areas shall not be utilized to house students or as recreation areas or common areas utilized by students.
10. Each residential child care - education facility applicant shall submit proof of licensing and approval by DYFS and DOE.
11. The applicant shall supply information to the Development Board concerning the operation and maintenance of the facility and the rules and regulations governing the admission and discharge of students. In addition to providing such information to the Development Board, the same information shall be provided to the Township Board of Health and applicant shall immediately in the future provide copies of any changes to rules and regulations to the

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15. Editor's Note: Subsection 16-11.4d was added by Ordinance No. 01-14, adopted July 12, 2001.

16. Editor's Note: Subsection 16-11.4d was added by Ordinance No. 01-14, adopted July 12, 2001.

Township Board of Health.

12. The facility shall provide indoor and outdoor passive recreation areas consisting of but not limited to a pool and gym to sufficiently accommodate the students residing at the site.
  13. The facility shall have twenty-four-hour on-site security. Security may, with Board approval, consist of a physical barrier, signal or other approved method to prevent residents of the facility from leaving unnoticed and to prevent unauthorized persons from entering the facility.
  14. The applicant shall submit details concerning all life-safety and emergency facilities and equipment.
  15. The facility shall provide one off-street parking space for each employee on the shift employing the largest number of persons. The required off-street parking shall be subject to the provisions of this chapter and Chapter 15 of the Revised General Ordinances of the Township of Warren, and shall be screened from adjacent residentially zoned properties in accordance with the provisions of this chapter and Chapter 15 of the Revised General Ordinances of the Township of Warren and the provisions hereof.
  16. The facility shall be constructed or altered so as to be harmonious with the residential character of adjacent structures in the residential zone in which the same is located.
  17. A site identification sign shall be permitted in accordance with standards for schools and churches in the R-65 zone.
  18. The area, yard and bulk standards of the schedule, Section 16-8 for the R-65 zone shall not apply to this use. Standards set forth above shall control.
- e. Churches, synagogues and other places of worship including resident housing for employees, education/school buildings and any other accessory structures thereto shall be a permitted conditional use subject to the provisions set forth in subsection 16-5.33 of this chapter.

#### **§ 16-11.5. Height, Area and Bulk Requirements. [Ord. No. 93-24]**

As specified in the Schedule referenced in Section 16-8, except as hereinafter provided.

#### **§ 16-11.6. Permitted Modifications. [Ord. No. 93-24; Ord. No. 96-9 § 1; Ord. No. 01-25 § 4; Ord. No. 02-15, § 3]**

- a. Variable Lot Size Provision. In a subdivision application, variable lot sizes may be approved by the Planning Board. The lot sizes may be varied to the extent lots may have areas of not less than 55,000 square feet each and a width of not less than 200 feet, the total of both side yards shall be at least 75 feet (no side yard shall be less than 25 feet) and further provided that the average lot size will be not less than 65,340 square feet. The Planning Board, in passing on such plats, shall consider the physical and structural characteristics including topography, floodplain, wetland and I-78 environmental impacts on the land included in the subdivision and

determine that such variation in lot size will provide a superior layout of the subdivision and a better use of the land for building sites than would be obtained from a uniform lot size. The subdivider shall submit a map showing the development according to the requirements of the R-65 zone, as shown in Section 16-8, and another map showing the development as modified in accordance with this subsection. In no event shall the density of development throughout the subdivision exceed the exact number of lots that would have been permitted to be built if such development had proceeded on the basis of 65,340 square feet per lot with a width of not less than 150 feet.

b. Open Space Provision. In order to preserve and protect natural woodlands, waterways and further to provide open space area(s) to future residents concurrent with development, modification may be permitted. The lot area and minimum lot width as required in the Schedule contained in Section 16-8, may be reduced provided all of the following requirements are met:

1. Each lot permitted under this subsection shall meet all of the following requirements:
  - (a) The minimum lot area shall be 40,000 square feet.
  - (b) The minimum lot width of an interior lot shall be 125 feet.
  - (c) The minimum lot area shall be 55,000 square feet.
  - (d) The lot width, yard and building requirements for lot(s) created by this subsection shall be the same as the R-65 zone as set forth in the Schedule referenced in Section 16-8, except that the minimum lot width shall be 200 feet and the minimum for both side yards shall be at least 75 feet (no side yard shall be less than 25 feet).
2. Plat map. The subdivider shall submit a plat map showing the development according to the requirements of the R-65 district as provided in the Schedule referenced in Section 16-8, and another plat map showing the development as modified in accordance with this subsection. In no event shall the density of development throughout the subdivision exceed the exact number of lots that would have been permitted to be built if such development had proceeded on the basis of 65,340 square feet per lot with a width of not less than 150 feet.
3. Open space. If lands are proposed to be dedicated to the Township, the Planning Board shall condition final approval upon acceptance of such land by the Township Committee.

All open space areas of the tract may be dedicated and conveyed by the owner to the Township for public use in fee simple.

4. Application review. The Planning Board shall review the plat utilizing modified lot design standards and thereafter decide upon the submission. The Board shall base its decision upon the modified lot design plat proposal with regard to the following:
  - (a) Whether the proposal conforms to the comprehensive plan of the Township;

- (b) Whether the proposal furthers the intent and spirit of the adopted open space plan of the Township; and
- (c) Whether the proposal does comply with the intent and purpose of the modified lot design provision as described.

The Planning Board shall not be compelled to approve a proposal for modified size development if in its discretion the proposal does not further the orderly development of the area and the proposed open space does not relate to the comprehensive plan for development and provision of parks, conservation, preservation of natural features and natural drainage systems in the Township.

c. Senior Citizen Housing Development and Commercial Development Option and Use Standards.

1. The objectives and standards set forth hereafter are designed to implement, in phases, the Town Center Master Plan Element. The uses and standards for development are permitted only within the zone designated R-65/SC as shown on the revised Official Zoning Map.
2. Intent and purpose. The intent and purpose of the senior citizen-commercial use development option is to implement the Town Center Master Plan Land Use Element of the adopted Master Plan of Warren Township. This subsection provides for the phased implementation of the Town Center. The objectives are to provide and encourage development of senior citizen housing affordable to low and moderate income households as defined by C.O.A.H., as well as middle income senior citizen households.

Of substance to the Master Plan implementation is the issue of the number of senior citizen housing units needed to serve the Township's resident population. The absence of current data preempts a definitive estimate. Because of these facts, the Township's Master Plan shall be implemented in a phased manner and as established hereinafter.

3. Senior citizen housing units - age restricted occupancy. Senior citizen dwelling units constructed pursuant hereto shall be occupied by families having a head of household of 55 years of age or greater.
4. Development standards and requirements for senior citizen housing permitted in the R-65/SC district.

Maximum Density* (units per acre)	7 dwelling units/acre
Minimum Habitable Space	650 square feet - 1 bedroom
	850 square feet - 2 bedrooms
Maximum Average Habitable Space	1,000 square feet
Minimum/Maximum Units Per Building	3/5 units/structure

Maximum Building Height	2 1/2 stories/28 feet, whichever the lesser
Setbacks:**	
Front - Public Street Private Road	25 feet from right-of-way 15 feet minimum from curb with average of 20 feet for all buildings within development
Side -	10 feet or 1/2 the height of adjacent buildings, whichever the greater
Rear -	25 feet
Parking	1.5 spaces/dwelling. Garage space, if any, shall be equivalent to 1/2 parking space
Affordable Housing Requirement	20% of all units shall be affordable to senior citizen households pursuant to Section 16-6 of this chapter. In addition, the said affordable units shall comply with all requirements of Section 16-6 of this chapter, as may be modified by State Statute. Further, the developer shall submit a proforma for the market unit portion of the total development demonstrating intent and objective to provide at least an additional 30% of total units affordable to median income households 125% of C.O.A.H. moderate income limit). The proforma shall include a proposal for instrument(s) (deed restriction, covenants, etc.) to run with the land ensuring initial and continued affordability and occupancy by median income households along with any other requirements of the Planning Board. The said proforma to be subject to the approval of the Planning Board and the Warren Township Committee.
Occupancy Preference (other than affordable units)	The Developer shall make all reasonable efforts to make all market-price units available first to Warren residents or to those individuals who work in Warren and reside elsewhere. These efforts will be detailed in a plan which will be presented for the approval of the Planning Board and the Warren Township Committee.

Streetscape	Sidewalks, street trees, fencing, decorative lighting and similar improvements shall be required in accord with Township standards.
Site Amenities	Common gardening areas, sitting areas and as required by Planning Board in keeping with a senior citizen project

**Notes:**

- \* Density shall be reduced in proportion to the percentage of the development tract proposed for nonresidential use. The density computation shall be as follows:

Units/Acre	Percentage of Tract Developed for Senior Citizen Housing
7	100%
6	80%
5	60% (minimum required)

Incremental computation shall be permitted. For example, if 70% of the tract is proposed for senior citizen dwellings, the maximum density shall be 5.5 dwellings per acre calculated as follows:

% Nonresidential land area	x	incremental density reduction factor	=	density reduction
30%	x	5 units/acre	=	1.5 units/acre reduction

\*\* Setbacks apply to building(s) containing senior citizen dwellings and not individual units.

\*\*\* A rear yard of 50 feet shall be required adjacent to any ECR or RR zone. No structure shall be permitted therein.

5. Development standards for nonresidential uses within the R-65/SC district. A maximum of 40% of a total tract zoned R-65/SC shall be permitted for nonresidential use.

The development of the nonresidential portion of the tract shall comply with standards and requirements for the CB district inclusive of F.A.R. modification provided in subsection 16-13.6 except for the following:

Minimum Front Yard Depth - 25 feet from public right-of-way  
15 feet from curb of private road  
5 feet from driveway

Design standards (subsection 15-7.3) for Town Center area shall apply and be determinant of commercial development character.

**§ 16-11.7. Off-Street Parking Requirements. [Ord. No. 93-24]**

As specified in Section 16-24.

**§ 16-11.8. Sign Regulations. [Ord. No. 93-24]**

As specified in Section 16-25.

**§ 16-11A. ECR ENVIRONMENTAL CRITICAL RURAL RESIDENTIAL DISTRICT.****§ 16-11A.1. Permitted Uses. [Ord. No. 02-42, § 3]**

No building, structure or premises shall be used and no building or structure shall be erected or structurally altered except for the following uses:

- a. Single-family detached dwellings.
- b. Farming consisting of vegetable growing and the raising or keeping of farm animals for commercial purposes, such as horses, cows and sheep, but not including riding stables, tree farming and nurseries provided the plot or lot shall contain an area not less than five acres, and provided that no farm building used to house livestock and farm animals is located within 25 feet of a lot line.
- c. Church, synagogue or other place of worship, including parish house and school buildings and volunteer fire company station provided that has a minimum of three acres and width of 200 feet and further that no accessory use shall be located within 25 feet of a lot line.
- d. Public and private golf courses provided the lot has a minimum of 75 acres and that no structure or parking area is located within 100 feet of a lot line.

**§ 16-11A.2. Permitted Accessory Buildings and Uses. [Ord. No. 02-42, § 3]**

Same as specified in subsection 16-11.3.

**§ 16-11A.3. Conditional Uses. [Ord. No. 02-42, § 3]**

Same as specified in subsection 16-11.4.

**§ 16-11A.4. Height, Area and Bulk Requirements. [Ord. No. 02-42, § 3]**

As specified in the Schedule attached to Section 16-8 for the R-65 zone, except as hereinafter provided.

**§ 16-11A.5. Permitted Modifications. [Ord. No. 02-42, § 3]**

- a. Same as specified in subsection 16-11.6a except that the minimum lot size may be reduced to 40,000 square feet.
- b. Variable Lot Size; Open Space Reservation Provision. In order to preserve and protect natural woodlands, waterways and further provide open space and conservation areas to future residents concurrent with residential development in a

major subdivision, variations of ECR District regulations set forth in the Schedule, Section 16-8, may be permitted in accordance with and subject to the following:

1. Lot Size. The lot size of one or more lots may be less than 1 1/2 acres and have a lot width of less than 150 feet, but in no event shall any lot be less than 40,000 square feet in area and have a width of lot of less than 125 feet.
2. Lot width may be reduced by one foot for each 1,000 square feet of lot area less than 65,340 square feet, but in no case shall the lot width and the lot frontage be less than 125 feet.
3. Yard Areas.
  - (a) Front yard depth. The front yard depth may be reduced by one foot for each 1,000 square feet of lot area less than 50,000 square feet, but in no case shall the front yard depth be less than 35 feet.
4. Plat Map Submission. Same as specified in subsection 16-11.6b2.
5. Open Space. Same as specified in subsection 16-11.6b3.

#### **§ 16-11B. R-40 RURAL RESIDENTIAL DISTRICT.**

##### **§ 16-11B.1. Purpose. [Ord. No. 07-26 § 1]**

The R-40 district encompasses the majority of existing and proposed one acre lot single family neighborhoods of Warren Township. The standards and requirements of this district are designed to recognize the existing developed neighborhood character and to further the goals of the Warren Township Master Plan.

##### **§ 16-11B.2. Permitted Uses. [Ord. No. 07-26 § 1]**

No building, structure or premises shall be used and no building or structure shall be erected or structurally altered except for the following uses:

- a. Single-family detached dwellings.
- b. Farming consisting of vegetable growing, the raising or keeping of farm animals such as cows and sheep of commercial purposes, keeping and boarding of horses (but not including riding stables), provided the lots shall contain an area of five acres and further provided that no farm building used to house livestock and farm animals shall be located within 25 feet of a lot line.
- c. Volunteer fire company station provided that the lot has a minimum of three acres and width of 200 feet and further that no accessory use shall be located within 25 feet of a lot line.

##### **§ 16-11B.3. Permitted Accessory Buildings and Uses. [Ord. No. 07-26 § 1]**

Accessory uses customary and incidental to the principal uses, including but not limited to those specified. The term accessory use shall not include a business, nor any building or unit not located on the same lot with the principal building to which it is accessory.



- a. Private garages and carports.
- b. Private swimming pools and tennis courts provided such uses shall comply with the minimum required yard depth requirement for the principal building.
- c. Outdoor barbecue structures.
- d. Storage buildings.
- e. Animal shelters to house domestic pets and livestock.
- f. Farm storage buildings.
- g. Day care, customary home occupations as defined in Section 16-4 and subject to the standards and the requirements of subsection 16-5.30 of this chapter.

**§ 16-11B.4. Conditional Uses. [Ord. No. 07-26 § 1]**

None.

**§ 16-11B.5. Height, Area and Bulk Requirements. [Ord. No. 07-26 § 1]**

As specified in the Schedule reference in Section 16-8.

**§ 16-11B.6. Off-Street Parking Requirements. [Ord. No. 07-26 § 1]**

As specified in Section 16-24.

**§ 16-11B.7. Sign Regulations. [Ord. No. 07-26 § 1]**

As specified in Section 16-25.

**§ 16-12. R-20 RESIDENTIAL DISTRICT, R-20(V) RESIDENTIAL DISTRICT AND R-20(V)/PAC PLANNED ADULT COMMUNITY OPTION.<sup>17</sup>**

**§ 16-12.1. Purpose. [Ord. No. 93-24]**

This district recognizes the developed character of medium density residential neighborhoods in the Township. The standards are designed to provide flexibility of development standard considerate of varied lot sizes and environmental factors.

**§ 16-12.2. Permitted Uses. [Ord. No. 93-24; Ord. No. 97-13 § 6; Ord. No. 01-32 § 7; Ord. No. 03-23 § 4]**

No building, structure or premises shall be used and no building or structure shall be erected or structurally altered except for the following uses:

- a. Single-family detached dwellings.
- b. Farming consisting of vegetable growing and the raising or keeping of farm animals for commercial purposes, such as horses, cows and sheep but not including riding

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17. Editor's Note: Ordinance No. 02-15, Section 2 amended the title of Section 16-12 to include the R-20 District.

stables, tree farming and nurseries provided the plot or lot shall contain an area of not less than five acres, and provided that no farm building used to house livestock and farm animals is located within 25 feet of a lot line.

- c. Nursing homes and assisted living residential health care facilities subject to the standards, limitations and requirements as set forth in subsection 16-14.2c3 (RBLR Zone District).
- d. Adult Planned Housing/PAC shall only be a permitted use in the R-65 PAC and R-20(V) PAC districts subject to the standards and requirements set forth in subsection 16-11.2g of this chapter.

### **§ 16-12.3. Permitted Accessory Uses. [Ord. No. 93-24]**

Same as specified in subsection 16-11.3.

### **§ 16-12.4. Conditional Uses. [Ord. No. 93-24; Ord. No. 03-23 § 4]**

Same as specified in subsection 16-11.4. Churches, synagogues and other places of worship including resident housing for employees, education/school buildings and any other accessory structures thereto shall be a permitted conditional use subject to the provisions set forth in subsection 16-5.33 of this chapter.

### **§ 16-12.5. Height, Area and Bulk Requirements. [Ord. No. 93-24; Ord. No. 97-16 § 2; Ord. No. 01-23 § 3; Ord. No. 07-27 § 1]**

Same as specified in the Schedule referenced in Section 16-8, with the following exceptions:

- a. The minimum front yard setback for all lots which front on a roadway designated in the Warren 1997 adopted Master Plan as other than a local street shall be 75 feet.
- b. In the R-20 district only the maximum allowed FAR may be increased to 0.20 provided the maximum percent lot coverage by building (column 10 of the Schedule of Area, Yard and Building Requirements, Township of Warren (Section 16-8), which is appended to subsection 16-8.1 entitled "Schedule" of Section 16-8 entitled "Schedule of District Regulations" of this Chapter 16) does not exceed 10%.

### **§ 16-12.6. Permitted Modifications. [Ord. No. 93-24; Ord. No. 97-16 § 3]**

- a. Variable Lot Size Provisions. In a subdivision application, variable lot sizes may be approved by the Planning Board. The lot sizes may be varied to the extent that lots may have areas of not less than 15,000 square feet each and a width of not less than 100 feet if sufficient of the remainder of the lots are increased in area so that the average lot size will be not less than 20,000 square feet. The Planning Board, in passing on such plats, shall consider the physical and structural characteristics including topography of the land comprised in the subdivision and determine that such variation in lot size will provide a better layout of the subdivision and a better use of the land for building sites than would a uniform lot size.

The subdivider shall submit a plat map showing the development according to the

requirements of the R-20(V) district as shown in the Schedule referenced in Section 16-8, and another plat map showing the development as modified in accordance with this subsection. In no event shall the density of development throughout the subdivision exceed the exact number of lots that would have been permitted to be built if such development had proceeded on the basis of 20,000 square feet per lot with a width of less than 100 feet.

- b. Open Space Cluster Provision. In order to preserve and protect natural woodlands and waterways to encourage preservation of open space area(s) to future residents concurrent with development, and to advance the objections of the Master Plan of Warren Township, modification may be permitted. The lot area and minimum lot width as required in the Schedule referenced in Section 16-8, may be reduced provided all of the following requirements are met.

1. Each lot permitted under this subsection shall meet all of the following requirements:
  - (a) The minimum lot area shall be 15,000 square feet.
  - (b) The minimum lot width of an interior lot shall be 85 feet.
  - (c) The minimum lot width of a corner lot shall be 100 feet.
  - (d) Yard and building requirements for lot(s) created by this subsection shall be the same as the R-10(AH) zone as set forth in the Schedule referenced in subsection 16-6.17 Schedule A and further provided that the FAR of 0.125 shall apply to all lots.
2. Plat map. The subdivider shall submit a plat map showing the development according to the requirements of the R-20(V) district as provided in the Schedule referenced in and with this subsection. In no event shall the density of development throughout the subdivision exceed the exact number of lots that would have been permitted to be built if such development had proceeded on the basis of 20,000 square feet per lot with a width of not less than 100 feet.
3. Open space. If lands are proposed to be dedicated to the Township or a home owners' association, the Planning Board shall condition final approval upon acceptance of such land by the Township Committee or establishment of a home owners' association as the case may be.

All open space areas of the tract may, if approved by the Township Committee, be dedicated and conveyed by the owner to the Township for public use in fee simple.

4. Application review. The Planning Board shall review the plat utilizing modified lot design standards and thereafter decide upon the submission. The Board shall base its decision upon the modified lot design plat proposal with regard to the following:
  - (a) Whether the proposal conforms to the comprehensive plan of the Township;
  - (b) Whether the proposal furthers the intent and spirit of the adopted open

space plan of the Township; and

- (c) Whether the proposal complies with the intent and purpose of the modified lot design provision as described.

The Planning Board shall not be compelled to approve a proposal for modified size development if in its discretion, (i) the proposal does not further the orderly development of the area, (ii) the proposed open space is not consistent with the comprehensive plan for development, or (iii) no provision is made for parks, conservation, preservation of natural drainage systems in the Township.

#### **§ 16-12.7. Off-Street Parking Requirements. [Ord. No. 93-24]**

As specified in Section 16-24.

#### **§ 16-12.8. Sign Regulations. [Ord. No. 93-24]**

As specified in Section 16-25.

### **§ 16-12A. R-10 RESIDENTIAL DISTRICT.**

#### **§ 16-12A.1. Purpose. [Ord. No. 2016-28 § 4]**

The R-10 district recognizes and encompasses the majority of existing 10,000 sf single family lot neighborhoods of Warren Township. The standards and requirements of this district are designed to recognize the existing developed neighborhood character and to further the goals of the Warren Township Master Plan.

#### **§ 16-12A.2. Permitted Uses. [Ord. No. 2016-28 § 4]**

No building, structure or premises shall be used and no building or structure shall be erected or structurally altered except for the following uses:

- a. Single-family detached dwellings.
- b. Farming consisting of vegetable growing, the raising or keeping of farm animals such as cows and sheep of commercial purposes, keeping and boarding of horses (but not including riding stables), provided the lots shall contain an area of five acres and further provided that no farm building used to house livestock and farm animals shall be located within 25 feet of a lot line.

#### **§ 16-12A.3. Permitted Accessory Buildings and Uses. [Ord. No. 2016-28 § 4]**

Accessory uses customary and incidental to the principal uses, including but not limited to those specified. The term accessory use shall not include a business, nor any building or unit not located on the same lot with the principal building to which it is accessory.

- a. Private garages and carports.
- b. Private swimming pools and tennis courts provided such uses shall comply with the minimum required yard depth requirement for the principal building.

- c. Outdoor barbecue structures.
- d. Storage shed.
- e. Animal shelters to house domestic pets.
- f. Farm storage buildings accessory to a farm.
- g. Day care, customary home occupations as defined in Section 16-4 and subject to the standards and the requirements of subsection 16-5.30 of this chapter.

**§ 16-12A.4. Conditional Uses. [Ord. No. 2016-28 § 4]**

None.

**§ 16-12A.5. Height, Area and Bulk Requirements. [Ord. No. 2016-28 § 4]**

As specified in the Schedule referenced in Section 16-8.

**§ 16-12A.6. Off-Street Parking Requirements. [Ord. No. 2016-28 § 4]**

As specified in Section 16-24.

**§ 16-12A.7. Sign Regulations. [Ord. No. 2016-28 § 4]**

As specified in Section 16-25.

**§ 16-13. CB COMMUNITY BUSINESS DISTRICTS.**

**§ 16-13.1. Purpose. [Ord. No. 93-24]**

This district contains three existing shopping centers and hosts the majority of retail space in the Town Center area. The purposes of the district are to (1) create viable retail areas that are pedestrian in scale; (2) encourage and provide for Town Center circulation plan implementation and (3) encourage creation of a village "Main Street" as described and set forth in the adopted Master Plan of Warren Township.

**§ 16-13.2. Permitted Uses. [Ord. No. 93-24; Ord. No. 97-13 § 4]**

No building, structure or premises shall be used and no building or structure shall be erected or structurally altered except for the following uses:

- a. Retail sales such as, or similar to:

Grocery, drug stores, meat, poultry and baked goods shop, packaged liquor stores, gardening and flower shops, household appliance and furniture, including lighting, carpeting, appliance stores, stationery supplies stores, gift shop, apparel, sporting goods and equipment, hardware, plumbing supplies and electrical appliance stores, antique and hobby shops.

- b. Service establishments such as or similar to the following:

Barber or beauty shops, dry cleaning or tailoring shops, shoe and shoe repair

shops, business offices and professional offices, banks, real estate, finance and insurance and post offices, radio and electrical repairing establishments, schools for instruction in music, dancing, exercise and career skills.

c. Other uses permitted:

1. Clubs, fraternal organizations and lodges established for eleemosynary and/or civic purposes.
2. Non-profit educational, religious or philanthropic uses.
3. Day care services.
4. Shopping centers which for the purpose of this chapter shall be a lot used by three or more uses housed in building(s) of 10,000 square feet or more.
5. Restaurants and other eating and drinking establishments wherein food and drink are consumed within the principal building.

Restaurants shall not be interpreted to include and are hereby defined to exclude drive-in restaurants or refreshment stands, commonly called snack bars, dairy bars, hamburger stands or hot dog stands or similar uses where customers and patrons are served food, soft drinks or ice cream primarily for their immediate consumption outside the confines of the building or structure in which the business is conducted.

**§ 16-13.3. Accessory Buildings and Uses. [Ord. No. 93-24]**

Any accessory use on the same lot which is customarily incidental to the principal use permitted on the same lot such as but not necessarily limited to:

- a. Maintenance and storage buildings.

**§ 16-13.4. Conditional Uses. [Ord. No. 93-24; Ord. No. 03-23 § 5]**

Churches, synagogues and other places of worship including resident housing for employees, education/school buildings and any other accessory structures thereto shall be a permitted conditional use subject to the provisions set forth in subsection 16-5.33 of this chapter.

**§ 16-13.5. Height, Area and Bulk Requirements. [Ord. No. 93-24]**

As specified in the Schedule, Section 16-8.

**§ 16-13.6. Permitted Modification. [Ord. No. 93-24]**

None.

**§ 16-13.7. Off-Street Parking Requirements. [Ord. No. 93-24]**

- a. Off-street parking, together with appropriate access thereto, shall be provided on the same lot as the building it is intended to serve in accordance with the standards of Section 16-24.

- b. In the CB district, off-street parking may be located in the front, side and rear yards; provided, however, that parking area shall be located no less than five feet from any side lot line, nor no less than 10 feet from any rear lot line or from any street right-of-way line. Parking area shall be located no less than five feet from any building. Complete building perimeter parking is prohibited.

#### **§ 16-13.8. Signs. [Ord. No. 93-24]**

Signs subject to the sign regulations of Section 16-25.

#### **§ 16-13.9. Other Requirements. [Ord. No. 93-24]**

- a. Open Storage of Materials. All materials and equipment except gardening supplies and nursery stock shall be stored in completely enclosed buildings. All open display of products shall be placed no closer than the distance equal to the required front yard depth.
- b. Transition Requirement. There shall be established along the line of any side or rear lot line that is contiguous to any residential district (unless the side or rear lot line coincides with any major street as shown on the adopted Master Plan of the Township of Warren), a buffer strip of at least 25 feet in width plus five feet additional width for each ten-foot interval or fraction thereof of the height of the principal building. The buffer area shall be landscaped and fencing provided as required to provide appropriate screening of the operations of the lot from adjoining residential zone.
- c. Town Center Design Requirements. The standards and requirements of Chapter 15 (Land Use Procedures and Development) Section 15-7 shall control the design of building(s) and improvements.

### **§ 16-14. RBLR RESTRICTED RETAIL-BUSINESS SERVICE DISTRICT.**

#### **§ 16-14.1. Purpose. [Ord. No. 93-24]**

This zone is confined to the limited area along and behind Mountain Boulevard and portions of the town center delineated in the adopted map of Warren Township. It is the specific purpose of this zone to limit strip commercial/retail development. Buildings should have a residential scale and have residential architectural components. Parking and display facilities shall be located in rear and side yard areas. The mix of uses will allow office and service uses and limited retail. Retail would be limited to existing uses as well as selected and listed retail-service uses. Offices are encouraged.

#### **§ 16-14.2. Permitted Uses. [Ord. No. 93-24; Ord. No. 97-13 § 5; Ord. No. 97-18 § 1; Ord. No. 01-25 § 5; Ord. No. 07-28 § 1]**

No building, structure or premises shall be used and no building or structure shall be erected or structurally altered except for the following uses:

- a. Retail sales uses are limited to:
  - Delicatessen, excluding drive-in restaurant or restaurant as defined in Section 16-3, gardening and flower shops, household appliances and furniture stores, stationery

supplies stores, gift shop, apparel stores, sporting goods and equipment, hardware, plumbing supplies and electrical appliance stores, antique and hobby shops.

b. Service establishments such as or similar to the following:

Barber or beauty shops, dry cleaning or tailoring shops, shoe repair shops, business offices and professional offices, banks, real estate, finance and insurance, radio and electrical repairing establishments, schools for instruction in music, dancing, exercise and career skills.

c. Other uses permitted:

1. Clubs, fraternal organizations and lodges which are nonprofit uses established for eleemosynary and/or civic purposes.
2. Nonprofit educational, religious or philanthropic uses.
3. Nursing homes and assisted living residential health care facilities.

(a) The purpose of this subsection is to establish standards for assisted living residential health care facilities and nursing homes as defined herein and by the New Jersey Department of Health which are intended to promote "aging in place" in a homelike setting for frail elderly and disabled persons, including persons who require formal long-term care. Assisted living residences assure that residents receive supportive health and social services as they are needed to enable them to maintain their independence, individuality, privacy, and dignity in an apartment-style living unit. The assisted living environment promotes resident self-direction and personal decision-making while protecting residents' health and safety.

(b) An assisted living residential health care facility offers a suitable living arrangement for persons with a range of capabilities, disabilities, frailties, and strengths. A nursing home facility provides living accommodations for individuals requiring skilled nursing care and other services as required by license of the New Jersey Department of Health.

(c) A nursing home or an assisted living residential health care facility is a permitted use in the RBLR and R-20(v) zones only providing that the use and for structure shall adhere to the minimum standards of the RBLR and R-20(v) zones and also the following:

- (1) A statement is submitted setting forth in full detail, all particulars on the building and/or use. A Certificate of Need approval shall be required before the signing of a development plan.
- (2) The site must have frontage on, and access to, a primary arterial street as shown on the adopted master plan of Warren Township.
- (3) The lot upon which the use is proposed shall conform to the following standards and requirements:

- (i) Minimum lot size: 10 acres. Lot area shall include land within



the RBLR zone and may either include adjacent land within the R-20(v) zone as provided by subsection 16-12.2d or a contiguous area of land dedicated to the Township for open space purposes either of which lands shall be included as part of the minimum lot size requirement as set forth herein.

- (ii) Minimum front yard setback: 100 feet.
  - (iii) Minimum side yard setback: 40 feet.
  - (iv) Minimum rear yard setback: 50 feet.
  - (v) Maximum lot coverage by buildings: 15%. Applies to the lot area excluding the area dedicated for open space.
  - (vi) Maximum lot coverage by buildings and pavement: 50%. Applies to the lot area excluding the area dedicated for open space.
  - (vii) Minimum unoccupied open space: 50%. Open space shall be located predominantly in the R-20(v) zone.
  - (viii) Maximum FAR shall be 0.15 for lot area located in the RBLR zone and 0.125 for lot area located in the R-20(v) zone and as further provided in NOTE 2 of the Schedule, Section 16-8. No building FAR shall be obtained from any dedicated open space area except as provided in NOTE 2 of Schedule, Section 16-8.
- (4) Off-street parking: no parking or standing shall be permitted in the required front yard except for emergency vehicles, drop-off/pick-up areas and visitor parking spaces and further provided a minimum of one space per employee at a maximum shift plus one space for each 10 assisted living residential care suites or nursing beds shall be provided. No parking area shall be permitted within 40 feet of an adjacent lot located in a residential zone.
  - (5) The permanent residents of the facilities shall be restricted to those 65 years of age or older; however, nothing herein shall prohibit a spouse from residing in the facility who is under the age of 65.
  - (6) All support facilities, functions and services shall be solely for the use and benefit of the resident users of the facility and their guests.
  - (7) The minimum size of a single occupancy residential unit, including bathroom, shall be 280 square feet.
  - (8) Health care and support services, functions and facilities shall include the following at a minimum:
    - (i) Indoor and outdoor recreational facilities.
    - (ii) Physical therapy facilities - Entertainment facilities.
    - (iii) Libraries.

- (iv) Dining facilities and food preparation facilities.
  - (v) Housekeeping and laundry services.
  - (vi) Emergency medical services and private emergency transportation facilities.
- (9) The facilities and site shall conform to the Town Center Design Standards of subsection 15-7.3.

4. Day care services.

**§ 16-14.3. Accessory Buildings and Uses. [Ord. No. 93-24]**

Any accessory use on the same lot which is customarily incidental to the principal use permitted on the same lot such as but not necessarily limited to:

- a. Maintenance and storage buildings.

**§ 16-14.4. Conditional Uses. [Ord. No. 93-24; Ord. No. 03-23 § 6]**

Churches, synagogues and other places of worship including resident housing for employees, education/school buildings and any other accessory structures thereto shall be a permitted conditional use subject to the provisions set forth in subsection 16-5.33 of this chapter.

**§ 16-14.5. Height, Area and Bulk Requirements. [Ord. No. 93-24]**

As specified in the Schedule referenced in Section 16-8.

**§ 16-14.6. Intentionally Omitted.<sup>18</sup>**

**§ 16-14.7. Off-Street Parking Requirements. [Ord. No. 93-24]**

- a. Off-street parking, together with appropriate access thereto, shall be provided on the same lot as the building it is intended to serve in accordance with the standards of Section 16-24.
- b. In the RBLR district, off-street parking shall not be located in the front yard, nor closer than five feet to any building or the side boundary lines nor closer than 10 feet from a rear lot line. All off-street parking areas shall be substantially screened from view from the public right-of-way by placement of the building or buildings between the parking area and the public right-of-way and/or through the use of earth contouring and landscaping, or any combination thereof, to provide an effective visual screen from the public right-of-way.

**§ 16-14.8. Signs. [Ord. No. 93-24]**

Signs subject to the sign regulations of Section 16-25.

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18. Editor's Note: Former subsection 16-14.6, Permitted Modifications, previously codified herein and containing portions of Ordinance No. 93-24 was repealed in its entirety by Ordinance No. 02-13.

**§ 16-14.9. Other Requirements. [Ord. No. 93-24]**

- a. Open Storage of Materials. All materials and equipment (except gardening supplies and nursery stock) shall be stored in completely enclosed buildings. All open display of products shall be placed no closer to public street than the distance equal to the required front yard depth.
- b. Transition Requirement. A buffer shall be established along the line of any side or rear lot that is contiguous to any residential district (unless the side or rear lot line coincides with any major street as shown on the adopted Master Plan of the Township of Warren) with a width of at least 25 feet in width plus five feet additional width for each ten-foot interval, or fraction thereof, of the height of the principal building. The buffer area shall be landscaped and fencing provided as required to provide appropriate screening of the operations of the lot from adjoining residential zone.
- c. Town Center Design Requirement. The standards and requirements of Chapter 15 (Land Use Procedures and Development) Section 15-7, shall control the design of all building(s) and improvements. Additionally since the RBLR district is a transitional district between residential districts and the more intense use allowed in the CB district, the buildings constructed in the RBLR district will be required to possess a residential appearance to the extent reasonable.

**§ 16-15. NB - NEIGHBORHOOD BUSINESS DISTRICT.****§ 16-15.1. Purpose. [Ord. No. 93-24]**

The neighborhood business district serves convenience shopping needs and encourages smaller shops in a neighborhood atmosphere. Uses such as small deli, pharmacy, bakery, other convenience goods, services, small offices and day care are provided for.

**§ 16-15.2. Permitted Uses. [Ord. No. 93-24; Ord. No. 03-23 § 7]**

No building, structure or premises shall be used and no building or structure shall be erected or structurally altered except for the following uses:

- a. Retail uses such as or similar to:  
Grocery and drug stores, specialty food and delicatessens, baked goods stores, packaged liquor stores, flower shops, stationery supplies stores, gift and pet stores, apparel and sporting good stores, hardware and hobby shops.
- b. Service uses such as or similar to:  
Barber or beauty shops, dry cleaning or tailoring shops, shoe repair and business offices and professional offices, including medicine, dentistry and veterinarian, banks, real estate, finance and insurance, schools for instruction in music, dance, exercise and career skills.
- c. Restaurants and other eating establishments wherein food and drink are consumed within the principal building. Restaurants shall not be interpreted to include and are hereby defined to exclude drive-in restaurants or refreshment stands, commonly

called snack bars, dairy bars, hamburger stands or hot dog stands or similar uses where customers and patrons are served food, soft drinks or ice cream primarily for their immediate consumption outside the confines of the building or structure in which the business is conducted.

- d. Child care centers pursuant to N.J.S. 40:55D-66.6.

**§ 16-15.3. Permitted Accessory Buildings and Uses. [Ord. No. 93-24]**

- a. Same as specified in subsection 16-14.3.
- b. Single family dwelling units.

**§ 16-15.4. Conditional Uses. [Ord. No. 93-24; Ord. No. 03-23 § 7]**

- a. Restaurants having a license to sell alcohol to the general public provided such use complies with all lot area, yard and building requirements as specified by the CB district.
- b. Churches, synagogues and other places of worship including resident housing for employees, education/school buildings and any other accessory structures thereto shall be a permitted conditional use subject to the provisions set forth in subsection 16-5.33 of this chapter.

**§ 16-15.5. Height, Area and Bulk Requirements. [Ord. No. 93-24]**

As specified in the Schedule referenced in Section 16-8.

**§ 16-15.6. Permitted Modifications. [Ord. No. 93-24]**

None.

**§ 16-15.7. Off-Street Parking Requirements.**

- a. Off-street parking space together with appropriate access thereto shall be provided on the same lot as the building it is intended to serve in accordance with the standards of Section 16-24.
- b. Off-street parking space may be located in the front, side and rear yards provided, however, that no parking area shall be located nearer than five feet to any property line and further provided that complete building perimeter parking is prohibited.

**§ 16-15.8. Signs. [Ord. No. 93-24]**

As specified in Section 16-25.

**§ 16-15.9. Other Requirements. [Ord. No. 93-24]**

- a. Open Storage of Materials. All materials and equipment shall be stored in completely enclosed buildings or otherwise be screened by walls, fences and landscaping to screen such materials and equipment from outside the boundaries of the lot. All open display of products shall be placed no closer to any public street

than the distance equal to the required front yard depth.

- b. Transition Requirement. A buffer shall be established, along the line of any side or rear lot that is contiguous to any residential zone (unless the side or rear lot line coincides with any major street, as shown on the adopted Master Plan of the Township of Warren), with a width of at least 15 feet, plus five feet additional width for each ten-foot interval or fraction thereof of the height of the principal building which exceeds 15 feet in height. The buffer area shall be landscaped and fencing provided as required to provide appropriate screening of the operations of the lot from adjoining residential zone.

## **§ 16-15A. HISTORIC NEIGHBORHOOD BUSINESS DISTRICT.**

### **§ 16-15A.1. Purpose. [Ord. No. 14-04 § 3]**

The purpose of the HNB-Historic Neighborhood Business District is to:

- a. Promote the educational, cultural, economic and general welfare through the protection, enhancement and preservation of historic resources within Warren Township.
- b. Preserve and retain a harmonious setting for historic and architecturally significant buildings, structures and places within Warren Township.
- c. Protect the aforesaid historical resources from incompatible land uses.

### **§ 16-15A.2. Permitted Uses. [Ord. No. 14-04 § 3]**

No building, structure or premises shall be used and no building or structure shall be erected or structurally altered except for the following uses:

- a. Retail uses such as or similar to:
  - Grocery and drug stores, specialty food and delicatessens, baked goods stores, packaged liquor stores, flower shops, stationery supply stores, gift and pet stores, apparel and sporting goods stores, hardware and hobby shops.
- b. Service uses such as or similar to:
  - Barber or beauty shops, dry cleaning or tailoring shops, shoe repair and business offices and professional offices, including medicine, dentistry, and veterinarian, banks, real estate, finance and insurance, schools for instruction in music, exercise and career skills.
- c. Restaurants and other eating establishments wherein food and drink are consumed within the principal building. Restaurants shall not be interpreted to include and are hereby defined to exclude drive-in restaurants or refreshment stands, commonly called snack bars, dairy bars, hamburger stands or hot dog stands or similar uses where customers or patrons are served food, soft drinks or ice cream primarily for their immediate consumption outside the confines of the building or structure in which the business is conducted.
- d. Child care centers pursuant to N.J.S. 40:55D-66.

**§ 16-15A.3. (Reserved)****§ 16-15A.4. Conditional Uses. [Ord. No. 14-04 § 3]**

- a. Restaurants having a license to sell alcohol to the general public provided such use complies with all lot, area, yard and building requirements as specified by the CB District.
- b. Churches, synagogues and other places of worship including resident housing for employees, education/school buildings and any other accessory structures thereto shall be a permitted conditional use subject to the provisions set forth in subsection 16-5.33 of this chapter.

**§ 16-15A.5. Height, Area and Bulk Requirements. [Ord. No. 14-04 § 3]**

The height, area and bulk requirements shall be the same as those specified for the NB Zone district in the Schedule referenced in Section 16-8.

**§ 16-15A.6. Permitted Modifications. [Ord. No. 14-04 § 3]**

None.

**§ 16-15A.7. Off-Street Parking Requirements. [Ord. No. 14-04 § 3]**

- a. Off-street parking space together with appropriate access thereto shall be provided on the same lot as the building it is intended to serve in accordance with the standards of Section 16-24.
- b. Off-street parking space may be located in the front, side and rear yards provided, however, that no parking area shall be located nearer than five feet to any property line and further provided that complete building perimeter parking is prohibited.

**§ 16-15A.8. Signs. [Ord. No. 14-04 § 3]**

As specified in Section 16-25.

**§ 16-15A.9. Other Requirements. [Ord. No. 14-04 § 3]**

- a. Open Storage of Materials. All materials and equipment shall be stored in completely enclosed buildings or otherwise be screened by walls, fences and landscaping to screen such materials and equipment from outside the boundaries of the lot. All open display of products shall be placed no closer to any public street than the distance equal to the required front yard depth.
- b. Transition Requirement. A buffer shall be established, along the line of any side or rear lot that is contiguous to any residential zone (unless the side or rear lot line coincides with any major street, as shown on the adopted Master Plan of the Township of Warren), with a width of at least 15 feet, plus five feet additional width for each ten-foot interval or fraction thereof of the height of the principal building which exceeds 15 feet in height. The buffer area shall be landscaped and fencing provided as required to provide appropriate screening of the operations of the lot from adjoining residential zone.

- c. Design Requirements. All renovations, modifications, additions and new construction within the HNB-Historic Neighborhood Business District shall conform to and comply with the standards and requirements of subsection 15-7.3 entitled "Town Center and Nonresidential Zone Design Requirements of Chapter 15, entitled "Land Use Procedures and Development."

## **§ 16-16. BR-40 AND BR-80 BUSINESS-RESIDENTIAL DISTRICT.**

### **§ 16-16.1. Purpose. [Ord. No. 93-24]**

The business-residential zones are mixed use zones which will serve as a transition zone between residential zones and nonresidential zones. Many of the structures in these zones are used as single family homes or currently in office use. These zones, to the extent possible, should retain a residential character and be of sufficient lot frontage to minimize the visual and traffic impact on the adjacent roadway. Curb cuts should be minimized to alleviate traffic congestion through combining access for adjacent lots whenever possible. This zone is appropriate for offices, service uses and single-family dwellings. No retail or wholesale sale of goods is allowed in these zones.

### **§ 16-16.2. Permitted Uses. [Ord. No. 93-24]**

No building, structure or premises shall be used and no building or structure shall be erected or structurally altered except for the following uses:

- a. Business and professional offices.
- b. Banks and loan institutions.
- c. Funeral homes.
- d. Clubs, fraternal organizations and lodges which are nonprofit uses and established for eleemosynary and/or civic purposes.
- e. Single-family dwellings.

### **§ 16-16.3. Accessory Buildings and Uses. [Ord. No. 93-24]**

Any accessory use on the same lot which is customarily incidental to the principal use permitted on the same lot such as but not necessarily limited to:

- a. Storage and maintenance buildings.
- b. Single-family dwelling.

### **§ 16-16.4. Conditional Uses. [Ord. No. 93-24; Ord. No. 03-23 § 8]**

Churches, synagogues and other places of worship including resident housing for employees, education/school buildings and any other accessory structures thereto shall be a permitted conditional use subject to the provisions set forth in subsection 16-5.33 of this chapter.

**§ 16-16.5. Height, Area and Bulk Requirements. [Ord. No. 93-24]**

As specified in the Schedule referenced in Section 16-8.

**§ 16-16.6. Permitted Modifications. [Ord. No. 93-24]**

None.

**§ 16-16.7. Off-Street Parking and Loading Requirements. [Ord. No. 93-24]**

- a. Off-street parking spaces, together with appropriate access thereto shall be provided on the same lot as the building it is intended to serve in accordance with the standards of Section 16-24.
- b. Off-street parking spaces may be located in the front, side and rear yards, provided, however, that no parking area shall be located less than 10 feet from any side property line nor less than 25 feet from a front or rear property line and further provided that complete building perimeter parking is prohibited.

**§ 16-16.8. Other Requirements. [Ord. No. 93-24]**

- a. Open Storage of Materials. All materials and equipment shall be stored in completely enclosed buildings. No open display of products shall be permitted.
- b. Transition Requirements. A buffer shall be established along the line of any side or rear lot line that is contiguous to any residential zone (unless the side or rear lot line coincides with any major street, as shown on the adopted Master Plan of the Township of Warren) with a width of at least 25 feet plus five feet additional width for each ten-foot interval or fraction thereof of the height of the principal building which exceeds 15 feet in height. The buffer area shall be landscaped and fencing provided as required to provide appropriate screening of the operations of the lot from adjoining residential districts.
- c. Exterior architectural treatment of all structures shall exhibit residential characteristics for window size, exterior wall surface and roof pitch.

**§ 16-17. GI - GENERAL INDUSTRIAL DISTRICT.****§ 16-17.1. Purpose. [Ord. No. 93-24]**

This district provides for employment opportunities in the service and light manufacturing economic sector as well as the research, management, administrative and data processing sectors.

**§ 16-17.2. Permitted Uses. [Ord. No. 93-24; Ord. No. 98-7, § 3; Ord. No. 2016-16]**

The uses established in such districts shall be confined (except as hereinafter set forth), to the following, (including combinations thereof), at an intensity not to exceed the limitations imposed by the performance standards hereinafter set forth.

- a. General offices for executive, administrative, data processing and general clerical purposes.



- b. Training and conference facilities, but not including sleeping rooms, apartments or equivalent short-term resident facility.
- c. Scientific or research laboratories, including incidental pilot plants in connection therein. All pilot plant equipment shall be housed in a building.
- d. Fabrication and assembly of products except for any product which includes substances designated as Class A, B or C explosives under N.J.A.C. 12:190-2.1 as supplemented, amended or replaced.
- e. Fabrication, warehousing and transportation facilities for finished products or materials, but not including truck terminals, distribution centers or transfer stations or depots.
- f. Wireless communication facilities in conformity with subsection 16-5.31.
- g. Indoor commercial recreation uses not including movie theatre, cabaret, casino, or any use wherein serving of food and/or drink is the principal use.
- h. Catering and event facility providing indoor and outdoor eating and drinking accommodations, recreation/sports amenities and entertainment provided said use is located on a lot of 10 acres or greater.
- i. Data centers.
- j. Public and private schools.
- k. Licensed health care, clinical therapy, medical and wellness service facilities not including overnight or residence facilities.

**§ 16-17.3. Accessory Buildings and Uses. [Ord. No. 93-24]**

Same as specified for subsection 16-16.3.

**§ 16-17.4. Conditional Uses. [Ord. No. 93-24; Ord. No. 03-23 § 9]**

Churches, synagogues and other places of worship including resident housing for employees, education/school buildings and any other accessory structures thereto shall be a permitted conditional use subject to the provisions set forth in subsection 16-5.33 of this chapter.

**§ 16-17.5. Area, Yard and Building Requirements. [Ord. No. 93-24]**

As specified in the Schedule referenced in Section 16-8.

**§ 16-17.6. Permitted Modifications. [Ord. No. 93-24]**

- a. In the GI District an industrial/office park may be permitted in accordance with the following:
  - 1. In a subdivision, one or more lots may be reduced to 120,000 square feet in size provided the average lot size of all lots in the subdivision is five acres or larger.

2. Required lot width may be reduced by one foot for each 1,000 square feet of lot area less than 120,000 square feet.
  3. Except for lots fronting Liberty Corner and Mount Bethel Roads, the required front yard depths may be reduced by one foot for each 1,000 square feet of lot area less than 120,000 square feet.
- b. Where common ownership of land exists in the GI and adjoining residential zone, the common property owner may develop a portion of the residentially zoned property in accordance with GI standards subject to the following conditions and modifications:
1. All development (buildings, impervious surfaces and the like) must abut and be as contiguous as reasonably possible with G-I zoned property.
  2. The permitted F.A.R. for the land zoned for residential use (to be utilized for G-I purposes) shall be equal to 1/3 the permitted F.A.R. of the G-I district, but in no case shall nonresidential floor area on land zoned for residential use exceed 100,000 square feet.
  3. The property owner shall dedicate no less than 60% of the residentially zoned tract for public purposes and further shall grant easements for public purposes of other portions of the site not developed for nonresidential use and nonresidential support facilities as reasonably required by the Planning Board.
  4. No building on nonresidentially zoned property developed in accordance with the above shall be permitted within 400 feet of the tract boundary adjoining residential property.
  5. The Planning Board shall give due consideration to the sharing of facilities by the building to be constructed on the said residentially zoned property with the adjoining GI zoned property for the purpose of lessening the intensity of use on the said residentially zoned property. The Planning Board shall also give due consideration to reducing the yard requirements between the building to be constructed upon the said residentially zoned property and the adjoining G-I zoned property.

**§ 16-17.7. Off-Street Parking Requirements. [Ord. No. 93-24]**

- a. Off-street parking space, together with appropriate access shall be provided on the same lot as the building it is intended to serve in accordance with the standards of Section 16-24.
- b. Off-street parking space shall be located only in the side and rear yards, provided, however, that no parking space or associated aisle or driveway shall be located nearer than 10 feet to any side or rear lot line, nor shall a parking area be nearer than five feet to any building, and provided that complete building perimeter parking is prohibited.

**§ 16-17.8. Sign Requirements. [Ord. No. 93-24]**

As specified in Section 16-25.

**§ 16-17.9. Other Requirements. [Ord. No. 93-24]**

- a. Storage. All materials and equipment shall be stored within the confines of any building(s).
- b. Transition Requirements. A buffer shall be established along the line of any lot that is contiguous to any residential zone (unless contiguous zone boundary lines coincide with a Federal or State highway right-of-way), with a width of at least 25 feet, and further, for each ten-foot interval or fraction thereof of building height, an additional five foot width or buffer area shall be required.

**§ 16-18. OR - OFFICE RESEARCH AND ORH OFFICE RESEARCH HOTEL DISTRICTS.****§ 16-18.1. Purpose. [Ord. No. 93-24; Ord. No. 2016-23 § 3]**

This district provides employment opportunities along interstate Route I-78 and the opportunity to provide guest and short term living accommodations. Uses are limited to office, research and administrative activities and hotel as conditional uses in the ORH district.

**§ 16-18.2. Permitted Uses. [Ord. No. 93-24; Ord. No. 98-7, § 4]**

No building, structure or premises shall be used and no building or structure shall be erected or structurally altered except for the following uses:

- a. Scientific research laboratory or other experimental, testing or research facilities including product development, but not including:
  1. The processing of raw material except that which is necessary for experimentation and testing purposes;
  2. The production of goods for sale.
  3. Open air pilot plants;
  4. Experimentation and testing activities conducted outside a building.
- b. Business offices and professional offices.
- c. Testing laboratories.
- d. Educational-training facility except no site residency (dormitory or other sleeping facilities) shall be permitted.
- e. Wireless communication facilities in conformity with subsection 16-5.31.

**§ 16-18.3. Accessory Buildings and Uses. [Ord. No. 93-24; Ord. No. 98-17, § 1]**

Any accessory use on the same lot customary and incidental to any use permitted in this district such as, but not necessarily limited to:

- a. Private garages.

- b. Maintenance and storage buildings, except that no accessory building used for the storage of hazardous materials shall exceed 200 square feet in size nor be located closer than 100 feet to any residential zone boundary or existing developed residential lot.
- c. Staff houses and other accessory uses and buildings as set forth below:
  - 1. Such staff house shall be located and erected upon a building site of at least 65,000 square feet which site shall be no less than 150 feet in width at the front and such staff house shall be set back 75 feet from a street.
  - 2. No staff house shall have less than 1,500 square feet of floor area, shall not be higher than 35 feet, and shall have a twenty-five-foot side and fifty-foot rear yard area.
- d. Cafeteria facilities for the use and the personal convenience of persons employed on the premises.
- e. Showroom for the limited sale of products to employees only, provided that the showroom shall be:
  - 1. Limited to an area not more than 1% of the total building area, but in no event shall the area exceed 1,500 square feet;
  - 2. An integral part of the building;
  - 3. Sale of products to the general public is prohibited.
- f. A helistop shall be permitted as an accessory use to a principal user occupying 500,000 square feet or more of floor space subject to:
  - 1. A helistop shall mean a facility located at ground level or elevated on a structure designed for the landing or takeoff of helicopters. No other aircraft shall be permitted to use a helistop.
  - 2. A helistop shall provide no support facilities except as required for license from the New Jersey Department of Transportation and Federal F.A.A. The license shall be limited to a helistop. All lighting which may be required shall be used only during arrivals and departures.
  - 3. Any application for a license to operate a helistop shall conform in all respects to the requirements of N.J.S.A. 6:1-2, et seq., to include, but not limited to, public notification and public hearing. Further, a public hearing pursuant to Warren Township's Land Use Ordinance shall be required.
  - 4. No helistop shall be located within 1,000 feet of a residential zone boundary, and, further, no helistop shall be located more than 300 feet from the Route I-78 right-of-way.
  - 5. No fueling, repair or aircraft storage shall be permitted at a helistop site.
  - 6. A helistop shall be located at least 75 feet from the property boundary of the lot on which it is located. The helistop pad shall be permitted in required yard areas as otherwise required for principal and accessory structures in the OR

zone.

7. An environmental assessment statement shall be submitted in accordance with the Land Use Procedures Ordinance of Warren Township. The assessment statement shall specifically address New Jersey Noise Standards.

**§ 16-18.4. Conditional Uses. [Ord. No. 93-24; Ord. No. 95-19; Ord. No. 03-23 § 10; Ord. No. 2016-23 § 4]**

- a. Multi-level parking structures shall be allowed as a conditional use in the OR district. The request for the use shall be by application to the Planning Board, with public notice being made by the applicant as required in this chapter. The surface area of the parking structure shall not be included in the calculation of F.A.R. as provided in subsection 16-5.23 of this chapter. The said structures shall be subject to the following requirements and conditions:
  1. Site plan approval by the Planning Board.
  2. No site shall contain less than 25 acres.
  3. A parking deck shall conform to all setback and buffer requirements as if it were a principal building.
  4. The entire exterior of the parking deck shall be finished in materials similar or architecturally compatible to those of the principal building.
  5. There shall be no parking on the top of the parking deck (uncovered) unless parapet walls of identical material and architectural motif of the parking deck structure are provided around the entire periphery of the parking deck of sufficient height to conceal from view vehicles parked thereon from the grade level of all adjoining properties or roadways. Deck lighting shall be no greater than 18 feet in height and shall not be visible from adjacent residential lots.
  6. The parking deck shall be reasonably buffered from all municipal, County, State or Federal roads and adjoining properties by use of berms, existing topography, landscaping or other site improvements.
  7. The maximum height of the structure, at any point, shall not exceed 30 feet from the finished grade. There shall be no restriction on parking levels below finished grade.
  8. Each parking level shall have exterior walls of identical material and architectural motif as that of the principal buildings. If the parking deck structure is unroofed, a parapet wall of at least five feet in height measured from the top floor level shall be required. On all other levels, a parapet wall of no greater than 50% and no less than 40% of the floor to the ceiling height shall be required. The purpose of the parapet wall is to shield the view of parked vehicles on all levels from adjoining properties and streets.
- b. Churches, synagogues and other places of worship including resident housing for employees, education/school buildings and any other accessory structures thereto shall be a permitted conditional use subject to the provisions set forth in subsection 16-5.33 of this chapter.

- c. Hotel and Extended Stay Facilities in the ORH District Only. A use consisting of a building or group of buildings containing sleeping rooms for short-term occupancy, as well as restaurants, meeting rooms, a fitness facility/health center and customary and usual accessory uses. Any fitness facility/health center shall be restricted to guests and may be available to the general public on a membership-only basis. All primary access to rooms shall be through common interior corridors.

A hotel and/or extended stay use shall be subject to the following requirements:

1. The minimum lot size shall be 10 acres.
2. Parking may be permitted in the front yard but no less than 75 feet from the street provided an earth berm and landscaping and/or fencing are provided between the parking area and the street.
3. The building height may be increased to 65 feet or six stories whichever is ever the lessor.

**§ 16-18.5. Height, Area and Yard Requirements. [Ord. No. 93-24]**

As specified in the Schedule referenced in Section 16-8.

**§ 16-18.6. Permitted Modifications. [Ord. No. 93-24]**

The standards set forth in the Schedule referenced in Section 16-8, Schedule of District Regulations, shall not apply to a public or private road created within existing lots of record located within the OR district wherein said private or public roadway serves to implement the circulation plan element of the Township provided:

- a. No structure or parking area shall be located within 25 feet of the curb face of a private or public roadway, except that a structure utilized exclusively for pedestrian access and utility conduit from one principal building to another building, accessory structure, parking garage or parking lot may be located above or below the roadway surface at distances from the roadway surface as approved by the municipal engineer.
- b. No loading bay or individual parking space shall have direct access to a public or private roadway created within this section.
- c. No essential services (water supply, sanitary sewer line, electric line, telephone or gas lines) shall be constructed beneath the paved surface of a public or private roadway, where a structure or parking area is located within 50 feet of the curb face of such roadway except that essential services may be constructed beneath the paved surface of a public or private roadway where they are perpendicular to the roadway. In that event, provisions shall be made for continued use of the roadway in those instances of restoration or repair of said essential services.

**§ 16-18.7. Off-Street Parking. [Ord. No. 93-24]**

As specified in Section 16-24.

**§ 16-18.8. Sign Requirements. [Ord. No. 93-24]**

As specified in Section 16-25.

**§ 16-18.9. Other Requirements. [Ord. No. 93-24]**

- a. Storage. All materials and equipment shall be stored in completely enclosed buildings.
- b. Transition Requirements. There shall be established along the line of any lot that is contiguous to any residential district (unless the side or rear lot line coincides with a Federal highway), a buffer area at least 150 feet in width. The buffer area shall consist of trees, fencing, earthen berm or any combination of same.

**§ 16-19. REDEVELOPMENT PLANS.****§ 16-19.1. Lindberg Avenue Area (Block 114, Lot 22.03 and Portion of Lot 22.04) Redevelopment Plan. [Ord. No. 2017-18 § 3]**

- a. Block 114, Lot 22.03 and a portion of Lot 22.04 have been designated as the "Lindberg Avenue Area Redevelopment Zone District" pursuant to a Redevelopment Plan entitled "Lindberg Avenue Area (B114 L22.03 & portion of 22.04) Redevelopment Plan", (the "Redevelopment Plan"), a complete copy of which is on file in the office of the Township Clerk.
- b. Land Use Plan. The permitted uses and design standards within the Lindberg Avenue Area Redevelopment Zone District are detailed in the sections set forth below:
  1. Relationship of Plan to Township Plan Development Regulations. The standards contained herein shall supersede any zoning standards existing prior to the adoption of the Redevelopment Plan and shall apply to any Redevelopment or Rehabilitation project designed to implement the Redevelopment Plan, whether by a designated redeveloper or by private property owners. Where these regulations conflict with the Zoning Ordinance or other design standards, these regulations shall control. The continued use of existing properties made nonconforming by the adoption of the Redevelopment Plan is permitted until the Lindberg Avenue Area Redevelopment District is to be redeveloped or substantially rehabilitated, at which time the provisions contained, herein shall apply. If a particular land use or site standard is not covered in this Redevelopment Plan, compliance with the Warren Township Zoning Ordinance or other applicable Township codes will be required.
  2. Exceptions to Standards. Variation from the development requirements and design standards set forth herein may be necessary in certain limited circumstances, such as building size standards. In such instances, the Planning Board may grant reasonable exceptions from certain bulk, parking or design requirements if the designated redeveloper demonstrates that such design exception(s) will not substantially impair the intent of the Redevelopment Plan, and will not present a substantial detriment to the public health, safety

and welfare.

To gain approval of such modification or waiver of a development requirement, the applicant shall demonstrate that the resulting change will:

- (a) Generally satisfy the Redevelopment Plan's goals and objectives;
- (b) Be designated in accordance with the Township's normally acceptable engineering, planning and/or architectural practices;
- (c) Not have an adverse impact on the physical, visual or spatial characteristics of the overall development plan for the Lindberg Avenue Area Redevelopment Zone District or adjacent or nearby properties;
- (d) Generally enhance the overall development plan for the Lindberg Avenue Area Redevelopment Zone District;
- (e) Not have an adverse impact on the physical, visual, or spatial characteristics of the existing streetscape in which such development is located or of the Redevelopment Plan; and
- (f) Not reduce the useful life or increase the cost of maintenance of the improvement to be modified or otherwise have an adverse impact on the long-term function of the development.

Deviations from the uses permitted in the Lindberg Avenue Area Redevelopment Zone District shall be permitted only by means of an amendment of this Redevelopment Plan by the Township Committee.

- 3. Provisions Related to Rehabilitation. No rehabilitation of buildings is proposed. The redevelopment site consists of vacant land.
- 4. Provisions Related to Off-Site Improvements. The extent of the redeveloper's responsibility for any installation or upgrade of infrastructure related to their project, whether on site or off site, will be outlined in a redeveloper's agreement with the Township Committee. Off-site responsibility for properties not covered under the redeveloper's agreement will be determined in the same manner as other development projects throughout the Township during the permit and/or site plan review phases.

All infrastructure improvements shall comply with applicable local, state and federal codes including the Americans with Disabilities Act. All streetscape improvements shall also comply with applicable standards found in this Redevelopment Plan. All utilities shall be placed underground, unless otherwise authorized by the Township Committee.

- 5. Housing Development District Standards and Use Standards. The objectives and standards set forth hereafter are designed to implement, in phases, the Affordable Housing Plan Element. The uses and standards for development are permitted only within the Lindberg Avenue Area Redevelopment Zone District as shown on the revised Official Zoning Map.

The intent and purpose of the Lindberg Avenue Area Redevelopment Zone



District is to implement the Affordable Housing Plan Element of the adopted Master Plan of Warren Township. This subsection provides for the phased implementation of the zone. The objectives are to provide and encourage development of housing affordable to low- and moderate-income households as defined by the New Jersey Fair Housing Act, as well as middle-income, age-targeted and adult households.

6. Development Standards and Requirements.

Permitted Uses	Multi-Family Apartment Buildings
Housing United Permitted	No more than 125 dwelling units shall be permitted
Minimum Habitable Space income restricted affordable units*	Studio/1 bedroom-600 square feet for 2 bedrooms - 725 square feet 3 bedroom - 825 square feet

Notes:

\* Habitable space shall be calculated by measurement of exterior walls.

The affordable housing bedroom distribution mix shall be as per UHAC regulations Section 5:80-26.3

Maximum Units Per Building	24 units/structure
Maximum Building Height:	3 stories/40 feet
Setbacks:	
Front Yard from public street	25 feet
Front Yard from private street measured from curb line	10 feet
Side Yard	25 feet
Rear Yard	25 feet
Parking	Development shall meet Residential Site Improvement Standards; provided, however that a de minimus exception may be granted as per RSIS at the rate of 1.75 spaces per unit, recognizing that this development is a 100% affordable project

Housing Affordability Requirements	All units shall be affordable pursuant Section 16-6 of this Chapter (Zoning Ordinance), unless Section 16-6 varies from Section 42 of the Internal Revenue Code relative to Federal Low-Income Tax Housing Credits (as allowed by the Uniform Housing Affordability Controls), in which case, Section 42 of the Internal Revenue Code shall control)
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Accessory Buildings and Uses. Any accessory use on the site customary and incidental to any use permitted in this district such as, but not necessarily limited to:

- (a) Maintenance and storage buildings (other than storage buildings used exclusively for the storage of hazardous materials); and
  - (b) A community club house.
7. Design Standards for Lindberg Avenue Area Redevelopment Zone District. The general design theme for the Lindberg Avenue Area Redevelopment Zone District may be colonial, variations of a French provincial and mansard design. Signage and all other improvements shall be designed to follow the design theme to the extent possible. The following Design Standards shall apply to the Lindberg Avenue Area Redevelopment Zone District, and shall be utilized to carry out the design theme of the project.
- (a) Applicability. These guidelines and standards shall apply to the entire development proposal within the Lindberg Avenue Area Redevelopment Zone District
  - (b) General Design Standards.
    - (1) All buildings should be designed with an eye toward architectural detailing that can be unique, and complement the appearance of adjacent structures.
    - (2) Buildings shall have varied and variegated facades. Use of texture and window variations shall be encouraged.
    - (3) Pitched roofs are required.
    - (4) Entryways shall give orientation and add aesthetically pleasing character to the front facade.
    - (5) Entrances shall include such features as canopies or porticos, overhangs, arcades, recesses/projections, raised corniced parapets over the doors, peaked roof forms and arches.
  - (c) Continuity of Treatment. The architectural treatment of a facade or roof shall be completely continued around all visibly exposed sides of a

building. All sides of a building shall be architecturally designed so as to be consistent with regard to style, materials, colors and details. In the instance of multi-story buildings, the architectural treatment and building materials of the first floor shall be compatible with upper stories.

- (d) Roof. The type, shape, pitch, texture and color of a roof shall be considered as an integral part of the design of a building and shall be architecturally compatible with the style, materials, color and details of such building. Pitched roofs shall be required. Roofs and rooflines shall conform to the following standards:
  - (1) No flat roof shall be permitted on any building.
  - (2) Architectural embellishments that add visual interest to roofs, such as dormers, belvederes, masonry chimneys and such similar elements shall be permitted, provided that same are architecturally compatible with the style, materials, colors and details of the building.
  - (3) For all roofs, the minimum permitted roof pitch shall be five on 12.
  - (4) Roofline offsets shall be provided along any roof measuring longer than 50 feet in length in order to provide architectural interest and variety to the massing of a building and relieve the negative visual effect of a single, long roofline.
- (e) Windows. Windows shall be architecturally compatible with the style, materials, colors and details of a building. Windows shall be vertically proportioned.
- (f) Doors and Entrances. All entrances to a building shall be defined and articulated by utilizing such elements as lintels, pediments, pilasters, porticos, porches, overhangs, railings, balustrades and other such elements, where appropriate. Any such element utilized shall be architecturally compatible with the style, materials, colors and details of such building.
- (g) Physical Plant. All air-conditioning units, HVAC systems, exhaust pipes or stacks and elevator housing shall be shielded from view. Such shielding shall be accomplished by utilizing the walls or roof of the building and be designed to be architecturally compatible with the style, materials, colors and details of such building.
- (h) Materials, Colors and Details. All materials, colors and details used on the exterior of a building shall be architecturally compatible with the style of such building, as well as with each other.
- (i) Shutters. The use of shutters on building facades shall be encouraged.
- (j) Lighting. Light fixtures attached to the exterior of a building shall be designed to be architecturally compatible with the style, materials, colors and details of such building and other lighting fixtures used on the site. Consideration shall also be given to the type of light source utilized and

the light quality such produces. The type of light source used on buildings, signs, parking area, pedestrian walkways and other areas of the Lindberg Avenue Area Redevelopment Zone District shall be the same or compatible. The use of low-pressure sodium or mercury vapor lighting either attached to buildings or to light the exterior of buildings shall be prohibited.

- (k) All developers are encouraged to use energy saving materials and appliances.

8. Parking Design Standards.

- (a) Provision of parking spaces. The design and number of parking spaces required per this Redevelopment Plan shall be provided in conformance with RSIS (N.J.A.C. 5:21-4.14 through 4.16).
- (b) Screening. Where buffers are required in this Redevelopment Plan, there shall be provided along the exterior lot line of the development a continuous, year-round planting screen at least six feet in height. Particular attention shall be paid to adjacent single family homes.

9. Streetscape/Landscape Design Standards. Interior roadways shall provide streetscape elements including sidewalk, lampposts, benches, trash receptacles and planters.

Street trees shall be provided in accordance with all applicable Township Code requirements.

**§ 16-19.2. King George Inn Area (Block 78, Lot 12) Redevelopment Plan. [Ord. No. 2017-19 § 3]**

- a. Block 78, Lot 12 has been designated as the "King George Inn Area Redevelopment Zone District" pursuant to a Redevelopment Plan entitled "King George Inn Area (B78 L12) Redevelopment Plan", (the "Redevelopment Plan"), a complete copy of which is on file in the office of the Township Clerk.
- b. Land Use Plan. The permitted uses and design standards within the King George Inn Area Redevelopment Zone District are detailed in the sections set forth below:
  - 1. Relationship of Plan to Township Plan Development Regulations. The standards contained herein shall supersede any zoning standards existing prior to the adoption of the Redevelopment Plan and shall apply to any redevelopment or rehabilitation project designed to implement the Redevelopment Plan, whether by a designated redeveloper or by private property owners. Where these regulations conflict with the Zoning Ordinance or other design standards, these regulations shall control. The continued use of existing properties made nonconforming by the adoption of the Redevelopment Plan is permitted until the King George Inn Area Redevelopment Zone District is to be redeveloped or substantially rehabilitated, at which time the provisions contained herein shall apply. If a particular land use or site standard is not covered in this Redevelopment Plan, compliance with the Warren Township Zoning Ordinance or other applicable

Township codes will be required.

2. Exceptions to Standards. Variation from the development requirements and design standards set forth herein may be necessary in certain limited circumstances, such as building size standards. In such instances, the Planning Board may grant reasonable exceptions from certain bulk, parking or design requirements if the designated redeveloper demonstrates that such design exception(s) will not substantially impair the intent of the Redevelopment Plan, and will not present a substantial detriment to the public health, safety and welfare.

To gain approval of such modification or waiver of a development requirement, the applicant shall demonstrate that the resulting change will:

- (a) Generally satisfy the Redevelopment Plan's goals and objectives;
- (b) Be designated in accordance with the Township's normally acceptable engineering, planning and/or architectural practices;
- (c) Not have an adverse impact on the physical, visual or spatial characteristics of the overall development plan for the King George Inn Area redevelopment Zone District or adjacent or nearby properties;
- (d) Generally enhance the overall development plan for the King George Inn Area Redevelopment Zone District;
- (e) Not have an adverse impact on the physical, visual, or spatial characteristics of the existing streetscape in which such development is located or of the Redevelopment Plan; and
- (f) Not reduce the useful life or increase the cost of maintenance of the improvement to be modified or otherwise have an adverse impact on the long-term function of the development.

Deviations from the uses permitted in the King George Inn Area Redevelopment Zone District shall be permitted only by means of an amendment of this Redevelopment Plan by the Township Committee.

3. Provisions Related to Rehabilitation. The Redevelopment Plan does recognize the fact that there is a pre-existing, non-conforming abandoned/vacant commercial building located in the redevelopment area, the continued use, maintenance and improvement of which is not contemplated. No rehabilitation is contemplated.
4. Provisions Related to Off-Site Improvements. The extent of the redeveloper's responsibility for any installation or upgrade of infrastructure related to their project, whether on-site or off-site, will be outlined in a redeveloper's agreement with the Township Committee. Off-site responsibility for properties not covered under the redeveloper's agreement will be determined in the same manner as other development projects throughout the Township during the permit and/or site plan review phases.

All infrastructure improvements shall comply with applicable local, State and

Federal codes including the Americans with Disabilities Act. All streetscape improvements shall also comply with applicable standards found in this Redevelopment Plan. All utilities shall be placed underground, unless otherwise authorized by the Township Committee.

5. Housing Development District Standards and Use Standards. The uses and standards for development are permitted only within the King George Inn Area Redevelopment Zone District as shown on the revised Official Zoning Map.
6. Development Standards and Requirements.

Permitted Uses	Condominium Units
Housing Units Permitted	No more than 13 dwelling units shall be permitted and shall be market rate for sale units only
Maximum units allowed	13 units
Maximum No. of bedrooms	2/unit
Maximum building height	2 stories/35 feet, whichever is less
Setbacks:	
Front yard	50 feet
Side yard	25 feet
Rear yard	25 feet
Parking	Development shall meet Residential Site Improvement Standards
Occupancy Preference	The Developer shall make all reasonable efforts to provide preference to Warren residents or to those individuals who work in Warren and reside elsewhere. These efforts will be detailed in a plan and made part of the Redevelopment Agreement with the Warren Township Committee, acting as the "redevelopment entity".

7. Design Standards for King George Inn Area Redevelopment Zone District. The general design theme for the King George Inn Area Redevelopment Zone District shall be generally colonial. Buildings, signage and all other improvements shall be designed to follow a colonial theme to the extent possible. The following Design Standards shall apply to the King George Inn Area Redevelopment Zone District, and shall be utilized to carry out the design theme of the project.
  - (a) Applicability. These guidelines and standards shall apply to all applications for development within the King George Area Redevelopment Zone District.

## (b) General Design Standards.

- (1) All buildings should be designed with an eye toward architectural detailing that can be unique, and complement the appearance of adjacent structures.
- (2) Buildings shall have varied and variegated facades. Use of texture and window variations shall be encouraged.
- (3) Pitched roofs are required.
- (4) Entryways shall give orientation and add aesthetically pleasing character to the front facade.
- (5) Entrances shall include such features as canopies or porticos, overhangs, arcades, recesses/projections, raised corniced parapets over the doors, peaked roof forms and arches.

## (c) Continuity of Treatment. The architectural treatment of a facade or roof shall be completely continued around all visibly exposed sides of a building. All sides of a building shall be architecturally designed so as to be consistent with regard to style, materials, colors and details. In the instance of multi-story buildings, the architectural treatment and building materials of the first floor shall be compatible with upper stories.

## (d) Roof. The type, shape, pitch, texture and color of a roof shall be considered as an integral part of the design of a building and shall be architecturally compatible with the style, materials, color and details of such building. Pitched roofs shall be required. Roofs and rooflines shall conform to the following standards:

- (1) No flat roof shall be permitted on any building.
- (2) Mansard roofs shall not be permitted.
- (3) Architectural embellishments that add visual interest to roofs, such as dormers, belvederes, masonry chimneys and such similar elements shall be permitted, provided that same are architecturally compatible with the style, materials, colors and details of the building.
- (4) For all roofs, the minimum permitted roof pitch shall be seven on 12.
- (5) Roofline offsets shall be provided along any roof measuring longer than 50 feet in length in order to provide architectural interest and variety to the massing of a building and relieve the negative visual effect of a single, long roofline.

## (e) Windows. Windows shall be architecturally compatible with the style, materials, colors and details of a building. Windows shall be vertically proportioned.

## (f) Doors and Entrances. All entrances to a building shall be defined and

articulated by utilizing such elements as lintels, pediments, pilasters, porticos, porches, overhangs, railings, balustrades and other such elements, where appropriate. Any such element utilized shall be architecturally compatible with the style, materials, colors and details of such building.

- (g) Physical Plant. All air-conditioning units, HVAC systems, exhaust pipes or stacks and elevator housing shall be shielded from view. Such shielding shall be accomplished by utilizing the walls or roof of the building and be designed to be architecturally compatible with the style, materials, colors and details of such building.
- (h) Materials, Colors and Details. All materials, colors and details used on the exterior of a building shall be architecturally compatible with the style of such building, as well as with each other.
- (i) Shutters. The use of shutters on building facades shall be encouraged.
- (j) Lighting. Light fixtures attached to the exterior of a building shall be designed to be architecturally compatible with the style, materials, colors and details of such building and other lighting fixtures used on the site. Consideration shall also be given to the type of light source utilized and the light quality such produces. The type of light source used on buildings, signs, parking area, pedestrian walkways and other areas of the King George Inn Area Redevelopment Zone District shall be the same or compatible. The use of low-pressure sodium or mercury vapor lighting either attached to buildings or to light the exterior of buildings shall be prohibited.
- (k) All buildings shall have a basement.
- (l) All units are encouraged to be equipped with Energy Star certified appliances and utilities and further, the redeveloper is encouraged to advance and/or achieve LEED standards and/or certification.

8. Parking Design Standards.

- (a) Provision of parking spaces. The design and number of parking spaces required per this Redevelopment Plan shall be provided in conformance with RSIS (N.J.A.C. 5:21-4.14 through 4.16).
- (b) Screening. Where buffers are required in this Redevelopment Plan, there shall be provided along the exterior lot line of the development a continuous, year-round planting screen at least six feet in height.

9. Streetscape/Landscape Design Standards. Interior roadways shall provide streetscape elements including sidewalk, lampposts, benches, trash receptacles and planters.

Street trees shall be provided in accordance with all applicable Township Code requirements.

**§ 16-19.3. Flag Plaza Area (Bock 88.04, Lot 15) Redevelopment Plan. [Ord. No.**



**2017-20 § 3]**

- a. Block 88.04, Lot 15 has been designated as the "Flag Plaza Area Redevelopment Zone District" pursuant to a Redevelopment Plan entitled "Flag Plaza Area (B88.04 L15) Redevelopment Plan", (the "Redevelopment Plan"), a complete copy of which is on file in the office of the Township Clerk.
- b. Land Use Plan. The permitted uses and design standards within the Flag Plaza Area Redevelopment Zone District are detailed in the sections set forth below:
  1. Relationship of Plan to Township Plan Development Regulations. The standards contained herein shall supersede any zoning standards existing prior to the adoption of the Redevelopment Plan and shall apply to any redevelopment or rehabilitation project designed to implement this Redevelopment Plan, whether by a designated redeveloper or by private property owners. Where regulations of this redevelopment Plan conflict with the Zoning Ordinance or design standards, this Redevelopment Plan shall control. The continued use of existing properties made nonconforming by the adoption of the Redevelopment Plan is permitted until the Flag Plaza Area Redevelopment District is to be redeveloped or substantially rehabilitated, at which time the provisions contained herein shall apply. If a particular land use or site standard is not covered in this Redevelopment Plan, compliance with the Warren Township Zoning Ordinance or other applicable Township codes will be required.
  2. Exceptions to Standards. Variation from the development requirements and design standards set forth herein may be necessary in certain limited circumstances, such as building size standards. In such instances, the Planning Board may grant reasonable exceptions from certain bulk, parking or design requirements if the designated redeveloper demonstrates that such design exception(s) will not substantially impair the intent of the Redevelopment Plan, and will not present a substantial detriment to the public health, safety and welfare.

To gain approval of such modification or waiver of a development requirement, the applicant shall demonstrate that the resulting change will:

- (a) Generally satisfy the Redevelopment Plan's goals and objectives;
- (b) Be designated in accordance with the Township's normally acceptable engineering, planning and/or architectural practices;
- (c) Not have an adverse impact on the physical, visual or spatial characteristics of the overall development plan for the Flag Plaza Area Redevelopment Zone District or adjacent or nearby properties;
- (d) Generally enhance the overall development plan for the Flag Plaza Area Redevelopment Zone District;
- (e) Not have an adverse impact on the physical, visual, or spatial characteristics of the existing streetscape in which such development is located or of the Redevelopment Plan; and

- (f) Not reduce the useful life or increase the cost of maintenance of the improvement to be modified or otherwise have an adverse impact on the long-term function of the development.

Deviations from the uses permitted in the Flag Plaza Area Redevelopment Zone District shall be permitted only by means of an amendment of this Redevelopment Plan by the Township Committee.

- 3. Provisions Related to Rehabilitation. The Redevelopment Plan does recognize the fact that there are existing buildings, the continued use, maintenance and minor improvement of which may be necessary and/or an improvement to the area, although said maintenance and minor improvement may be inconsistent with the goals, objectives and design standards of the area. In the case where deviations from bulk standards and/or design standards are sought for maintenance and minor improvements to an existing building or property containing such, the authority for granting or denying deviations from bulk and/or design standards herein shall be vested in the Board.
- 4. Provisions Related to Off-Site Improvements. The extent of the redeveloper's responsibility for any installation or upgrade of infrastructure related to their project, whether on-site or off-site, will be outlined in a redeveloper's agreement with the Township Committee. Off-site responsibility for properties not covered under the redeveloper's agreement will be determined in the same manner as other development projects throughout the Township during the permit and/or site plan review phases.

All infrastructure improvements shall comply with applicable local, State and Federal codes including the Americans with Disabilities Act. All streetscape improvements shall also comply with applicable standards found in this Redevelopment Plan. All utilities shall be placed underground, unless otherwise authorized by the Township Committee.

- 5. Housing Development District Standards and Use Standards. The objectives and standards set forth hereafter are designed to implement, in phases, the Affordable Housing Plan Element. The uses and standards for development are permitted only within the Flag Plaza Area Redevelopment Zone District as shown on the revised Official Zoning Map.

The intent and purpose of the Flag Plaza Area Redevelopment Zone District is to implement the Affordable Housing Plan Element of the adopted Master Plan of Warren Township. This subsection provides for the phased implementation of the zone. The objectives are to provide and encourage development of housing affordable to low- and moderate-income households as defined by the New Jersey Fair Housing Act, as well as middle-income, age-targeted and adult households.

- 6. Development Standards and Requirements. **[Amended 4-11-2019 by Ord. No. 19-11]**

<b>Permitted Uses</b>	<b>All uses permitted in the CB Zone Section 15-13.2 Apartments</b>
Housing Units Permitted	No more than 44 dwelling units shall be permitted of which 20 shall be affordable rental units
Minimum Habitable Space income restricted affordable units*	Studio/1 bedroom-425 square feet for
	2 bedroom - 650 square feet
	3 bedroom - 750 square feet

Notes:

\* Habitable space shall be calculated by measurement of exterior walls.

The affordable housing bedroom distribution mix shall be as per UHAC regulations Section 5:80-26.3	
Maximum Units Per Building	24 units/structure
Maximum No. of Bedrooms for Market Rate Units	2/unit
Maximum No. of Bedrooms for Affordable Units	3/unit
Maximum Building Height	2 stories/35 feet, whichever is less for mixed use (residential and nonresidential) building
	3 stories/35 feet (whichever is less for residential apartment building), measured from first floor elevation
Setbacks:	
Front Yard	50 feet
Side Yard	25 feet
Rear Yard	25 feet
Parking	As required by Section 16-24.4 of the Zoning Ordinance of Warren Township for nonresidential portion of project shall apply; RSIS for residential portion of project shall apply
Housing Affordability Requirements	20 rental units shall be affordable pursuant to Section 16-6 of this Chapter (Zoning Ordinance)

- Design Standards for Flag Plaza Area Redevelopment Zone District. The general design theme for the Flag Plaza Area Redevelopment Zone District shall be generally variations of colonial, French provincial and mansard

design. Signage and all other improvements shall be designed to follow a Colonial theme to the extent possible. The following Design Standards shall apply to the Flag Plaza Area Redevelopment Zone District, and shall be utilized to carry out the design theme of the project.

- (a) Applicability. These guidelines and standards shall apply to all applications for development within the Flag Plaza Area Redevelopment Zone District.
- (b) General Design Standards.
  - (1) All buildings should be designed with an eye toward architectural detailing that can be unique, and complement the appearance of adjacent structures.
  - (2) Buildings shall have varied and variegated facades. Use of texture and window variations shall be encouraged.
  - (3) Pitched roofs are required.
  - (4) Buildings greater than one story in height are strongly encouraged (subject to maximum height requirement).
  - (5) Entryways shall give orientation and add aesthetically pleasing character to the front facade.
  - (6) Entrances shall include such features as canopies or porticos, overhangs, arcades, recesses/projections, raised corniced parapets over the doors, peaked roof forms and arches.
- (c) Continuity of Treatment. The architectural treatment of a facade or roof shall be completely continued around all visibly exposed sides of a building. All sides of a building shall be architecturally designed so as to be consistent with regard to style, materials, colors and details. In the instance of multi-story buildings, the architectural treatment and building materials of the first floor shall be compatible with upper stories.
- (d) Roof. The type, shape, pitch, texture and color of a roof shall be considered as an integral part of the design of a building and shall be architecturally compatible with the style, materials, color and details of such building. Pitched roofs shall be required. Roofs and rooflines shall conform to the following standards:
  - (1) No flat roof shall be permitted on any building.
  - (2) Mansard roofs shall be discouraged.
  - (3) Architectural embellishments that add visual interest to roofs, such as dormers, belvederes, masonry chimneys and such similar elements shall be permitted, provided that same are architecturally compatible with the style, materials, colors and details of the building.
  - (4) For all roofs, the minimum permitted roof pitch shall be five on 12.

- (5) Roofline offsets shall be provided along any roof measuring longer than 50 feet in length in order to provide architectural interest and variety to the massing of a building and relieve the negative visual effect of a single, long roofline. If existing building(s) are being rehabilitated on exterior wall only, the foregoing shall not apply.
  - (e) Windows. Windows shall be architecturally compatible with the style, materials, colors and details of a building. Windows shall be vertically proportioned.
  - (f) Doors and Entrances. All entrances to a building shall be defined and articulated by utilizing such elements as lintels, pediments, pilasters, porticos, porches, overhangs, railings, balustrades and other such elements, where appropriate. Any such element utilized shall be architecturally compatible with the style, materials, colors and details of such building.
  - (g) Physical Plant. All air-conditioning units, HVAC systems, exhaust pipes or stacks and elevator housing shall be shielded from view. Such shielding shall be accomplished by utilizing the walls or roof of the building and be designed to be architecturally compatible with the style, materials, colors and details of such building. If systems are ground mounted, landscaping and fencing shall be required for visual screen.
  - (h) Materials, Colors and Details. All materials, colors and details used on the exterior of a building shall be architecturally compatible with the style of such building, as well as with each other.
  - (i) Shutters. The use of shutters on building facades shall be encouraged.
  - (j) Lighting. Light fixtures attached to the exterior of a building shall be designed to be architecturally compatible with the style, materials, colors and details of such building and other lighting fixtures used on the site. Consideration shall also be given to the type of light source utilized and the light quality such produces. The type of light source used on buildings, signs, parking area, pedestrian walkways and other areas of the Flag Plaza Area Redevelopment Zone District shall be the same or compatible. The use of low-pressure sodium or mercury vapor lighting either attached to buildings or to light the exterior of buildings shall be prohibited.
  - (k) All units shall, at a minimum, be equipped with Energy Star certified appliances and utilities and further, the redeveloper is encouraged to advance and/or achieve LEED standards and/or certification.
8. Parking Design Standards.
- (a) Provision of parking spaces. The design and number of parking spaces required per this Redevelopment Plan shall be provided in conformance with subsection 16-24.4 of the Zoning Ordinance of Warren Township. Each market rate unit shall have at least one garage parking space.

- (b) Screening. Evergreen planting shall be required to buffer multi-family use from adjacent single-family home(s).
- 9. Streetscape/Landscape Design Standards. Interior driveways and traffic aisles shall provide streetscape elements including sidewalk, lampposts, benches, receptacles and planters.

**§ 16-19.4. Mt. Bethel Area (Block 78, Lots 15.01 & 15.02) Redevelopment Plan.  
[Ord. No. 2017-21 § 3]**

- a. Block 78, Lots 15.01 & 15.02 have been designated as the "Mt. Bethel Area Redevelopment Zone District" pursuant to a Redevelopment Plan entitled "Mt. Bethel Area (B78 L15.01 & 15.02) Redevelopment Plan", (the "Redevelopment Plan"), a complete copy of which is on file in the office of the Township Clerk.
- b. Land Use Plan. The permitted uses and design standards within the Mt. Bethel Area Redevelopment Zone District are detailed in the sections set forth below:
  - 1. Relationship of Plan to Township Plan Development Regulations. The standards contained herein shall supersede any zoning standards existing prior to the adoption of the Redevelopment Plan and shall apply to any redevelopment or rehabilitation project designed to implement this Redevelopment Plan, whether by a designated redeveloper or by private property owners. Where regulations of this Redevelopment Plan conflict with the Zoning Ordinance or design standards, this Redevelopment Plan shall control. The continued use of existing properties made nonconforming by the adoption of the Redevelopment Plan is permitted until the Mt. Bethel Area Redevelopment District is to be redeveloped or substantially rehabilitated, at which time the provisions contained herein shall apply. If a particular land use or site standard is not covered in this Redevelopment Plan, compliance with the Warren Township Zoning Ordinance or other applicable Township codes will be required.
  - 2. Exceptions to Standards. Variation from the development requirements and design standards set forth herein may be necessary in certain limited circumstances, such as building size standards. In such instances, the Planning Board may grant reasonable exceptions from certain bulk, parking or design requirements if the designated redeveloper demonstrates that such design exception(s) will not substantially impair the intent of the Redevelopment Plan, and will not present a substantial detriment to the public health, safety and welfare.

To gain approval of such modification or waiver of a development requirement, the applicant shall demonstrate that the resulting change will:

- (a) Generally satisfy the Redevelopment Plan's goals and objectives;
- (b) Be designated in accordance with the Township's normally acceptable engineering, planning and/or architectural practices;
- (c) Not have an adverse impact on the physical, visual or spatial characteristics of the overall development plan for the Mt. Bethel Area

Redevelopment Zone District or adjacent or nearby properties;

- (d) Generally enhance the overall development plan for the Mt. Bethel Area Redevelopment Zone District;
- (e) Not have an adverse impact on the physical, visual, or spatial characteristics of the existing streetscape in which such development is located or of the Redevelopment Plan; and
- (f) Not reduce the useful life or increase the cost of maintenance of the improvement to be modified or otherwise have an adverse impact on the long-term function of the development.

Deviations from the uses permitted in the Mt. Bethel Area Redevelopment Zone District shall be permitted only by means of an amendment of this Redevelopment Plan by the Township Committee.

- 3. Provisions Related to Rehabilitation. No rehabilitation is contemplated in the Mt. Bethel Road Redevelopment District.
- 4. Provisions Related to Off-Site Improvements. The extent of the redeveloper's responsibility for any installation or upgrade of infrastructure related to their project, whether on-site or off-site, will be outlined in a redeveloper's agreement with the Township Committee. Off-site responsibility for properties not covered under the redeveloper's agreement will be determined in the same manner as other development projects throughout the Township during the permit and/or site plan review phases.

All infrastructure improvements shall comply with applicable local, State and Federal codes including the Americans with Disabilities Act. All streetscape improvements shall also comply with applicable standards found in this Redevelopment Plan. All utilities shall be placed underground, unless otherwise authorized by the Township Committee.

- 5. Housing Development District Standards and Use Standards. The objectives and standards set forth hereafter are designed to implement, in phases, the Affordable Housing Plan Element. The uses and standards for development are permitted only within the Mt. Bethel Area Redevelopment Zone District as shown on the revised Official Zoning Map.

The intent and purpose of the Mt. Bethel Area Redevelopment Zone District is to implement the Affordable Housing Plan Element of the adopted Master Plan of Warren Township. This subsection provides for the phased implementation of the zone. The objectives are to provide and encourage development of housing affordable to low- and moderate-income households as defined by the New Jersey Fair Housing Act, as well as middle-income, age-targeted and adult households.

- 6. Development Standards and Requirements. **[Amended 4-11-2019 by Ord. No. 19-11]**

Permitted Uses	Side by side semi-attached units
	Town home
	Apartments where units may be designed to be one above one another
Accessory uses	Patios, balconies, decks
	Fences and walls
	Signs
	Stormwater facilities
	Pump stations
	Garbage corrals
	Common recreational facilities
Housing Units Permitted	Nor more than 106 dwelling units shall be permitted of which 25 shall be affordable rental units
Minimum Habitable Space for income restricted affordable units*	1 bedroom - 700 square feet
	2 bedroom - 770 square feet
	3 bedroom - 875 square feet

## Notes:

- \* Habitable space shall not include garage, unfinished attic and basement floor space whether finished or not. Habitable space shall be calculated using outside wall dimensions.

The affordable housing bedroom distribution mix shall be as per UHAC regulations Section 5:80-26.3.

Market rate units shall provide first floor master bedroom for no less than 50% of all market rate units.

Minimum/Maximum Units Per Building	2/8 units/structure
Maximum No. of Bedrooms/Units	3/unit
Maximum Building Height	2 stories/35 feet (whichever is less) measured from the first floor elevation
Minimum Setbacks:	
Front Yard from Mt. Bethel Road	50 feet
Front yard from Private Street	20 feet (curbline)
Side Yard	25 feet



Rear Yard	25 feet
Parking	Development shall meet RSIS standards and further, each market rate dwelling unit shall have a garage
Housing Affordability	25 units shall be affordable requirements pursuant to Section 16-6 of this Chapter (Zoning Ordinance)

7. Design Standards for Mt. Bethel Area Redevelopment Zone District. The general design theme for the Mt. Bethel Area Redevelopment Zone District shall be generally variations of traditional theme. Buildings, signage and all other improvements shall be designed to follow a project design theme to the extent possible. The following Design Standards shall apply to the Mt. Bethel Area Redevelopment Zone District, and shall be utilized to carry out the design theme of the project.
- (a) Applicability. These guidelines and standards shall apply to all applications for development within the Flag Plaza Area Redevelopment Zone District.
  - (b) General Design Standards.
    - (1) All buildings should be designed with an eye toward architectural detailing that can be unique, and complement the appearance of adjacent structures.
    - (2) Buildings shall have varied and variegated facades. Use of texture and window variations shall be encouraged.
    - (3) Pitched roofs are required.
    - (4) Buildings greater than one story in height are strongly encouraged (subject to maximum height requirement).
    - (5) Entryways shall give orientation and add aesthetically pleasing character to the front facade.
    - (6) Entrances shall include such features as canopies or porticos, overhangs, arcades, recesses/projections, raised corniced parapets over the doors, peaked roof forms and arches.
  - (c) Continuity of Treatment. The architectural treatment of a facade or roof shall be completely continued around all visibly exposed sides of a building. All sides of a building shall be architecturally designed so as to be consistent with regard to style, materials, colors and details. In the instance of multi-story buildings, the architectural treatment and building materials of the first floor shall be compatible with upper stories.
  - (d) Exemptions. Whereas steep slopes are defined as and include all areas of land of 15% grade or greater. This major subdivision development shall

be exempt from the restrictions on slopes greater than 15% as per Chapter 15, subsection 15-12.3.

- (e) Roof. The type, shape, pitch, texture and color of a roof shall be considered as an integral part of the design of a building and shall be architecturally compatible with the style, materials, color and details of such building. Pitched roofs shall be required. Roofs and rooflines shall conform to the following standards:
  - (1) No flat roof shall be permitted as the main roof on any building.
  - (2) Mansard roofs shall be discouraged.
  - (3) Architectural embellishments that add visual interest to roofs, such as dormers, belvederes, masonry chimneys and such similar elements shall be permitted, provided that same are architecturally compatible with the style, materials, colors and details of the building.
  - (4) For all main roofs, the minimum permitted roof pitch shall be seven on 12.
  - (5) Roofline offsets shall be provided along any roof measuring longer than 50 feet in length in order to provide architectural interest and variety to the massing of a building and relieve the negative visual effect of a single, long roofline. If existing building(s) are being rehabilitated on exterior wall only, the foregoing shall not apply.
- (f) Windows. Windows shall be architecturally compatible with the style, materials, colors and details of a building. Windows shall be vertically proportioned.
- (g) Doors and Entrances. All primary entrances to a building shall be defined and articulated by utilizing such elements as lintels, pediments, pilasters, porticos, porches, overhangs, railings, balustrades and other such elements, where appropriate. Any such element utilized shall be architecturally compatible with the style, materials, colors and details of such building.
- (h) Physical Plant. All air-conditioning units, HVAC systems, exhaust pipes or stacks and elevator housing shall be shielded from view. Such shielding shall be accomplished by utilizing landscaping or the walls or roof of the building and be designed to be architecturally compatible with the style, materials, colors and details of such building. If systems are ground mounted, landscaping and fencing shall be required for visual screen.
- (i) Materials, Colors and Details. All materials, colors and details used on the exterior of a building shall be architecturally compatible with the style of such building, as well as with each other.
- (j) Shutters. The use of shutters on building facades shall be encouraged.

- (k) Lighting. Light fixtures attached to the exterior of a building shall be designed to be architecturally compatible with the style, materials, colors and details of such building and other lighting fixtures used on the site. Consideration shall also be given to the type of light source utilized and the light quality such produces. The type of light source used on buildings, signs, parking area, pedestrian walkways and other areas of the Mt. Bethel Area Redevelopment Zone District shall be the same or compatible. The use of low-pressure sodium or mercury vapor lighting either attached to buildings or to light the exterior of buildings shall be prohibited.
  - (l) All market rate buildings shall have a basement and access to the individual basement for each market rate unit in the building.
  - (m) All units shall, at a minimum, be equipped with Energy Star certified appliances and utilities and further, the redeveloper is encouraged to advance and/or achieve LEED standards and/or certification.
8. Parking Design Standards.
- (a) Provision of parking spaces. The design and number of parking spaces required per this Redevelopment Plan shall be provided in conformance with RSIS (N.J.A.C. 5:21-4.14 through 4.16). Each market rate unit shall have at least one garage parking space.
  - (b) Screening. Where buffers are required in the Redevelopment Plan, there shall be provided along the exterior lot line of the development a continuous, year-round planting screen at least six feet in height.
9. Streetscape/Landscape Design Standards. Interior roadways shall provide streetscape elements including sidewalks and lampposts.

Street trees shall be provided in accordance with all applicable Township Code requirements.

**§ 16-19.5. Mt. Horeb and Mt. Bethel Roads Area (Block 71, Lot 37.01 Redevelopment Plan. [Ord. No. 2017-25 § 3]**

- a. Block 71, Lot 37.01 has been designated as the "Mt. Horeb & Mt. Bethel Roads Area Redevelopment Zone District" pursuant to a Redevelopment Plan entitled "Mt. Horeb & Mt. Bethel Roads Area (B71 L37.01) Redevelopment Plan", (the "Redevelopment Plan"), a complete copy of which is on file in the office of the Township Clerk.
- b. Land Use Plan. The permitted uses and design standards within the Mt. Horeb & Mt. Bethel Roads Area Redevelopment Zone District are detailed in the sections set forth below:
  - 1. Relationship of Plan to Township Plan Development Regulations. The standards contained herein shall supersede any zoning standards existing prior to the adoption of the Redevelopment Plan and shall apply to any redevelopment or rehabilitation project designed to implement this

Redevelopment Plan, whether by a designated redeveloper or by private property owners. Where regulations of this Redevelopment Plan conflict with the Zoning Ordinance or design standards, this Redevelopment Plan shall control. The continued use of existing properties made nonconforming by the adoption of the Redevelopment Plan is permitted until the Mt. Horeb & Mt. Bethel Roads Area Redevelopment District is to be redeveloped or substantially rehabilitated, at which time the provisions contained herein shall apply. If a particular land use or site standard is not covered in this Redevelopment Plan, compliance with the Warren Township Zoning Ordinance or other applicable Township codes will be required.

2. Exceptions to Standards. Variation from the development requirements and design standards set forth herein may be necessary in certain limited circumstances, such as building size standards. In such instances, the Planning Board may grant reasonable exceptions from certain bulk, parking or design requirements if the designated redeveloper demonstrates that such design exception(s) will not substantially impair the intent of the Redevelopment Plan, and will not present a substantial detriment to the public health, safety and welfare.

To gain approval of such modification or waiver of a development requirement, the applicant shall demonstrate that the resulting change will:

- (a) Generally satisfy the Redevelopment Plan's goals and objectives;
- (b) Be designated in accordance with the Township's normally acceptable engineering, planning and/or architectural practices;
- (c) Not have an adverse impact on the physical, visual or spatial characteristics of the overall development plan for the Mt. Horeb & Mt. Bethel Roads Area Redevelopment Zone District or adjacent or nearby properties;
- (d) Generally enhance the overall development plan for the Mt. Horeb & Mt. Bethel Roads Area Redevelopment Zone District;
- (e) Not have an adverse impact on the physical, visual, or spatial characteristics of the existing streetscape in which such development is located or of the Redevelopment Plan; and
- (f) Not reduce the useful life or increase the cost of maintenance of the improvement to be modified or otherwise have an adverse impact on the long-term function of the development.

Deviations from the uses permitted in the Mt. Horeb & Mt. Bethel Roads Area Redevelopment Zone District shall be permitted only by means of an amendment of this Redevelopment Plan by the Township Committee.

3. Provisions Related to Rehabilitation. The Redevelopment Plan does recognize the fact that there are pre-existing, non-conforming single-family, and possibly two-family, dwellings in the Mt. Horeb & Mt. Bethel Roads Area Redevelopment Zone District, as well as nonresidential industrial buildings,

the continued use, maintenance and minor improvement of which may be necessary and/or an improvement to the area, although said maintenance and minor improvement may be inconsistent with the goals, objectives and design standards of the area. In the case where deviations from bulk standards and/or design standards are sought for maintenance and minor improvements to an existing building or property containing such, the authority for granting or denying deviations from bulk and/or design standards herein shall be vested in the Board.

4. Provisions Related to Off-Site Improvements. The extent of the redeveloper's responsibility for any installation or upgrade of infrastructure related to their project, whether on-site or off-site, will be outlined in a redeveloper's agreement with the Township Committee. Off-site responsibility for properties not covered under the redeveloper's agreement will be determined in the same manner as other development projects throughout the Township during the permit and/or site plan review phases.

All infrastructure improvements shall comply with applicable local, State and Federal codes including the Americans with Disabilities Act. All streetscape improvements shall also comply with applicable standards found in this Redevelopment Plan. All utilities shall be placed underground, unless otherwise authorized by the Township Committee.

5. Housing Development District Standards and Use Standards. The objectives and standards set forth hereafter are designed to implement, in phases, the Affordable Housing Plan Element. The uses and standards for development are permitted only within the Mt. Horeb & Mt. Bethel Roads Area Redevelopment Zone District as shown on the revised Official Zoning Map.

The intent and purpose of the Mt. Horeb & Mt. Bethel Roads Area Redevelopment Zone District is to implement the Affordable Housing Plan Element of the adopted Master Plan of Warren Township. This subsection provides for the phased implementation of the zone. The objectives are to provide and encourage development of housing affordable to low- and moderate-income households as defined by the New Jersey Fair Housing Act, as well as middle-income, age-targeted and adult households.

6. Development Standards and Requirements.

Permitted Uses	Multi-Family Apartment Buildings
Housing Units Permitted	No more than 36 dwelling units shall be permitted of which 12 shall be affordable rental units
Minimum Habitable Space for income restricted affordable units*	Studio/1 bedroom — 600 square feet
	2 bedroom — 700 square feet
	3 bedroom — 750 square feet

- \* Habitable space shall be calculated by measurement of exterior walls.

The affordable housing bedroom distribution mix shall be as per UHAC regulations Section 5:80-26.3.

Maximum Units Per Building	36 units/structure
Maximum No. of Bedrooms for Market Rate Units	2/unit
Maximum Building Height	3 stories/35 feet (whichever is less) measured from first floor elevation
Setbacks:	
Front Yard	50 feet
Side Yard	25 feet
Rear Yard	25 feet
Parking	Development shall meet RSIS and, each market rate dwelling unit shall have its own garage
Housing Affordability Requirements	12 units shall be affordable pursuant to Section 16-6 of this Chapter (Zoning Ordinance)
Occupancy Preference	The Developer shall make all reasonable efforts to provide preference to Warren residents or to those individuals who work in Warren and reside elsewhere. These efforts will be detailed in a plan and made part of the Redevelopment Agreement with the Warren Township Committee, acting as the "redevelopment entity".

7. Parking Design Standards.
  - (a) Provision of parking spaces. The design and number of parking spaces required per this Redevelopment Plan shall be provided in conformance with Residential Site Improvement Standards (N.J.A.C. 5:21-4.14 through 4.16). Each market rate unit shall have at least one garage parking space.
  - (b) Screening. Where buffers are required in this Redevelopment Plan, there shall be provided along the exterior lot line of the development a continuous, year-round planting screen at least six feet in height.
8. Streetscape/Landscape Design Standards. Interior roadways shall provide streetscape elements including sidewalk, lampposts, benches, trash receptacles and planters.

Street trees shall be provided in accordance with applicable Township requirements.

**§ 16-20. AH-1 AFFORDABLE HOUSING DISTRICT. [Added 2-28-2019 by Ord. No. 19-07]**

**§ 16-20.1. Purpose.**

- a. The objectives and standards set forth hereafter are designated to implement the Housing and Affordable Housing Plan Element. The uses and standards for development are permitted only within the AH-1 Zone as shown on the revised Official Zoning Map attached hereto as Exhibit A.<sup>19</sup>
- b. The intent and purpose is to implement the Affordable Housing Plan Element of the adopted Master Plan of Warren Township. This section provides for the phased implementation of the zone. The objectives are to provide and encourage development of housing affordable to low- and moderate-income households as defined by the New Jersey Fair Housing Act, as well as middle-income, age-targeted and adult households.

**§ 16-20.2. Development Standards and Requirements.**

a.	Permitted uses	Side-by-side attached units commonly called a townhouse
		Multifamily dwellings, which shall include stacked townhouses in which 2 or more dwelling units are included in a building section with the dwelling units in a section separated from each other by vertical and/or horizontal walls and each dwelling unit having a separate entrance
		Apartments where units may be designed to be 1 above another
b.	Accessory uses	Patios, balconies, decks
		Fences and walls
		Signs
		Stormwater facilities
		Pump stations
		Refuse corrals
		Common recreational facilities
c.	Housing units Permitted	No more than 192 dwelling units shall be permitted, of which 48 shall be affordable units

19. Editor's Note: Said exhibit is on file in the Township offices.

d.	Minimum habitable space for income-restricted affordable units*	1-bedroom: 700 square feet
		2-bedroom: 750 square feet
		3-bedroom: 1,200 square feet
*Habitable space shall not include garage, unfinished attic and basement floor space whether finished or not. Habitable space shall be calculated using outside wall dimensions. The affordable housing bedroom distribution mix shall be as per UHAC regulations, N.J.A.C. 5:80-26.3.		
e.	Minimum/maximum units	8/18
f.	Maximum number of bedrooms per unit	3/unit
g.	Maximum average habitable unit floor area	Townhome unit: 2,200 square feet
		Apartment unit: 2,200 square feet
h.	Maximum building height	3 stories/40 feet (whichever is less), measured from average finished grade
i.	Minimum building setback	
	Tract boundary	50 feet
		(Tract includes land located in the Township of Berkeley Heights)
	Front yard from Hillcrest Road and Emerson Lane	50 feet
	Front yard from private street	20 feet (curbline)
	Side yard	25 feet
	Rear yard	25 feet
j.		Lot coverage.
	Maximum building coverage	20%
	Maximum total impervious coverage	40%
k.	Parking standards	Development shall meet Residential Site Improvement Standards (RSIS) and each market rate dwelling unit shall have a garage
l.	Signage	Development ID permitted at entrances. ID sign face shall have maximum area of 25 square feet and height of no greater than 5 feet. Sign shall be no less than 10 feet from public right-of-way



m.	Buffer	A fifty-foot buffer coinciding with the tract boundary and all land in Berkeley Heights shall remain in its natural state, as supplemented pursuant to the requirements of § 16-20.6 of Chapter XVI. Roads providing ingress and egress, signs and stormwater management facilities shall be permitted in buffers, except for the buffer described in the preceding sentence
n.	Recreation	The development shall provide active and passive recreational opportunities for site residents
o.	Housing affordability	48 units shall be affordable pursuant to requirements of § 16-6 of Chapter XVI (Zoning Ordinance).

### § 16-20.3. Design Standards.

The general design theme shall be generally variations of a traditional theme. Buildings, signage and all other improvements shall be designed to follow a project design theme to the extent possible. The following design standards shall apply and shall be utilized to carry out the design theme of the project.

#### a. General Design Standards.

1. All buildings should be designed with an eye toward architectural detailing that complements the appearance of adjacent structures within the AH-1 Affordable Housing District.
  2. Buildings shall have variegated facades. Use of texture variations shall be encouraged.
  3. Pitched roofs are required.
  4. Entrances shall include such features as canopies or porticos, overhangs, recesses and side entries.
- b. Continuity of Treatment. All sides of building shall be architecturally designed so as to be consistent with regard to style, materials, colors and details. In the instance of multistory buildings, the architectural treatment and building materials of the first floor shall be compatible with upper stories.
- c. Exemptions. Whereas steep slopes are defined as and include all areas of land of 15% grade or greater, this major subdivision development shall be exempt from the restrictions on slopes greater than 15% as per Chapter XV, Subsection 15-7.2.
- d. Roof. The type, shape, pitch, texture and color of a roof shall be considered as an integral part of the design of a building and shall be architecturally compatible with the style, materials, color and design of such building. Pitched roofs shall be

required. Roofs and rooflines shall conform to the following standards:

1. No flat roof shall be permitted in any building.
  2. Architectural embellishments that add visual interest to roofs, such as dormers, belvederes, masonry chimneys and such similar elements shall be permitted, provided that same are architecturally compatible with the style, materials, colors and details of the building.
- e. Windows. Windows shall be architecturally compatible with the style, materials, colors and details of a building. Windows shall be vertically proportioned.
- f. Doors and Entrances. All entrances to a building shall be defined and articulated by utilizing such elements as lintels, pediments, pilasters, porticoes, porches, overhangs, railings, balustrades and other such elements, where appropriate. Any such element utilized shall be architecturally compatible with the style, materials, colors and details of such building.
- g. Physical Plant. All air-conditioning units, HVAC systems, exhaust pipes or stacks and elevator housing shall be shielded from view. Such shielding shall be accomplished by utilizing the walls or roof of the building and be designed to be architecturally compatible with the style, materials, colors and details of such building.
- h. Materials, Colors and Details. All materials, colors and details used on the exterior of a building shall be architecturally compatible with the style of such building, as well as with each other.
- i. Shutters. The use of shutters on building front facades shall be encouraged.
- j. Lighting. Light fixtures attached to the exterior of a building shall be designed to be architecturally compatible with the style, materials, colors and details of such building and other lighting fixtures used on the site. Consideration shall also be given to the type of light source utilized and the light quality such produces. The type of light source used on buildings, signs, parking areas, pedestrian walkways and other areas shall be the same or compatible. The use of low-pressure sodium or mercury vapor lighting either attached to buildings or to light the exterior of buildings shall be prohibited.
- k. All units shall be encouraged to be equipped with ENERGY STAR®-certified appliances and utilities, and further, the developer is encouraged to advance and/or achieve LEED standards and/or certification.

#### **§ 16-20.4. Parking Design Standards.**

- a. Provision of parking spaces. The design and number of parking spaces required per this section shall be provided in conformance with RSIS (N.J.A.C. 5:21-4.14 through 16). Each market rate unit shall have at least one garage parking space.
- b. Screening. Any parking area located within 50 feet of a tract boundary shall be screened by year round plantings at least six feet in height.

**§ 16-20.5. Streetscape/Landscape Design Standards.**

Interior roadway shall provide streetscape elements including sidewalk and lampposts. Street trees shall be provided in accordance with all applicable Township Code requirements.

**§ 16-20.6. Berkeley Heights Considerations in accordance with Report of Special Master Regarding the Fairness of Warren Township's Settlement Agreement by and among the Township, Fair Share Housing Center and Intervenors.**

- a. A traffic study shall be performed as part of any application to the Warren Township Planning Board and must specifically include the impacts, if any, from all new Warren Township and Berkeley Heights developments, including those listed in the Berkeley Heights development matrix, attached hereto as Exhibit B.<sup>20</sup> Such studies will specifically include the impacts, if any, to Emerson Lane running east from Hillcrest Road. Such traffic study must also be submitted to Berkeley Heights as part of any Warren Planning Board application.
- b. As part of any site plan application to the Warren Planning Board, the developer of Block 208, Lots 4 and 10 (the "property") will demonstrate its ability to realign the Emerson Road egress/ingress to line up with North Ridge Way. In connection with this realignment, the developer will use all good efforts to move the interior road on the east side further west in order to create a wider tree preservation/buffer area on the northeast side of the property fronting Rogers Avenue. If this can be accomplished, additional vegetation shall be added to the tree preservation/buffer area in order to reduce visibility from Rogers Avenue. No stormwater management facilities, active or passive recreation areas or any other permitted use shall be allowed to be constructed within the lands located within the Township of Berkeley Heights. Furthermore, the lands located within the Township of Berkeley Heights shall be made part of a conservation easement. The conservation easement shall be supplemented with sufficient additional landscape plantings (shrubs and evergreen trees) in order to reduce visibility of the developer's project from Rogers Avenue and shall be subject to customary maintenance.
- c. The developer shall use all good efforts to provide an ingress-only road on Hillcrest Road at the southern end of the property and an egress-only road on Hillcrest Road north of such ingress-only road, unless developer's traffic engineer demonstrates to the satisfaction of the Township Planning Board that such access roads shall create an unsafe traffic condition.
- d. As part of any site plan application, the developer will provide cross-section view renderings and elevations from Rogers Avenue toward the project, as well elevations with facade materials and color palate for the project.

**§ 16-21. AH-2 AFFORDABLE HOUSING DISTRICT. [Added 2-28-2019 by Ord. No. 19-08]****§ 16-21.1. Purpose.**

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20. Editor's Note: Said exhibit is on file in the Township offices.

- a. The objectives and standards set forth hereafter are designated to implement the Housing and Affordable Housing Plan Element. The uses and standards for development are permitted only within the AH-2 Zone as shown on the revised Official Zoning Map attached hereto as Exhibit A.<sup>21</sup>
- b. The intent and purpose are to implement the Affordable Housing Plan Element of the adopted Master Plan of Warren Township. This section provides for the phased implementation of the Plan. The objectives are to provide and encourage development of housing affordable to low- and moderate-income households as defined by the New Jersey Fair Housing Act, as well as middle-income, age-targeted and adult households.

### § 16-21.2. Development Standards and Requirements.

a.	Permitted uses	Side-by-side attached units commonly called a townhouse. Townhouse units may be placed one above the other.
		Apartments where units may be designed to be one above the other
b.	Accessory uses	Patios, balconies, decks
		Fences and walls
		Signs
		Stormwater facilities
		Pump stations
		Refuse corrals
		Maintenance facilities
		Common recreational facilities
c.	Housing units permitted	No more than 176 dwelling units shall be permitted, of which 44 shall be affordable units
d.	Minimum habitable space for income-restricted affordable units*	1-bedroom: 750 square feet
		2-bedroom: 1,000 square feet
		3-bedroom: 1,150 square feet
*Habitable space shall not include garage, unfinished attic and basement floor space whether finished or not. Habitable space shall be calculated using outside wall dimensions. The affordable housing bedroom distribution mix shall be as per UHAC regulations, N.J.A.C. 5:80-26.3.		
e.	Maximum units:	
	Townhouse building	8
	Apartment building	44

21. Editor's Note: Said exhibit is on file in the Township offices.

f.	Maximum number of bedrooms per unit	3/unit
g.	Maximum average habitable unit floor area	Townhome: 2,875 square feet Apartment unit: 1,650 square feet
h.	Maximum building height	
	Townhouse building	3 stories/36 feet (whichever is less), measured from the first floor elevation
	Apartment building	3 stories/40 feet (whichever is less), measured from the first floor elevation. Apartment units may also include a loft area not including a bathroom. This space is not a story
i.	Minimum building setbacks	
	Minimum building setback from northerly tract boundary adjacent to Block 205, Lots 12.11-12.16 and Hillcrest Road	50 feet
	Minimum building setback from I-78, Majors Road and westerly tract boundary	25 feet
	Front yard from private street	10 feet (curbline of traveled way)
	Minimum distance between buildings	25 feet
j.	Lot coverage	
	Maximum building coverage	25%
	Maximum total impervious coverage	70%
k.	Parking	Development shall meet Residential Site Improvement Standards (RSIS)
l.	Signage	Development ID permitted at entrances. ID sign face shall have maximum area of 25 square feet and height of no greater than 5 feet. Sign shall be no less than 10 feet from public right-of-way
m.	Buffer	A fifty-foot buffer coinciding with the northerly tract boundary (Block 205, Lots 12.11-12.16) of which no less than 25 feet shall remain in its natural state

n.	Housing affordability	44 units shall be affordable pursuant to requirements of § 16-6 of Chapter XVI (Zoning Ordinance)
o.	Recreational requirements	The project shall provide recreational opportunities including a club house, pool and open play space
p.	Access to Majors Road	Except for emergency vehicle access, there shall be no vehicular access to Majors Road from this development or egress from the development to Majors Road

### § 16-21.3. Design Standards.

The general design theme shall be generally variations of a traditional theme. Buildings, signage and all other improvements shall be designed to follow a project design theme to the extent possible. The following design standards shall apply and shall be utilized to carry out the design theme of the project.

- a. Applicability. These guidelines and standards shall apply to all applications for development.
- b. General Design Standards.
  1. All buildings should be designed with an eye toward architectural detailing that can be unique, and complement the appearance of adjacent structures.
  2. Buildings shall have varied facades. Use of texture and window variations shall be encouraged.
  3. Entryways shall give orientation and add aesthetically pleasing character to the front facade.
  4. Entrances shall include such features as canopies or porticos, overhangs, recesses/projections, raised corniced parapets over the door, peaked roof forms and arches.
- c. Continuity of Treatment. The architectural treatment of a facade or roof shall be completely continued around all visibly exposed sides of a building. All sides of building shall be architecturally designed so as to be consistent with regard to style, materials, colors and details. In the instance of multistory buildings, the architectural treatment and building materials of the first floor shall be compatible with upper stories.
- d. Roof. The type, shape, pitch, texture and color of a roof shall be considered as an integral part of the design of a building and shall be architecturally compatible with the style, materials, color and design of such building.
- e. Windows. Windows shall be architecturally compatible with the style, materials, colors and details of a building. Windows shall be vertically proportioned.

- f. Doors and Entrances. All entrances to a building shall be defined and articulated by utilizing such elements as lintels, pediments, pilasters, porticoes, porches, overhangs, railings, balustrades and other such elements, where appropriate. Any such element utilized shall be architecturally compatible with the style, materials, colors and details of such building.
- g. Physical Plant. All air-conditioning units, HVAC systems, exhaust pipes or stacks and elevator housing shall be shielded from view. Such shielding shall be accomplished by utilizing the walls or roof of the building and be designed to be architecturally compatible with the style, materials, colors and details of such building. If systems are ground-mounted, landscaping and fencing shall be required for visual screen. Louver vents for HVAC systems are permitted on the exterior walls of buildings.
- h. Materials, Colors and Details. All materials, colors and details used on the exterior of a building shall be architecturally compatible with the style of such building, as well as with each other.
- i. Shutters. The use of shutters on building facades shall be encouraged.
- j. Lighting. Light fixtures attached to the exterior of a building shall be designed to be architecturally compatible with the style, materials, colors and details of such building and other lighting fixtures used on the site. Consideration shall also be given to the type of light source utilized and the light quality such produces. The type of light source used on buildings, signs, parking areas, pedestrian walkways and other areas shall be the same or compatible. The use of low-pressure sodium or mercury vapor lighting either attached to buildings or to light the exterior of buildings shall be prohibited.
- k. All buildings may have a basement and basements may contain garages/parking.
- l. All units shall, at a minimum, be equipped with ENERGY STAR<sup>®</sup>-certified appliances and utilities or equivalent.

#### **§ 16-21.4. Parking Design Standards.**

- a. Provision of parking spaces. The design and number of parking spaces required per this section shall be provided in conformance with RSIS (N.J.A.C. 5:21-4.14 through 4.16).
- b. Screening. Where buffers are required, there shall be provided along the exterior lot line of the development a continuous, year-round planting screen at least six feet in height.

#### **§ 16-21.5. Streetscape/Landscape Design Standards.**

- a. Interior roadway shall provide streetscape elements including sidewalks and lampposts.
- b. Street trees shall be provided in accordance with all applicable Township Code requirements.

**§ 16-21.6. Traffic Study.**

A traffic study shall be performed as part of any application to the Warren Township Planning Board and must specifically include the impacts from all new Warren Township and Berkeley Heights developments, including those listed in the Berkeley Heights development matrix, attached hereto as Exhibit B.<sup>22</sup> Such studies shall specifically include the impacts to Emerson Lane running east from Hillcrest Road. Such traffic study must also be submitted to Berkeley Heights as part of any Warren Planning Board application.

**§ 16-22. AH-3 AFFORDABLE HOUSING DISTRICT. [Added 3-14-2019 by Ord. No. 19-12]****§ 16-22.1. Purpose.**

- a. The objectives and standards set forth hereafter are designated to implement, in phases, the Affordable Housing Plan Element. The uses and standards for development are permitted only within the AH-3 Zone as shown on the revised Official Zoning Map attached hereto as Exhibit A.<sup>23</sup>
- b. The intent and purpose are to implement the Affordable Housing Plan Element of the adopted Master Plan of Warren Township. This section provides for the phased implementation of the Plan. The objectives are to provide and encourage development of housing affordable to low- and moderate-income households as defined by the New Jersey Fair Housing Act, as well as middle-income, age-targeted and adult households.

**§ 16-22.2. Development Standards and Requirements.**

a.	Permitted uses	Apartments and/or bedrooms designed to accommodate special needs persons
b.	Accessory uses	Patios, balconies, decks
		Fences and walls
		Signs
		Stormwater facilities
		Pump stations
		Refuse corrals
		Common recreational facilities
		Special needs staff housing units
c.	Housing units	No less than 32 dwelling units or equivalent as defined in the Township Settlement Agreement shall be permitted

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22. Editor's Note: Said exhibit is on file in the Township offices.

23. Editor's Note: Said exhibit is on file in the Township offices.



d.	Maximum building height	2 stories/35 feet (whichever is less)
e.	Minimum building setbacks:	
	Front yard	75 feet
	Side yard	25 feet
	Rear yard	25 feet
f.	Parking	Development shall meet Residential Site Improvement Standards (RSIS)
g.	Housing affordability	All units shall be affordable pursuant to the requirements of § 16-6 of Chapter XVI (Zoning Ordinance) excluding staff housing units

### § 16-22.3. Design Standards.

The general design theme shall be generally variations of a traditional theme. Buildings, signage and all other improvements shall be designed to follow a project design theme to the extent possible. The following design standards shall apply and shall be utilized to carry out the design theme of the project.

- a. Applicability. These guidelines and standards shall apply to all applications for development.
- b. General Design Standards.
  1. All buildings should be designed with an eye toward architectural detailing that can be unique, and complement the appearance of adjacent structures.
  2. Buildings shall have varied and variegated facades. Use of texture and window variations shall be encouraged.
  3. Entryways shall give orientation and add aesthetically pleasing character to the front facade.
  4. Entrances shall include such features as canopies or porticos, overhangs, arcades, recesses/projections, raised corniced parapets over the door, peaked roof forms and arches.
- c. Continuity of Treatment. The architectural treatment of a facade or roof shall be completely continued around all visibly exposed sides of a building. All sides of building shall be architecturally designed so as to be consistent with regard to style, materials, colors and details. In the instance of multistory buildings, the architectural treatment and building materials of the first floor shall be compatible with upper stories.
- d. Roof. The type, shape, pitch, texture and color of a roof shall be considered as an integral part of the design of a building and shall be architecturally compatible with the style, materials, color and design of such building.
- e. Windows. Windows shall be architecturally compatible with the style, materials,

colors and details of a building. Windows shall be vertically proportioned.

- f. Doors and Entrances. All entrances to a building shall be defined and articulated by utilizing such elements as lintels, pediments, pilasters, porticoes, porches, overhangs, railings, balustrades and other such elements, where appropriate. Any such element utilized shall be architecturally compatible with the style, materials, colors and details of such building.
- g. Physical Plant. All air-conditioning units, HVAC systems, exhaust pipes or stacks and elevator housing shall be shielded from view. Such shielding shall be accomplished by utilizing the walls or roof of the building and be designed to be architecturally compatible with the style, materials, colors and details of such building. If systems are ground-mounted, landscaping and fencing shall be required for visual screen.
- h. Materials, Colors and Details. All materials, colors and details used on the exterior of a building shall be architecturally compatible with the style of such building, as well as with each other.
- i. Shutters. The use of shutters on building facades shall be encouraged.
- j. Lighting. Light fixtures attached to the exterior of a building shall be designed to be architecturally compatible with the style, materials, colors and details of such building and other lighting fixtures used on the site. Consideration shall also be given to the type of light source utilized and the light quality such produces. The type of light source used on buildings, signs, parking areas, pedestrian walkways and other areas shall be the same or compatible. The use of low-pressure sodium or mercury vapor lighting either attached to buildings or to light the exterior of buildings shall be prohibited.
- k. Basements shall be permitted.
- l. All units shall, at a minimum, be equipped with ENERGY STAR<sup>®</sup>-certified appliances and utilities.

#### **§ 16-22.4. Parking Design Standards.**

- a. Provision of parking spaces. The design and number of parking spaces required per this section shall be provided in conformance with RSIS (N.J.A.C. 5:21-4.14 through 4.16).
- b. Screening. Where buffers are required, there shall be provided along the exterior lot line of the development a continuous, year-round planting screen at least six feet in height.

#### **§ 16-22.5. Streetscape/Landscape Design Standards.**

- a. Interior roadway shall provide streetscape elements including sidewalks and lampposts.
- b. Street trees shall be provided in accordance with all applicable Township Code requirements.

**§ 16-22A. AH-4 AFFORDABLE HOUSING DISTRICT. [Added 4-11-2019 by Ord. No. 19-13]**

**§ 16-22A.1. Purpose and Intent; Applicability.**

- a. The objectives and standards set forth hereafter are designated to implement the Housing and Affordable Housing Plan Element. The uses and standards for development are permitted only within the AH-4 Zone as shown on the revised Official Zoning Map attached hereto as Exhibit A.<sup>24</sup>
- b. The intent and purpose is to implement the Affordable Housing Plan Element of the adopted Master Plan of Warren Township. This section provides for the phased implementation of the zone. The objectives are to provide and encourage development of housing affordable to low- and moderate-income households as defined by the New Jersey Fair Housing Act.
- c. Consistent with and pursuant to the Court-approved settlement agreement, dated October 12, 2018 (as amended) ("settlement agreement") by and among the parties in the Township of Warren's declaratory judgment Mount Laurel action captioned IMO Warren Township, Docket No. SOM-L-000904-15 ("DJ Action"), this section creates the AH-4 Affordable Housing Zone District, which is comprised of Block 85.01, Lots 1, 2, 3 and 4, as shown on the Tax Map of the Township of Warren (the "tract"). The AH-4 Zone District shall be developed with an inclusionary development (the "inclusionary development") component comprised of the following three components and accessory structures: (a) the townhouse component comprised of 115 residential units (the "townhouse areas"); (b) the multifamily rental component comprised of 220 residential rental units (the "multifamily housing area"); and (c) the hotel component comprised of a hotel with approximately 130 guest rooms/guest suites and restaurant(s), with or without a liquor license, that is either within, connected to or stand-alone and separate from the hotel structure (the "hotel area"). The inclusionary development shall include an overall 22.4% set-aside of affordable rental units that will be governed by controls on affordability and comply with all other Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. ("UHAC") requirements as of the date of the adoption of this section. The total number of residential units between the townhouse component and the multifamily rental component shall not exceed 335 units, of which 75 units shall be deed restricted as affordable units (the "Affordable Units"), all of which shall be developed as follows:

Component	Market Rate	Affordable	Total
Townhouse areas	107	8	115
Multifamily housing area	153	67	220
Maximum total residential units	260	75	335

- d. The inclusionary development may be developed in up to three phases. The residential components of the inclusionary development, however, shall be treated

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24. Editor's Note: Said exhibit in on file in the Township offices.

as a single development for the purposes of the requirements of N.J.A.C. 5:93-5.6(d); however, the townhouse component can be fully constructed as a single construction phase consistent with N.J.A.C. 5:93-5.6(d). A plan showing the various components of the inclusionary development is attached hereto as Exhibit B<sup>25</sup> and made a part hereof.

**§ 16-22A.2. (Reserved)**

**§ 16-22A.3. Land Use Plan.**

The permitted uses and design standards within the AH-4 Affordable Housing Zone District are as set forth below:

- a. Minimum Tract Area: 40 acres.
- b. Maximum Tract Lot Coverage: 40%. Any one subdivided lot may exceed 40% so long as they tract lot coverage does not exceed 40%.
- c. Utilities and stormwater management basins and structures (including fences and/or retaining walls) shall be 10 feet from any tract boundary line or from any other right-of-way line of a dedicated municipal roadway (excluding permitted accessory uses at roadway intersections), and permitted within any yard and any buffer areas.
- d. Minimum Open Space. An overall 40% of the total tract shall be open space. For the purposes of calculating open space, the following shall be included: (a) lots specifically designated as open space; (b) open space buffer area, (c) stormwater management facilities, and (d) designated wetlands.
- e. Permitted Uses.
  1. Townhouse Areas:
    - (a) Two- and three-story townhouse units.
    - (b) Multifamily dwelling units.
    - (c) Combination of townhouse and multifamily units.
  2. Multifamily Housing Area:
    - (a) Multifamily dwelling units.
  3. Hotel Area.
    - (a) Hotels which, for the purposes of this section, shall permit hotels as defined in § 16-4 of this chapter to include guest rooms or guest suites which contain more than two rooms and may include kitchenettes to accommodate occupants on a day-to-day or extended stay basis.
    - (b) Restaurant(s), with or without a liquor license, either within, connected to or stand-alone and separate from the hotel structure notwithstanding § 16-5.15 permitting only one principal structure. For the purpose of this

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25. Editor's Note: Said exhibit is on file in the Township offices.

subsection, the term "restaurant" shall mean an establishment where food and drink are prepared and/or served and consumed at tables within the principal building without facilities for drive-through order or drive-through pickup.

f. Permitted Accessory Buildings.

1. Townhouse Areas: Accessory buildings and uses customarily incidental to the above permitted uses.
2. Multifamily Housing Area.
  - (a) Accessory building and uses customarily incidental to the above permitted uses, including but not limited to those listed;
  - (b) Clubhouse parking;
  - (c) Parking deck;
  - (d) Swimming pool for community use;
  - (e) Trash/recycling enclosures.
3. Hotel Area.
  - (a) Accessory building and uses customarily incidental to the above permitted uses, including but not limited to those listed;
  - (b) Swimming pool for hotel.

**§ 16-22A.4. Development Standards and Requirements.**

a.	Townhouse Areas.		
	1.	Maximum number of units	No more than 115 units shall be permitted, of which 107 shall be market-rate for-sale units and 8 shall be affordable units
	2.	Minimum percentage of market-rate units with master bedrooms on ground level	10%
	3.	Maximum building height	3 stories/40 feet (whichever is less) as measured from average finished grade.
			If all units within a building contain a walk-out or day-light rear basement or cellar wall with a minimum four-foot exposure above finished grade, the height of that building may be increased to 48 feet
	4.	Minimum habitable space for income-restricted affordable units*	1-bedroom: 600 square feet

			2-bedroom: 750 square feet
			3-bedroom: 850 square feet

\*Habitable space shall not include garage, unfinished attic and basement floor space whether finished or not. Habitable space shall be calculated using outside wall dimensions. The affordable housing bedroom distribution mix shall be as per UHAC regulations, N.J.A.C. 5:80-26.3.

	5.	Maximum units per building	6, except that a townhouse unit footprint can be replaced with 2 stacked multifamily units to a maximum of 12 units
	6.	Maximum number of bedrooms per unit	4/unit
	7.	Maximum average* market-rate habitable unit floor area	Townhome unit: 2,800 square feet multifamily dwellings, which shall include stacked townhouses in Unit 1: 1,850 square feet

\*Habitable space shall not include garage, unfinished attic and basement floor space whether finished or not. Habitable space shall be calculated using outside wall dimensions.

	8.	Townhouse and Multifamily dwellings shall comply with the following:	
	(a)	Minimum building setback from any tract boundary line, except minimum building setback from Block 5, Lot 85.01 shall be 20 feet	50 feet
	9.	Townhouse and multifamily dwelling units shall be zero lot line and without additional setback requirements.	
	10.	Parking	
	(a)	Minimum parking setback from any tract boundary line	15 feet
	(b)	Parking spaces may be provided as surface parking or within a building in accordance with RSIS	
b.		Multifamily housing area.	
	1.	Maximum number of units:	No more than 220 shall be permitted, of which 153 shall be market rate rental units and 67 shall be affordable units
	2.	Maximum building height	

	(a)	Multifamily buildings	4 stories/52 feet (whichever is less) as measured from average finished grade. Basement parking, if any, shall not be considered a story
	(b)	Clubhouse building:	35 feet
	(c)	Parking deck:	40 feet to the parapet wall
3.		Minimum habitable space for income restricted affordable units*	1-bedroom: 600 square feet
			2-bedroom: 750 square feet
			3-bedroom: 850 square feet

\*Habitable space shall not include garage, unfinished attic and basement floor space whether finished or not. Habitable space shall be calculated using outside wall dimensions. The affordable housing bedroom distribution mix shall be as per UHAC regulations, N.J.A.C. 5:80-26.3.

4.		Maximum units per building	125 units
5.		Maximum number of bedrooms per unit	3/unit
6.		Maximum average* habitable unit floor area	1,650 square feet
7.		Multi-family buildings (excluding accessory structures and buildings) shall comply with the following:	
	(a)	Minimum building setback from any tract boundary line	50 feet
	(b)	Minimum building setback from the curb line or edge of pavement of any internal street, parking space or other vehicular area, except at entrances to underbuilding parking	10 feet
8.		Parking	
	(a)	Minimum parking setback from any tract boundary line	15 feet
	(b)	Parking spaces shall be provided in accordance with RSIS.	
	(c)	Buildings within a multifamily housing area shall be zero lot line and without additional setback requirements.	

		(d)	Parking may be permitted in the front yard provided landscaping and/or fencing is provided between the parking area and street.	
c.	Hotel Area			
	1.	Maximum number of hotel guest rooms/ guest suites		130
	2.	Maximum restaurant building area		8,000 square feet
	3.	Maximum building height		
		(a)	Hotels	4 stories/52 feet
		(b)	Restaurant	1 story/35 feet
	4.	Minimum building setback from any tract boundary (hotel and restaurant)		50 feet
	5.	Parking		
		(a)	Minimum parking setback from any tract boundary line	15 feet
		(b)	Parking may be permitted in the front yard provided landscaping and/or fencing is provided between the parking area and street.	
		(c)	Parking spaces shall be provided as surface parking at a minimum of 1 space for each guest room/ guest suite, plus 1 space per 300 gross floor area of restaurant area	

### § 16-22A.5. Signage.

Signage shall be permitted as set forth below:

#### a. Identification Signs along King George Road.

1. Maximum of two double-sided identification ground (a.k.a. freestanding) signs and two identification wall signs shall be permitted along the King George Road frontage.
2. Each sign attached to a wall shall not exceed five feet in height and 30 feet in length.
3. Signs attached to a wall of a building shall not exceed 10% of the area of wall.
4. Ground signs shall not exceed 50 square feet in area per face.
5. The maximum height of any ground sign shall not exceed 10 feet.



6. No ground sign shall be located closer to any right-of-way or tract boundary line than 10 feet.
  7. Identification signs may be located in a required buffer area.
- b. Identification Signs along Mountain Avenue.
1. Maximum of two double-sided identification signs shall be permitted along the Mountain Avenue frontage. Signs shall be ground signs.
  2. Signs shall not exceed 25 square feet in area per face.
  3. The maximum height of any ground sign shall not exceed 10 feet.
  4. No ground sign shall be located closer to any right-of-way or tract boundary line than 10 feet.
  5. Identification signs may be located in a required buffer area.
- c. Other Permitted Identification Signs.
1. Maximum of one double-sided identification sign, in addition to the standards set forth above, shall be permitted to identify the townhouse area that is located adjacent to the multifamily housing area. Said sign shall meet the standards per § 16-22A.5.b above.
- d. Directional signs.
1. Directional signs shall be permitted, provided that such signs are no greater than two feet by three feet and do not exceed four feet in height.

#### **§ 16-22A.6. Buffer.**

The settlement agreement requires that the development of the AH-4 Zone District as set forth herein be appropriately buffered. Adequate buffering from Mountain Avenue and King George Road shall consist of landscaping, fencing, walls or a combination of same.

#### **§ 16-22A.7. Appliances.**

All units shall be equipped with ENERGY STAR<sup>®</sup>-certified kitchen appliances, if applicable and to be provided by the developer.

#### **§ 16-22B. AH-5 AFFORDABLE HOUSING DISTRICT. [Added 3-14-2019 by Ord. No. 19-14]**

##### **§ 16-22B.1. Purpose.**

- a. The objectives and standards set forth hereafter are designated to implement, in phases, the Affordable Housing Plan Element. The uses and standards for development are permitted only within the AH-5 Zone as shown on the revised Official Zoning Map attached hereto as Exhibit A.<sup>26</sup>

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26. Editor's Note: Said exhibit is on file in the Township offices.

- b. The intent and purpose are to implement the Affordable Housing Plan Element of the adopted Master Plan of Warren Township. This section provides for the phased implementation of the Plan. The objectives are to provide and encourage development of housing affordable to low- and moderate-income households as defined by the New Jersey Fair Housing Act, as well as middle-income, age-targeted and adult households.

**§ 16-22B.2. Development Standards and Requirements.**

a.	Permitted uses	Townhomes
		Apartments where units may be designed to be 1 above another
b.	Accessory uses	Patios, balconies, decks
		Fences and walls
		Signs
		Stormwater facilities
		Pump stations
		Refuse corrals
		Common recreational facilities
c.	Housing units	No more than 4 dwelling units shall be permitted, of which 2 shall be affordable units
d.	Minimum habitable space for income-restricted affordable units*	1-bedroom: 700 square feet
		2-bedroom: 720 square feet
*Habitable space shall not include garage, unfinished attic and basement floor space whether finished or not. Habitable space shall be calculated using outside wall dimensions. The affordable housing bedroom distribution mix shall be as per UHAC regulations, N.J.A.C. 5:80-26.3 and as stipulated.		
e.	Maximum number of bedrooms per unit	3/unit
f.	Maximum building height	3 stories/35 feet (whichever is less)
g.	Minimum building setbacks	
	Front yard from Mountain Boulevard	25 feet
	Front yard from Hauser Road	20 feet (curb line)
	Side yard	25 feet
	Rear yard	25 feet
i.	Parking	Development shall meet Residential Site Improvement Standards (RSIS)

j.	Housing affordability	2 units shall be affordable pursuant to requirements of § 16-6 of Chapter XVI (Zoning Ordinance)
k.	Recreational requirements	The project may provide recreational opportunities if possible

### § 16-22B.3. Design Standards.

The general design theme shall be generally variations of a traditional theme. Buildings, signage and all other improvements shall be designed to follow a project design theme to the extent possible. The following design standards shall apply and shall be utilized to carry out the design theme of the project.

- a. Applicability. These guidelines and standards shall apply to all applications for development.
- b. General Design Standards.
  1. All buildings should be designed with an eye toward architectural detailing that can be unique, and complement the appearance of adjacent structures.
  2. Buildings shall have varied and variegated facades. Use of texture and window variations shall be encouraged.
  3. Entryways shall give orientation and add aesthetically pleasing character to the front facade.
  4. Entrances shall include such features as canopies or porticos, overhangs, arcades, recesses/projections, raised corniced parapets over the door, peaked roof forms and arches.
- c. Continuity of Treatment. The architectural treatment of a facade or roof shall be completely continued around all visibly exposed sides of a building. All sides of building shall be architecturally designed so as to be consistent with regard to style, materials, colors and details. In the instance of multistory buildings, the architectural treatment and building materials of the first floor shall be compatible with upper stories.
- d. Roof. The type, shape, pitch, texture and color of a roof shall be considered as an integral part of the design of a building and shall be architecturally compatible with the style, materials, color and design of such building.
- e. Windows. Windows shall be architecturally compatible with the style, materials, colors and details of a building. Windows shall be vertically proportioned.
- f. Doors and Entrances. All entrances to a building shall be defined and articulated by utilizing such elements as lintels, pediments, pilasters, porticoes, porches, overhangs, railings, balustrades and other such elements, where appropriate. Any such element utilized shall be architecturally compatible with the style, materials, colors and details of such building.
- g. Physical Plant. All air-conditioning units, HVAC systems, exhaust pipes or stacks

and elevator housing shall be shielded from view. Such shielding shall be accomplished by utilizing the walls or roof of the building and be designed to be architecturally compatible with the style, materials, colors and details of such building. If systems are ground-mounted, landscaping and fencing shall be required for visual screen.

- h. Materials, Colors and Details. All materials, colors and details used on the exterior of a building shall be architecturally compatible with the style of such building, as well as with each other.
- i. Shutters. The use of shutters on building facades shall be encouraged.
- j. Lighting. Light fixtures attached to the exterior of a building shall be designed to be architecturally compatible with the style, materials, colors and details of such building and other lighting fixtures used on the site. Consideration shall also be given to the type of light source utilized and the light quality such produces. The type of light source used on buildings, signs, parking areas, pedestrian walkways and other areas shall be the same or compatible. The use of low-pressure sodium or mercury vapor lighting either attached to buildings or to light the exterior of buildings shall be prohibited.
- k. All buildings may have a basement.
- l. All units shall, at a minimum, be equipped with ENERGY STAR®-certified appliances and utilities.

#### **§ 16-22B.4. Parking Design Standards.**

- a. Provision of parking spaces. The design and number of parking spaces required per this section shall be provided in conformance with RSIS (NJAC.5:21-4.14 through 4.16).
- b. Screening. Where buffers are required, there shall be provided along the exterior lot line of the development a continuous, year-round planting screen at least six feet in height.

#### **§ 16-22B.5. Streetscape/Landscape Design Standards.**

- a. Interior roadway shall provide streetscape elements including sidewalks and lampposts.
- b. Street trees shall be provided in accordance with all applicable Township Code requirements.

### **§ 16-22C. AH-6. AFFORDABLE HOUSING DISTRICT. [Added 3-14-2019 by Ord. No. 19-15]**

#### **§ 16-22C.1. Purpose.**

The objectives and standards set forth hereafter are designated to implement, in phases, the Affordable Housing Plan Element. The uses and standards for development are permitted only within the AH-6 zone as shown on the revised Official Zoning Map

attached hereto as Exhibit A.<sup>27</sup>

The intent and purpose are to implement the Affordable Housing Plan Element of the adopted Master Plan of Warren Township. This section provides for the phased implementation of the Plan. The objectives are to provide and encourage development of housing affordable to low and moderate income households as defined by the New Jersey Fair Housing Act, as well as middle income, age targeted and adult households.

### § 16-22C.2. Development Standards and Requirements.

a.	Permitted uses	Townhomes
		Apartments where units may be designed to be 1 above another
b.	Accessory uses	Patios, balconies, decks
		Fences and walls
		Signs
		Stormwater facilities
		Pump stations
		Refuse corrals
		Common recreational facilities
c.	Housing units	No more than 26 dwelling units shall be permitted, of which 10 shall be affordable units
d.	Minimum habitable space for Income-restricted affordable units*	1-bedroom: 700 square feet
		2-bedroom: 770 square feet
		3-bedroom: 875 square feet

\* Habitable space shall not include garage, unfinished attic and basement floor space whether finished or not. Habitable space shall be calculated using outside wall dimensions. The affordable housing bedroom distribution mix shall be as per UHAC regulations, N.J.A.C. 5:80-26.3 where applicable due to small number of units.

e.	Maximum units per building	16 units/structure
f.	Maximum number of bedrooms per unit	3/unit
g.	Maximum average habitable unit floor area	Townhome unit: 1,600 square feet
		Apartment unit: 1,000 square feet
h.	Maximum building height:	3 stories/35 feet (whichever is less)
i.	Minimum building setbacks:	

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27. Editor's Note: Said exhibit is on file in the Township offices.

	Front yard	35 feet
	Side yard	10 feet
	Rear yard	25 feet
j.	Parking	Development shall meet Residential Site Improvement Standards (RSIS)
k.	Housing affordability	10 units shall be affordable pursuant to requirements of § 16-6 of Chapter XVI (Zoning Ordinance)
l.	Recreational requirements	The project shall provide recreational opportunities

### § 16-22C.3. Design Standards.

The general design theme shall be generally variations of a traditional theme. Buildings, signage and all other improvements shall be designed to follow a project design theme to the extent possible. The following design standards shall apply and shall be utilized to carry out the design theme of the project.

- a. Applicability. These guidelines and standards shall apply to all applications for development.
- b. General Design Standards.
  1. All buildings should be designed with an eye toward architectural detailing that can be unique, and complement the appearance of adjacent structures.
  2. Buildings shall have varied and variegated facades. Use of texture and window variations shall be encouraged.
  3. Entryways shall give orientation and add aesthetically pleasing character to the front facade.
  4. Entrances shall include such features as canopies or porticos, overhangs, arcades, recesses/projections, raised corniced parapets over the door, peaked roof forms and arches.
- c. Continuity of Treatment. The architectural treatment of a facade or roof shall be completely continued around all visibly exposed sides of a building. All sides of building shall be architecturally designed so as to be consistent with regard to style, materials, colors and details. In the instance of multistory buildings, the architectural treatment and building materials of the first floor shall be compatible with upper stories.
- d. Roof. The type, shape, pitch, texture and color of a roof shall be considered as an integral part of the design of a building and shall be architecturally compatible with the style, materials, color and design of such building.
- e. Windows. Windows shall be architecturally compatible with the style, materials, colors and details of a building. Windows shall be vertically proportioned.

- f. Doors and Entrances. All entrances to a building shall be defined and articulated by utilizing such elements as lintels, pediments, pilasters, porticoes, porches, overhangs, railings, balustrades and other such elements, where appropriate. Any such element utilized shall be architecturally compatible with the style, materials, colors and details of such building.
- g. Physical Plant. All air-conditioning units, HVAC systems, exhaust pipes or stacks and elevator housing shall be shielded from view. Such shielding shall be accomplished by utilizing the walls or roof of the building and be designed to be architecturally compatible with the style, materials, colors and details of such building. If systems are ground mounted, landscaping and fencing shall be required for visual screen.
- h. Materials, Colors and Details. All materials, colors and details used on the exterior of a building shall be architecturally compatible with the style of such building, as well as with each other.
- i. Shutters. The use of shutters on building facades shall be encouraged.
- j. Lighting. Light fixtures attached to the exterior of a building shall be designed to be architecturally compatible with the style, materials, colors and details of such building and other lighting fixtures used on the site. Consideration shall also be given to the type of light source utilized and the light quality such produces. The type of light source used on buildings, signs, parking areas, pedestrian walkways and other areas shall be the same or compatible. The use of low-pressure sodium or mercury vapor lighting either attached to buildings or to light the exterior of buildings shall be prohibited.
- k. All buildings may have a basement.
- l. All units shall, at a minimum, be equipped with ENERGY STAR®-certified appliances and utilities.

#### **§ 16-22C.4. Parking Design Standards.**

- a. Provision of parking spaces. The design and number of parking spaces required per this section shall be provided in conformance with RSIS (N.J.A.C. 5:21-4.14 through 4.16).
- b. Screening. Where buffers are required, there shall be provided along the exterior lot line of the development a continuous, year-round planting screen at least six feet in height.

#### **§ 16-22C.5. Streetscape/Landscape Design Standards.**

- a. Interior roadway shall provide streetscape elements including sidewalks and lampposts.
- b. Street trees shall be provided in accordance with all applicable Township Code requirements.

#### **§ 16-22D. UR-F AFFORDABLE HOUSING OVERLAY DISTRICT. [Added**

**3-14-2019 by Ord. No. 19-16; amended 8-13-2020 by Ord. No. 20-20]****§ 16-22D.1. Purpose.**

- a. The objectives and standards set forth hereafter are designated to implement, in phases, the Affordable Housing Plan Element of the adopted Master Plan of Warren Township (the Plan). The purpose and intent are to permit the development of affordable housing in the UR-F Affordable Housing Overlay Zone District in addition to underlying permitted uses of the RBLR zone as set forth in § 16-14 of the Revised General Ordinances of the Township of Warren. The uses and standards for development set forth herein are permitted only within the UR-F Affordable Housing Overlay Zone District as shown on the revised Official Zoning Map and affordable housing development in the UR-F Affordable Housing Overlay Zone District shall comply with the requirements set forth herein.
- b. This section provides for the phased implementation of the Plan. The objectives are to provide and encourage development of housing affordable to low- and moderate-income households as defined by the New Jersey Fair Housing Act, as well as middle-income, age-targeted and adult households. The Township Planner, John T. Chadwick, IV, PP, has prepared a separate Redevelopment Plan for Block 89, Lot 4 entitled "40 Mountain Boulevard (Block 89, Lot 4) Redevelopment Plan" dated March 31, 2020, the terms of which are incorporated herein and made a part hereof. In the event of any inconsistency between this section and the aforesaid Redevelopment Plan, the terms of the Redevelopment Plan shall take precedence. A copy of the aforesaid Redevelopment Plan is annexed hereto and made a part of this article.

**§ 16-22D.2. Development Standards and Requirements.**

a.	Permitted uses	Apartments
b.	Accessory uses	Patios, balconies, decks
		Fences and walls
		Signs
		Stormwater facilities
		Pump stations
		Refuse corrals
		Common recreational facilities
c.	Housing units	No more than 26 dwelling units shall be permitted, of which 8 shall be affordable units
d.	Minimum habitable space for income-restricted affordable units*	1-bedroom: 650 square feet
		2-bedroom: 740 square feet
		3-bedroom: 875 square feet

\*Habitable space shall not include garage, unfinished attic and basement floor space



whether finished or not. Habitable space shall be calculated using outside wall dimensions. The affordable housing bedroom distribution mix shall be as per UHAC regulations Section 5:80-26.3 as applicable due to small number of units.

e.	Maximum units per building	26 units/structure
f.	Maximum number of bedroom per unit	3
g.	Maximum average habitable unit floor area	Apartment: 1,100 square feet
h.	Maximum building height:	3 stories/38 feet (whichever is less)
i.	Minimum building setbacks:*	
	Front yard	35 feet
	Side yard	10 feet
	Rear yard	25 feet
j.	* See § 16-5.3 for exclusions. Parking	Residential Site Improvement Standards (RSIS) shall serve as guideline standards.
k.	Housing affordability	68 units shall be affordable pursuant to requirements § 16-6 of Chapter 16 (Zoning Ordinance)
l.	Recreational requirements	The development shall provide access to recreational opportunities as determined by the Planning Board in consultation with the developer and its consultants.

### § 16-22D.3. Design Standards.

The general design theme shall be generally variations of a traditional theme. Buildings, signage and all other improvements shall be designed to follow a project design theme to the extent possible. The following design standards shall apply and shall be utilized to carry out the design theme of the project.

- a. Applicability. These guidelines and standards shall apply to all applications for development.
- b. General Design Standards.
  1. All buildings should be designed with an eye toward architectural detailing that can be unique, and complement the appearance of adjacent structures.
  2. Buildings shall have varied and variegated facades. Use of texture and window variations shall be encouraged.
  3. Entryways shall give orientation and add aesthetically pleasing character to the front facade.

4. Entrances shall include such features as canopies or porticos, overhangs, arcades, recesses/projections, raised corniced parapets over the door, peaked roof forms and arches.
- c. Continuity of Treatment. The architectural treatment of a façade or roof shall be completely continued around all visibly exposed sides of a building. All sides of building shall be architecturally designed so as to be consistent with regard to style, materials, colors and details. In the instance of multistory buildings, the architectural treatment and building materials of the first floor shall be compatible with upper stories.
- d. Roof. The type, shape, pitch, texture and color of a roof shall be considered as an integral part of the design of a building and shall be architecturally compatible with the style, materials, color and design of such building.
- e. Windows. Windows shall be architecturally compatible with the style, materials, colors and details of a building. Windows shall be vertically proportioned.
- f. Doors and Entrances. All entrances to a building shall be defined and articulated by utilizing such elements as lintels, pediments, pilasters, porticoes, porches, overhangs, railings, balustrades and other such elements, where appropriate. Any such element utilized shall be architecturally compatible with the style, materials, colors and details of such building.
- g. Physical Plant. All air-conditioning units, HVAC systems, exhaust pipes or stacks and elevator housing shall be shielded from view. Such shielding shall be accomplished by utilizing the walls or roof of the building and be designed to be architecturally compatible with the style, materials, colors and details of such building. If systems are ground-mounted, landscaping and fencing shall be required for visual screen.
- h. Materials, Colors and Details. All materials, colors and details used on the exterior of a building shall be architecturally compatible with the style of such building, as well as with each other.
- i. Shutters. The use of shutters on building facades shall be encouraged.
- j. Lighting. Light fixtures attached to the exterior of a building shall be designed to be architecturally compatible with the style, materials, colors and details of such building and other lighting fixtures used on the site. Consideration shall also be given to the type of light source utilized and the light quality such produces. The type of light source used on buildings, signs, parking areas, pedestrian walkways and other areas shall be the same or compatible. The use of low-pressure sodium or mercury vapor lighting either attached to buildings or to light the exterior of buildings shall be prohibited.
- k. All buildings shall have a basement and access to the individual basement for each market rate unit in the building.
- l. All units should, at a minimum, be equipped with ENERGY STAR®-certified appliances and utilities.

**§ 16-22D.4. Parking Design Standards.**

- a. Provision of parking spaces. The design and number of parking spaces required per this section shall be provided in conformance with RSIS (N.J.A.C. 5:21-4.14 through 4.16) which shall serve as guideline standards.
- b. Screening. Where buffers are required, there shall be provided along the exterior lot line of the development a continuous, year-round planting screen at least six feet in height.

**§ 16-22D.5. Landscape Design Standards.**

- a. Interior driveways shall provide streetscape elements including sidewalks and landscaping.
- b. Street trees shall be provided in accordance with all applicable Township Code requirements.

**§ 16-22E. AH-8 AFFORDABLE HOUSING DISTRICT. [Added 3-14-2019 by Ord. No. 19-17]****§ 16-22E.1. Purpose.**

- a. The objectives and standards set forth hereafter are designated to implement, in phases, the Affordable Housing Plan Element. The uses and standards for development are permitted only within the AH-8 Zone as shown on the revised Official Zoning Map attached hereto as Exhibit A.<sup>28</sup>
- b. The intent and purpose are to implement the Affordable Housing Plan Element of the adopted Master Plan of Warren Township. This section provides for the phased implementation of the Plan. The objectives are to provide and encourage development of housing affordable to low- and moderate-income households as defined by the New Jersey Fair Housing Act, as well as middle-income, age-targeted and adult households.

**§ 16-22E.2. Development Standards and Requirements.**

a.	Permitted uses	Housing designed to accommodate special needs persons
b.	Accessory uses	Patios, balconies, decks
		Fences and walls
		Signs
		Stormwater facilities
		Pump stations
		Refuse corrals
		Common recreational facilities

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28. Editor's Note: Said exhibit is on file in the Township Offices.

		Special needs staff housing units
c.	Housing units	No less than 10 affordable special needs as defined in the
	Township settlement agreement	
d.	Maximum building height	2 stories/35 feet (whichever is less)
i.	Minimum building setbacks	
	Front yard	75 feet
	Side yard	25 feet
	Rear yard	25 feet
j.	Parking	Development shall meet Residential Site Improvement Standards (RSIS)
k.	Housing affordability	All units shall be affordable pursuant to requirements of § 16-6 of Chapter XVI (Zoning Ordinance)
l.	Recreational requirements	The project shall provide appropriate recreational opportunities
m.	Phasing.	The 10 special needs units will be phased-in together with the 44 affordable rental units and 132 market rate units permitted in the AH-2 Affordable Housing Zone District. Such phasing shall be in accordance with the standard inclusionary zoning phasing pursuant to N.J.A.C. 5:93-5.6(d). If the developer deeds the AH-8 special needs development project to an operator of special needs housing, the combined phasing requirements of the AH-2 Affordable Housing Zone District together with the AH-8 Affordable Housing Zone District shall not apply, and the special needs housing in the AH-8 zone district would be developed in accordance with N.J.A.C. 5:93-5.5

### § 16-22E.3. Design Standards.

The general design theme shall be generally variations of a traditional theme. Buildings, signage and all other improvements shall be designed to follow a project design theme to the extent possible. The following design standards shall apply and shall be utilized to carry out the design theme of the project.

- a. Applicability. These guidelines and standards shall apply to all applications for development.

b. General Design Standards.

1. All buildings should be designed with an eye toward architectural detailing that can be unique, and complement the appearance of adjacent structures.
  2. Buildings shall have varied and variegated facades. Use of texture and window variations shall be encouraged.
  3. Entryways shall give orientation and add aesthetically pleasing character to the front facade.
  4. Entrances shall include such features as canopies or porticos, overhangs, arcades, recesses/projections, raised corniced parapets over the door, peaked roof forms and arches.
- c. Continuity of Treatment. The architectural treatment of a facade or roof shall be completely continued around all visibly exposed sides of a building. All sides of building shall be architecturally designed so as to be consistent with regard to style, materials, colors and details. In the instance of multistory buildings, the architectural treatment and building materials of the first floor shall be compatible with upper stories.
- d. Roof. The type, shape, pitch, texture and color of a roof shall be considered as an integral part of the design of a building and shall be architecturally compatible with the style, materials, color and design of such building.
- e. Windows. Windows shall be architecturally compatible with the style, materials, colors and details of a building. Windows shall be vertically proportioned.
- f. Doors and Entrances. All entrances to a building shall be defined and articulated by utilizing such elements as lintels, pediments, pilasters, porticoes, porches, overhangs, railings, balustrades and other such elements, where appropriate. Any such element utilized shall be architecturally compatible with the style, materials, colors and details of such building.
- g. Physical Plant. All air-conditioning units, HVAC systems, exhaust pipes or stacks and elevator housing shall be shielded from view. Such shielding shall be accomplished by utilizing the walls or roof of the building and be designed to be architecturally compatible with the style, materials, colors and details of such building. If systems are ground-mounted, landscaping and fencing shall be required for visual screen. Louver vents for HVAC systems are permitted on the exterior walls of the buildings.
- h. Materials, Colors and Details. All materials, colors and details used on the exterior of a building shall be architecturally compatible with the style of such building, as well as with each other.
- i. Shutters. The use of shutters on building facades shall be encouraged.
- j. Lighting. Light fixtures attached to the exterior of a building shall be designed to be architecturally compatible with the style, materials, colors and details of such building and other lighting fixtures used on the site. Consideration shall also be given to the type of light source utilized and the light quality such produces. The

type of light source used on buildings, signs, parking areas, pedestrian walkways and other areas shall be the same or compatible. The use of low-pressure sodium or mercury vapor lighting either attached to buildings or to light the exterior of buildings shall be prohibited.

- k. All buildings shall have a basement.
- l. All units shall, at a minimum, be equipped with ENERGY STAR®-certified appliances and utilities.

#### **§ 16-22E.4. Parking Design Standards.**

- a. Provision of parking spaces. The design and number of parking spaces required per this section shall be provided in conformance with RSIS (N.J.A.C. 5:21-4.14 through 4.16).
- b. Screening. Where buffers are required, there shall be provided along the exterior lot line of the development a continuous, year-round planting screen at least six feet in height.

#### **§ 16-22E.5. Streetscape/Landscape Design Standards.**

- a. Interior roadway shall provide streetscape elements including sidewalks and lampposts.
- b. Street trees shall be provided in accordance with all applicable Township Code requirements.

### **§ 16-23. PROCEDURES AND USE OCCUPANCY REVIEW/ NONRESIDENTIAL USE PERFORMANCE STANDARDS.**

#### **§ 16-23.1. General Intent. [Ord. No. 93-24]**

As a condition to approval and as a condition to continuance of any building, process, installation, production or other use in an industrial district, the applicant shall supply evidence that the proposed building process, installation, production or other use will conform fully with all of the applicable performance standards set forth herein. To evidence such compliance, the Construction Official, Zoning Officer, Planning Board or Zoning Board of Adjustment, as applicable, may require certification of tests by appropriate government agencies or by recognized testing laboratories, any costs to be borne by the applicant. Specific types of equipment, machinery or devices or specific operating procedures may be required in order to assure compliance with the applicable performance standards.

#### **§ 16-23.2. Applicability. [Ord. No. 93-24]**

- a. The following technical standards are intended to further define the types of nonresidential activities permitted and to create minimum standards which must be met for any and all nonresidential uses within the Township. To the extent that the standards contained herein are less stringent than any standards promulgated by statute, rule or directive of the Federal, State or County governments or agencies

thereof or by other ordinances of the Township or Board of Health of the Township, then, and in that event, the more stringent standard shall be complied with. In other instances, the standards set forth hereinafter shall be binding. The standards contained hereinafter are minimum ones and shall be applied to ensure initial and continuing compliance by developers of new nonresidential construction and shall be applicable to portions of any existing use which is to be either extended or enlarged and to any existing nonresidential uses and to changes in tenancy where it is determined that failure to comply may adversely affect the health and safety of the public.

**§ 16-23.3. Air Pollution. [Ord. No. 93-24]**

Users shall be bound by standards contained and enumerated in the Air Pollution Control Code of the Township and by the New Jersey Administrative Code, Title 7, Chapter 27, as it may be amended from time to time or as it may be succeeded.

**§ 16-23.4. Glare. [Ord. No. 93-24]**

- a. From Structures. Light from enclosed structures shall be shielded or directed in such a way that glare is not visible at any point on any boundary line between a residential and nonresidential district or at or beyond any point on any property line or street line within a nonresidential district.
- b. Area Lighting. Area lighting, including that used for production activities and protective purposes, driveways, loading and unloading and parking, shall be located so that glare will not become a nuisance to adjoining properties, adjoining districts or to any adjoining public right-of-way. All permitted lighting shall be arranged so as to be directed upon the property from which the light originates so as to not directly illuminate any contiguous property.
- c. Illumination of production activities shall be buffered so that direct illumination source will not be visible to adjoining properties.
- d. Advertising Lighting. Advertising lighting, including all lighting which is used for directing attention, shall be permitted where the source of illumination shines directly toward the sign without producing glare or shines directly toward a building, cluster of shrubs, fountain or other point of interest, not toward any point off the property. No lighting of intermittent intensity or flashing lights will be permitted. No lighting will be permitted which is directed skyward solely for the purpose of advertising or drawing the attention of the public.
- e. This subsection 16-23.4 shall not be construed to prohibit lighting required by police or other enforcement agencies for the safety and protection of employees and of the general public.

**§ 16-23.5. Heat. [Ord. No. 93-24]**

Any operation producing excessive heat shall be performed within an entirely enclosed structure and in such a manner as not to be perceptible at or beyond any property line or boundary of any public right-of-way. Further, no process shall be permitted which would cause temperature to rise in any bodies of water, including ponds, streams,

lakes or in groundwater, unless the applicant can prove to the Planning Board clearly and convincingly that such increase will have no deleterious effect on the ambient environment.

**§ 16-23.6. Atomic and Electronic Radiation. [Ord. No. 93-24]**

Any use involving radiation or radioactive substances shall be permitted only in accordance with Chapter 28 of the New Jersey Administrative Code establishing the Bureau of Radiation Protection. No radioactive material shall be discharged in the atmosphere, the sanitary sewer system, streams, groundwater, water supply or surface water unless the same complies with all Federal, State, County and municipal statutes, rules or regulations. No radioactive material shall be buried or disposed of on the premises.

**§ 16-23.7. Effluent and Waste. [Ord. No. 93-24]**

No industrial waste material shall be discharged into the sewage disposal system unless permission to do so, certified in writing by the Warren Township Sewerage Authority or New Jersey Department of Health, whichever body has jurisdiction over the premises. The collection and disposal of solid waste shall be the responsibility of the nonresidential user and shall be done in accordance with the rules of the Bureau of Solid Waste Management, N.J.A.C. 7:26-1 et seq. No accumulation of waste, junk or other objectionable material shall be permitted on the property outside a building. This prohibition shall not apply to day-to-day trash, not otherwise regulated, awaiting disposal in the ordinary conduct of business. No discharge of surface waste shall be permitted which violates the New Jersey Department of Environmental Protection surface water quality standards, N.J.A.C. 7:19-4 et seq., and all other applicable standards, if any. Sewer sampling manholes, constructed in accordance with Township specifications, shall be required for each building. In the interest of the health and safety of the public and for the protection of valuable environmental resources, industrial users of chemical products and processes shall maintain, on-site, a means of containing effluent from major spills, leaks or system breakdowns. Such spills, leaks or breakdowns shall be immediately reported to the Department of Health, which shall forthwith inspect the effluent from the same. No materials so contained may be discharged or disposed of until after the inspection and approval for discharge or disposal is obtained.

No industrial waste shall be discharged into the public sewage collection and disposal system or watercourse unless the Municipal Sewerage Authority shall have first investigated the character and volume of such waste and shall have certified that it will accept the discharge of the waste material into the system.

**§ 16-23.8. Noise. [Ord. No. 93-24]**

No noise or vibration shall be created which violates Chapter 29 of the New Jersey Administrative Code, Noise Control Regulations, N.J.A.C. 7:29-1.1 et seq. No use shall cause vibration beyond the limits of the property on which located, nor increase the ambient noise levels present nor cause intermittent or point audible noise or noise vibration to adversely impact adjoining property.



**§ 16-23.9. Fire and Explosive Standards. [Ord. No. 93-24]**

Any operation involving the storage, utilization or manufacture of flammable explosive material shall be permitted only in accordance with the Uniform Construction and the Uniform Fire Codes of the State of New Jersey and with applicable statutes and State codes governing explosives.

**§ 16-23.10. Groundwater Management. [Ord. No. 93-24]**

- a. Characteristics and elements of aquifer recharge areas. Aquifer recharge areas are all areas delineated as being highly permeable, either at the surface or in the substratum, which overlie or feed substantial bodies of groundwater used for water supplies. Such soils are enumerated in the Warren Township Master Plan Aquifer Recharge Map. Such survey and map may from time to time be amended.
- b. Restrictions for aquifer recharge areas:
  1. Development shall not cause any reduction in the volume of groundwater recharge occurring on the site in an undeveloped condition.
  2. The quality of water infiltrated to the water table or aquifer shall comply with relevant State and local water quality standards as set forth in N.J.S. 26:3B-2 and 3, Nuisances; N.J.A.C. 7:14, Water Pollution Control Act; N.J.A.C. 7:14A-1, New Jersey Pollution Discharge Elimination System; BH Chapter 2, § 2-11c, Public Health Nuisance Code; BH Chapter 5, Sewage Disposal Code; and BH Chapter 12, Water Supply Protection and Warren Township Board of Health regulations when more restrictive.
    - (a) Where practicable, surface water runoff shall be directed in such a manner as to travel over natural areas rather than across potentially contaminated surfaces, such as paved areas.
    - (b) Oil skimming or other available technology for mitigating oil migration into the groundwater and settling of suspended solids shall be provided for runoff from parking areas prior to release of natural drainage as required by N.J.A.C. 7:14A-2 et seq. and regulations of the Warren Township Board of Health as applicable.
    - (c) Runoff from land uses producing discharges likely to contaminate groundwater shall receive state-of-the-art treatment prior to release to the natural drainage pursuant to N.J.A.C. 7:14A-1 et seq., Regulations Concerning the New Jersey Pollutant Discharge Elimination System, and regulations of the Warren Township Board of Health as applicable.
    - (d) Hazardous substances must not be stored, treated or disposed of on-site except in compliance with applicable State, Federal statutes, and Warren Township Board of Health regulations.
    - (e) Storage tanks. Any use involving new or existing underground or aboveground storage tanks shall be permitted only in accordance with standards and requirements of the Warren Township Board of Health.

**§ 16-23.11. Additional Standards and References. [Ord. No. 93-24]**

In order to satisfy itself that the applicant will comply fully with all of the applicable performance standards, the Planning Board or its designated representative may examine and refer to any or all of the available standards, codes, regulations and requirements of the Federal or State government, this Township, and recognized professional organizations, associations and societies.

**§ 16-23.12. Testing Procedures and Technical Assistance. [Ord. No. 93-24]**

In all cases, it is the obligation of the applicant to demonstrate that the facility will be in conformation with the applicable performance standards or other provisions of this chapter. Adequate testing procedures and expert assistance shall be at the expense of the applicant.

**§ 16-23.13. Administration and Enforcement/New Construction and Change of Use. [Ord. No. 93-24]**

- a. Prior to the approval of any site plan, subdivision or variance for new construction of nonresidential uses, sufficient information shall be supplied to Township Construction Official, Zoning Officer, Planning or Zoning Board, as applicable, concerning the proposed operation of the premises so as to enable a determination to be made as to whether or not the proposed use will be in compliance with the standards set forth in the preceding sections of this chapter. The process of this determination shall be known as use and occupancy review.
- b. If the occupant of a particular structure is not known at the time of application, the property owner shall supply to the Zoning Officer at such time as the occupant is known the above-required information. In no case shall a certificate of occupancy be issued for any building until such information is made available to the Zoning Officer and a determination on compliance is made.
- c. Subsequent to the issuance of a certificate of occupancy and within six months thereof the Zoning Officer shall inspect the premises to determine that the use does, in fact, conform to the performance standards set forth in this section. Should any official having inspection responsibility for issuance of a certificate of occupancy find that the use does not conform to any of the standards herein, a thirty-day notice for compliance shall be sent to the user by the Zoning Officer. Failure to correct deficiencies set forth in said notice within the time period prescribed shall constitute prima facie evidence of noncompliance with this subsection. Each day of noncompliance with said notice after expiration of the time limits set forth therein shall constitute a distinct and separate violation of this subsection.
- d. For the purpose of this subsection, any change of use or occupancy of the structure from one use group to another as defined in the Uniform Construction Code of the State of New Jersey shall be reviewed and acted upon as if the structure were a new one.
- e. Periodic inspection by the Township may be authorized as a condition of initial or continued occupancy.

**§ 16-24. GENERAL OFF-STREET PARKING, LOADING AND UNLOADING SPACE REQUIREMENTS.****§ 16-24.1. General Provisions. [Ord. No. 93-24]**

- a. Scope of Provisions. Off-street parking, unloading and service requirements shall apply to all zones. No application for a building permit except for single-family dwelling shall be approved unless there is included with the plan for such building, improvement or use, a plot plan showing the required space for off-street parking, unloading and service purposes. An occupancy permit shall not be given unless the required off-street parking, unloading and service facilities have been provided in accordance with the approved plan.
- b. Duty to Provide and Maintain Off-Street Parking. The amount of off-street parking as shown on the approved plans, shall not be reduced.
- c. Parking spaces for the physically handicapped shall be provided in accordance with standards incorporated in the Barrier Free Design Regulations, promulgated by the Division of Building and Construction, Department of the Treasury, the State of New Jersey.

**§ 16-24.2. Plan and Design Standards.**

- a. Required Size of Parking Spaces and Access.
  1. Off-street parking spaces: each parking space shall be no less than nine feet wide nor less than 18 feet deep.
  2. All parking spaces shall connect to an on-site driveway.
- b. Provisions for Proper Drainage and Maintenance. All off-street parking, off-street loading and service facilities shall be so drained as to prevent damage to abutting properties or public streets and shall be constructed of materials which will assure a surface resistant to erosion. All parking areas, aisles and loading areas open to the general public shall be paved with six inches of stabilized base or equivalent except that the Planning Board or Board of Adjustment may waive paving in lieu of crushed stone or other material when such is shown to substantially lessen surface runoff. This waiver shall apply only to areas used for employee parking, on-site driveways not connecting directly to the street and loading areas. All such areas shall be, at all times, maintained at the expense of the owners thereof, in a clean, orderly and dust-free condition.
- c. Separation from Walkways and Streets. All off-street parking, off-street loading and service areas shall be separated from walkways, sidewalks and streets by curbing or other protective device.
- d. Private Walks Adjacent to Business Buildings. A private walk, if provided adjacent to a building, shall not be less than four feet in width and shall be in addition to the other requirements of this section.
- e. Buffer Required when Adjoining Property is Residential. Where off-street parking, loading or service areas are proposed to be located closer than 50 feet to a lot in any

residential zoning district, or to any lot upon which there exists a dwelling as a permitted use under these regulations, and where such parking, loading or service areas are not entirely screened visually from such lot by an intervening building or structure, there shall be provided along the lot line a continuous screen in accordance with applicable buffer and transition requirements set forth in this chapter. No such screen shall extend nearer to a street right-of-way line than 25 feet.

f. **Parking Space and Interior Driveway and Dimension Requirements.**

<b>Space Angle</b>	<b>Minimum Space Width</b>	<b>Minimum Space Depth</b>	<b>Aisle Width</b>	
			<b>One Way</b>	<b>Two way</b>
<b>(degrees)</b>	<b>(feet)</b>	<b>(feet)</b>	<b>(feet)</b>	<b>(feet)</b>
90	9.0	18.0	24	24
60	9.0	18.0	18	24
45	9.0	18.0	15	24
30	9.0	18.0	15	24
Parallel to aisle	9.0	22.0	15	24

- g. **Connection to a Public Right-of-Way.** Each off-street parking, loading or service area shall be connected to a public street right-of-way by means of a driveway.
- h. **Size of Driveways.** A driveway exclusive of curb return radii shall be not less than 12 feet per lane nor more than 36 feet in width. All two-way traffic driveways shall have a minimum width of 24 feet.
- i. **Location of Curb Cuts.** At the intersection of streets, a curb cut shall be set back not less than 50 feet from the intersection of two curb lines or such lines extended. Between the curb returns for any two driveways serving the same property, there shall be at least 75 feet of curb.
- j. **Off-Street Parking Space within Building.** Garage space or space within building, in basements or on the roofs of buildings, may be used to meet the off-street parking requirements of this chapter, provided each space is designated to serve as off-street parking space.
- k. **Pavement Markings and Signs.** Each off-street parking space shall be clearly marked, and pavement directional arrows or signs shall be provided wherever necessary. Markers, directional arrows and signs shall be properly maintained so as to ensure their maximum efficiency.
- l. **Lighting for Night Use.** Adequate lighting shall be provided if the off-street parking facilities are used at night. If the parking facilities abut residential land, the lighting shall be arranged and installed so as not to reflect or cause glare on the abutting residential land in accordance with provisions of performance standards.
- m. **Required Off-Street Parking Area Shall Not be Reduced.** No off-street parking area shall be reduced in size or encroached upon by any building, vehicle storage, loading or unloading, or any other use where such reduction or encroachment will

reduce the off-street parking and loading spaces below that required by these regulations.

- n. Joint Parking Facilities. The off-street parking requirements for two or more nonresidential neighboring uses of the same or different types located on the same lot and within the same zoning district, may be satisfied by the allocation of the required number of spaces for each use in a common parking facility, provided that the number of off-street parking spaces is not less than the sum of individual requirements, and provided further, that there be compliance with all other provisions of these regulations.
- o. Parking Provided on the Same Lot as Main Building. Except as provided in the above paragraph n., all parking spaces for all uses shall be provided on the same lot as the main building to be served by such parking.
- p. Requirements for Combined Uses. The number of off-street parking spaces required by land or buildings used for two or more purposes shall be the sum of the requirements for the various individual uses.
- q. Sharing of Parking Facilities. Off-street parking facilities for one use shall not be considered as providing the required facilities for any other use, provided that 1/2 of the off-street parking spaces required by any use whose peak attendance will be at night or on Sundays, such as churches, theaters, and assembly halls, may be assigned to a use which will be closed at night or on Sundays.
- r. Computing Number of Employees. For the purpose of this subsection, the number of employees shall be computed on the basis of the maximum number of persons to be employed at any one time taking into consideration day, night and seasonal variations.
- s. Other Use of Off-Street Parking Space Prohibited. No off-street parking or loading area shall be used for the sale, repair, dismantling, servicing or storage of any vehicle, equipment materials or supplies.
- t. Size of Loading Berth. A loading berth shall be at least 12 feet wide with at least 15 overhead clearance. The length of the loading berth shall be 48 feet.

**§ 16-24.3. Parking Layout Criteria. [Ord. No. 93-24]**

- a. Parking stalls shall be marked by four inch painted lines.
- b. Parking areas shall be separated from on-site access roadways by planted islands with a minimum width of 10 feet.
- c. Parking lots shall be curbed.
- d. Any parking area having 30 or more parking stalls must provide landscaped island with a minimum width of eight feet.
- e. All parking areas shall be landscaped. No plants having mature height of greater than 30 inches, except for shade trees, shall be planted in parking lot islands or within required sight triangles.

- f. Any parking area with 50 or more parking stalls shall include a pedestrian walkway of eight feet in width within the parking area. Walkways shall have contrasting surface.
- g. All parking areas should be properly screened to prevent headlights of vehicles within the area to shine directly onto adjoining properties. Screens shall consist of earth berms, fencing and plantings. In the event that a parking area abuts a residential use, conifer plants shall be used, planted at five foot intervals and not less than five feet in height, in addition to berming and fencing.

**§ 16-24.4. Minimum Space Requirements for Off-Street Parking Areas; Use and Minimum Space Requirements. [Ord. No. 93-24; Ord. No. 04-30, § 1]**

- a. Automobile and Gasoline Service Station. At least one space for each service island and service bay, but in no case less than five spaces.
- b. Flower or Plant Nursery: Landscape Gardeners Business. At least one space for every 1,000 square feet of the building area not used for retail sales and one space for each 200 square feet of building area used for retail sales.
- c. Church, Hospital or Other Structure of Public Congregation. One per 250 square feet of gross floor area, with a minimum of one per 3.0 persons' capacity.
- d. Commercial Uses.
  - 1. Grocery store, food market and supermarkets: one space per 175 square feet of gross floor area.
  - 2. Delicatessen and bakery: one space per 200 square feet of gross floor area excluding storage space not accessible to general public.
  - 3. Barber shop and beauty shops; three spaces for each beautician (barber) station or one space for each 250 feet of gross floor area accessible to general public, whichever the greater.
  - 4. Other commercial uses not specifically listed elsewhere in this section: one space for each 200 square feet of gross floor area, finished for occupancy and one space for each 400 square feet of unfinished storage area.
- e. Residential.

<b>Parking Requirements for Residential Land Uses<sup>a</sup></b>	
<b>Housing Unit Type/Size<sup>b</sup></b>	<b>Parking Requirement</b>
Single-Family Detached	
2 bedroom	1.5
3 bedroom	2.0
4 bedroom	2.5 <sup>c</sup>
5 bedroom	3.0
Garden Apartment	

<b>Parking Requirements for Residential Land Uses<sup>a</sup></b>	
<b>Housing Unit Type/Size<sup>b</sup></b>	<b>Parking Requirement</b>
1 bedroom	1.8
2 bedroom	2.0 <sup>c</sup>
3 bedroom	2.1
Townhouse	
1 bedroom	1.8
2 bedroom	2.3 <sup>c</sup>
3 bedroom	2.4
Retirement Community	Value shall be commensurate with the most appropriate housing unit type and size noted above that the retirement community resembles
Assisted Living	0.5

**Notes:**

- <sup>a</sup> When determination of the required number of parking spaces results in a fractional space for the entire development, any fraction of 1/2 or less may be disregarded, while a fraction in excess of 1/2 shall be counted as 1 parking space.
- <sup>b</sup> Requirements for attached units (apartment/condominium/townhouse) include provisions for guest parking (0.5 spaces per dwelling unit). Guest parking must either be provided for on street or in common parking areas.
- <sup>c</sup> If applicant does not specify the number of bedrooms per unit, this parking requirement shall apply.

Source: Modified and adapted from U.S. Department of Commerce, Bureau of the Census, Public use File-New Jersey (cross-tabulation of vehicles by housing unit for units constructed 1975 to 1980).

Source: Table 4.4 Residential Site Improvement Standards.

- f. Education and Training School or Institution: At least one space for each employee including teachers and administration, plus one space for each student or one space for each 100 square feet of classroom, laboratories or other space used for instructional purposes.
- g. Eleemosynary or Philanthropic Institution: One space for each employee or one space per one 150 square feet of gross floor area accessible to the general public whichever the greater.
- h. Furniture and Hardware Store: One space for each employee plus one space for each 350 square feet of gross floor area.

- i. Manufacturing Establishment: One space for each employee at the maximum shift or one space per 250 square feet of gross floor area, whichever the greater.
- j. Medical, Dental Practitioner's Office, Physical Therapist and Other Licensed Medical Service Professionals: Five spaces for each professional person, plus an additional space for each 200 square feet of gross floor.
- k. Mortuary or Funeral Home: One parking space for each five seats in the chapel, one additional space for each residential family and one additional space for each funeral vehicle or one space for each 200 square feet of floor area, whichever the greater.
- l. Hotel or Motel: One space for each room, plus one space for each employee and one space per 300 GFA for conference and restaurant areas.
- m. Office Building, Professional Building or Similar Uses: For uses not specified elsewhere:

Square Feet	Spaces/SF
0 — 50,000	5.0 spaces/1,000 sf
50,001 — 100,000	4.5 spaces/1,000 sf
100,000 or greater	4.0 spaces/1,000 sf

- n. Recreation Indoor Exercise, Commercial, Other Than a Theater: One space for each 150 square feet of exercise floor area.
- o. Restaurant: At least one space for each three seats provided for patron use, or one space for each 75 square feet of retail space exclusive of utility rooms, bathroom(s) and kitchen, whichever the greater.
- p. Shopping Center: 5.0 spaces for 1,000 square feet of floor area or fraction thereof.
- q. Swimming Pool and/or Membership Recreation Facility Profit: One parking space per two family memberships or if no membership is required, one space per 1,000 square feet of developed recreation area.
- r. Theater: One parking space per four seats where the theater parking lot is contiguous with and shared with a parking lot of three or more other commercial facilities; one per three seats, if use is located by itself.
- s. Warehouse: One space per 5,000 square feet of storage area, plus one space for each employee or five spaces, whichever the greater.

**§ 16-24.5. Minimum Requirements for Off-Street Loading Berth Space; Use and Minimum Loading Space Requirements. [Ord. No. 93-24]**

- a. Industrial and wholesale uses shall provide a plan clearly demonstrating that the following requirements can be satisfied:



<b>Square Feet of Buildings</b>	<b>No. of Loading Berths</b>
2,500 - 40,000 square feet	1
40,001 - 100,000 square feet	2
100,001 - 160,000 square feet	3
160,001 - 240,000 square feet	4
240,001 - 320,000 square feet	5
320,001 - 400,000 square feet	6
Each 90,000 feet above 400,001 square feet	1 Additional

- b. Office building or hotel with a gross usable floor area of 100,000 square feet or more devoted to such purposes: one loading berth for every 100,000 square feet of floor area.
- c. Retail operation and all first floor nonresidential uses with a gross floor area of more than 3,000 square feet and less than 20,000 square feet, and all wholesale and light industrial operations with a gross floor area of less than 10,000 square feet; one loading space in accordance with the provisions of this subsection.
- d. Retail operation, including restaurant and dining facilities within hotels and office buildings, with a gross usable area of 20,000 square feet or more devoted to such purposes: one loading berth for every 20,000 square feet of floor area.

#### **§ 16-24.6. Waiver. [Ord. No. 93-24]**

The Board may waive up to 50% of the required parking spaces if an applicant clearly documents through employment records or other means that a waiver is warranted, provided that an area equal to the spaces required for such parking shall be reserved at the site in conformance with the requirements of this chapter.

The Board may waive a portion or all of the loading space requirements, if an applicant clearly demonstrates use and activity warrants such waiver.

### **§ 16-25. SIGN REGULATIONS.**

#### **§ 16-25.1. General Provisions. [Ord. No. 93-24]**

All signs hereafter erected or maintained except official traffic and street signs shall conform with the provisions of this chapter and the Uniform Construction Code of the Township of Warren. Any sign(s) not specifically permitted is hereby prohibited.

- a. **Permits Required.** It shall be unlawful for any person to erect or structurally alter any sign without first obtaining a permit and making payment of the fee required by the Construction Code of the Township of Warren. The erection or relocation of a free-standing sign as defined herein shall require minor site plan submission prior to issuance of any permit.
- b. **Reference to Zoning Districts.** Except as otherwise provided, no outdoor sign or other form of exterior advertising shall be erected or maintained unless the sign

complies with the requirements established for the zoning district in which the sign is located.

**§ 16-25.2. Definitions. [Ord. No. 93-24; Ord. No. 2016-15]**

The following words and phrases shall have the meanings ascribed to them by this subsection.

- a. **SIGN** — Shall mean a name, identification, description, display or illustration which is affixed to, or printed to, or represented directly or indirectly upon a building, structure or parcel of land, and which directs attention to a person, institution, organization, activity, place, object or product of business, provided that the display of public notices, the flag, emblem or insignia of the United States of America, political unit, temporary signs or temporary display in connection with a charity drive for contributions shall not be considered signs under the provisions of this section.
- b. **ANIMATED SIGN** — Shall mean a sign which has its illumination maintained at a constant intensity at the source of illumination, and the animation created by means other than the increase or decrease of said intensity at its source.
- c. **BUSINESS SIGN** — Shall mean a sign which directs attention to a business, industry, profession, commodity, service or entertainment sold or offered upon the same premises where such sign is located.
- d. **DIRECTIONAL SIGN** — Shall mean signs containing directional information about public places owned or operated by Federal, State or local governments or their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational and religious sites; and areas of natural beauty or naturally suited to outdoor recreation.
- e. **ERECT** — Shall mean to construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way bring into being or establish, but it shall not include any of the foregoing activities when performed as an incident to the change of advertising message or normal maintenance or repair of a sign or sign structure.
- f. **FLASHING SIGN** — Shall mean a sign, the illumination of which is not kept constant in intensity at all times when in use.
- g. **INDIRECTLY ILLUMINATED SIGN** — Shall mean any illuminated sign whose illumination is derived from an external artificial source.
- h. **MARQUEE** — Shall mean a permanent roof-like shelter extending from part or all of a building face.
- i. **NAMEPLATE SIGN** — Shall mean a sign which states the name or address or both of the occupant of the lot where the sign is located.
- j. **OUTDOOR ADVERTISING SIGN (BILLBOARD)** — Shall mean a sign which directs attention to a business, industry, profession, commodity, service or entertainment not necessarily sold or offered upon the premises where the sign is located.

- k. PROFESSIONAL SIGN — Shall mean a sign listing only the name and profession of the practitioner.
- l. PROJECTING SIGN — Shall mean a sign which is attached to the building wall and extends more than 18 inches from the face of such wall.
- m. ROOF SIGN — Shall mean a sign constructed or supported upon the roof of any building or structure.
- n. REVOLVING SIGN — Shall mean a sign which moves in any manner by mechanical means.
- o. SIGN AREA — Shall mean the entire area within a continuous perimeter enclosing the limits of the actual message or copy area. It does not include any structural elements outside the limits of the sign surface and not forming an integral part of the display. For projecting or double-faced signs, where the sign faces are parallel, the sign area of only one display face shall be measured in computing total sign area.
- p. TEMPORARY SIGN — Shall mean a sign which is intended to advertise community or civic projects, real estate for sale or lease, or other special events on a temporary basis. Temporary signs advertising community or civic projects or other special events shall be permitted for a maximum of 30 days. Except for real estate and Warren Township-based nonprofit and charitable organization community or civic projects or events, all temporary signs shall require a zoning permit. (See subsection 16-25.6e.) Banners shall only be permitted as set forth in herein.
- q. WALL SIGN — Shall mean a sign which is attached to the wall of a building with the face in a plane parallel to such wall and not extending more than 18 inches from the face of the wall.

**§ 16-25.3. Exempt Signs. [Ord. No. 93-24; Ord. No. 95-1 § 1; Ord. No. 98-26, § 1; Ord. No. 2016-15 § 3]**

The provisions and regulations of this section shall not apply to the following signs:

- a. Professional nameplate signs indicating the name and profession of the occupant of a dwelling, provided such signs do not exceed two square feet. Said signs shall not be lighted between the hours of 9:00 p.m. and 8:00 a.m.
- b. Temporary signs inside windows of commercial establishments not covering more than 25% of any given window.
- c. Temporary signs of nonprofit and charitable organizations (excluding banners as authorized herein), provided that such signs do not exceed 32 square feet. Said signs shall be removed within 10 days after completion of said event or function. The provisions of subsections 16-25.4 and 16-25.5 shall apply to the aforesaid signs, except for banner signs.
- d. Bulletin boards not over 16 square feet in area for public, charitable or religious institutions when same are located on the premises of said institutions and located 25 feet from any lot line.

- e. Signs denoting the architect, engineer or contractor when placed upon work under construction, and not exceeding 16 square feet in area. Said signs to be removed within 10 days of issuance of certificate of occupancy. Such sign shall be located no less than 10 square feet from any property line.
- f. Memorial signs or tablets, names of buildings and dates of construction when cut into any masonry surface or when constructed of bronze or other incombustible metal.
- g. Signs indicating a political preference for a person and/or political party seeking election provided such signs do not exceed 16 square feet in area on any one side. Said signs to be removed within 10 days after the completion of the election. The provisions of subsections 16-25.4 and 16-25.5 shall apply to the aforesaid signs.
- h. Traffic directional signs:
  - 1. As shown on an approved site plan or,
  - 2. If no development plan is required, such sign shall be located no less than five feet from edge of pavement and have dimensions of no greater than one foot by two feet and shall not exceed three feet in height.
- i. On site real estate or lease signs not exceeding six square feet in area and off site real estate sales/directional signs not exceeding six square feet in area, when erected and maintained in accordance with the requirements set forth in subsection 16-25.7d. The provisions of subsections 16-25.4 and 16-25.5 shall apply to the aforesaid signs.

**§ 16-25.4. Prohibited Sign Features. [Ord. No. 93-24; Ord. No. 2016-15 § 2]**

- a. No sign shall be erected, used or maintained which in any way simulates official, directional or warning signs erected or maintained by the State of New Jersey, by any County or municipality thereof, or by any public utility or similar agency concerned with the protection of the public health or safety.
- b. No neon sign or similar illustrated advertisement shall be of such color or located in such a fashion as to diminish or detract in any way from the effectiveness of any traffic signal or similar safety or warning device.
- c. The following advertisements are specifically prohibited: any advertisement which uses a series of two or more signs placed in a line parallel to the highway or in similar fashion all carrying in a single advertisement message, part of which is contained on each sign.
- d. No signs shall have flashing lights or exposed high flashing lights or exposed high intensity illumination.
- e. No sign may obstruct any windows, door, fire escape, stairway or opening intended to provide light or ingress and egress to or from any building or structure.
- f. No sign may be placed in such a position to cause a danger to traffic by obscuring visibility.

- g. No banners, pinwheels or similar signs shall be permitted, except that a banner may be permitted only for events sponsored by Warren Township, or at the discretion of the Township Committee as authorized by Resolution.

**§ 16-25.5. Prohibited Signs. [Ord. No. 93-24; Ord. No. 2016-15 § 3]**

- a. Billboards, outdoor display structures and signs mounted on trailers, platforms and atop vehicle(s).
- b. Signs projecting more than three feet from the wall of a building and all roof signs.
- c. Signs visible from the street using the word "Stop" or "Danger" or any other word, phrase, symbol or character with the effect of simulating a public safety warning or traffic sign.
- d. Signs other than officially authorized signs or temporary banners of a Warren Township-sponsored event tacked, pasted, painted or otherwise attached to poles, posts, trees, fences, sidewalks or curbs.
- e. Exterior signs using animated display except for clocks and weather information.
- f. No sign other than official traffic control devices or street signs shall be erected within, or encroach upon, the right-of-way of any street.
- g. Rotating or moving by mechanical means signs.

**§ 16-25.6. General Regulations. [Ord. No. 93-24]**

- a. Illumination. All signs shall be shielded to prevent the direct rays of illumination from being cast into adjoining property and approaching vehicles.
- b. Location. No sign shall be located in a required buffer area.
- c. Nonconforming Signs. Nonconforming signs shall not be enlarged, relocated, altered, rebuilt, and further provided that failure to keep signs in good repair for a period of six consecutive calendar months shall constitute abandonment and such sign may not then be replaced or rehabilitated and must be removed by the owner.
- d. Maintenance of Signs. Any sign that is or shall become dangerous or unsafe in any manner whatsoever shall be repaired and made safe or shall be removed.
- e. Permit Required. No temporary or permanent sign(s) shall be installed without first obtaining a temporary or permanent sign zoning permit from the Zoning Officer of Warren Township, unless specifically exempted by subsection 16-25.3.

**§ 16-25.7. Signs Permitted in Residential Districts. [Ord. No. 93-24; Ord. No. 95-1 § 2]**

- a. Signs not exceeding one square foot for driveway entrances and exits or for warning or directional purposes. No such signs shall show any type of commercial identification or advertising.
- b. Identification signs for schools, churches or similar public or quasi-public

institutions, clubs, lodges, farms, estates or similar uses provided the area of such signs does not exceed 12 square feet. No such sign shall be located closer than 25 feet to a lot line.

- c. Signs advertising the sale of products from a farm as defined in this chapter, when the products are grown or raised on the premises, provided the area of such signs does not exceed 32 square feet. No such sign shall be located less than 25 feet from the edge of pavement or 10 feet from a lot line, whichever the greater.
- d. One unlighted real estate sign, not over six square feet in area, advertising the sale or lease of the building or lot upon which the sign is maintained, provided that the same is removed immediately upon the execution of a contract relative to the sale or lease of the said property. One unlighted garage sale sign, not over six square feet in area, advertising a garage sale for a period not to exceed five days upon the lot which the sign is maintained, provided that same is removed immediately upon the end of the garage sale.

The Zoning Officer may allow, on a individual basis and upon showing of substantial need, a limited number of unlighted real estate sale or lease, directional signs, and garage sale signs not over six square feet in area, to be placed at location approved by the Zoning Officer and for limited periods of time as also approved by the Zoning Officer.

- e. The maximum height of any ground (a/k/a free-standing) sign shall not exceed six feet.

**§ 16-25.8. Signs Permitted in Nonresidential Districts. [Ord. No. 93-24; Ord. No. 95-1 § 3]**

- a. A sign shall identify only the business or use conducted on the premises except that one directory ground sign in addition to business or use identity sign shall be permitted in accordance with paragraphs e through g below and that the height of a directory sign shall not exceed 10 feet.
- b. Sign(s) attached to a wall shall not exceed five feet in height nor 50% of the width of the wall to which attached.
- c. Signs attached to a wall of a building shall not exceed 10% of the area of wall. No one sign shall exceed 100 square feet in area.
- d. The maximum height of any ground sign shall not exceed 18 feet above the ground level or the height of the principal building, whichever the lesser.
- e. Ground signs shall not exceed 50 square feet in area and shall be limited to one per lot except for corner lots, for which one sign per street frontage will be allowed provided the total street frontage exceeds 300 feet.
- f. No ground sign shall be located closer to a lot line than 10 feet or the height of the ground sign, whichever the greater.
- g. No ground sign shall be permitted in a side or rear yard area.
- h. One unlighted real estate sign, not over six square feet in area, advertising the sale

or lease of the building or lot upon which the sign is maintained, provided that the same is removed immediately upon the execution of a contract relative to the sale or lease of the said property. One unlighted garage sale sign, not over six square feet in area, advertising a garage sale upon the lot which the sign is maintained, provided that same is removed immediately upon the end of the garage sale.

The Zoning Officer may allow, on a individual basis and upon showing of substantial need, a limited number of unlighted real estate sale or lease, directional signs, and garage sale signs not over six square feet in area, to be placed at locations approved by the Zoning Officer and for limited periods of time as also approved by the Zoning Officer.

**§ 16-25.9. Penalties. [Ord. No. 93-24; Ord. No. 95-1 § 4]**

For violation and conviction of any provision of this section the fine shall be:

\$25 for first time offenders;

\$50 for second time offenders;

Up to \$500 for third time offenders at the discretion of the Municipal Court Judge.

**§ 16-25.10. Administrative and Enforcement. [Ord. No. 95-1 § 5]**

This Section 16-25 shall be administered by the Township Zoning Officer and enforced by the Township Zoning Officer and the Township Police. The removal of any signs violating the within section shall be accomplished by the Township Zoning Officer, the Township Police Officers and/or their designee. All signs confiscated by the Township shall become Township property. A confiscated sign, at the option of the Township Zoning Officer, may be returned to its owner.

**§ 16-26. ADMINISTRATION.**

**§ 16-26.1. Enforcement. [Ord. No. 93-24]**

This chapter shall be administered and enforced by the Township Zoning Officer. Township Construction Official, Township police officers, the Township Engineer, assistant Township Engineer, Engineering Department inspectors, Plumbing Subcode Official, Plumbing Inspector, Fire Subcode Official, Fire Official Inspector, Health Officer and Sanitarian shall report any zoning violations which they observe to the above enforcement officials. In no case shall a permit be granted for the construction or alteration of any building where the proposed construction, alteration or use thereof would be in violation of this chapter. It shall be the duty of the Zoning Officer and the Construction Official, or their duly authorized assistants to cause any building plans or premises to be inspected or examined and to order in writing the remedying of any conditions found to exist in violation of any provision of this chapter, and the said parties shall have the right to enter any building or premises in the course of "their duties.

**§ 16-26.1A. Zoning Violations. [Ord. No. 10-03, § 1]**

Each of the following types, categories or classes of cases may be prosecuted by the Township Prosecutor and/or Township Attorney in the Warren Township Municipal

Court by the filing therewith of a summons by the Zoning Officer, the Township Engineer or their designees:

- a. Violation of any site plan or subdivision approval granted by either the Warren Township Zoning Board of Adjustment ("Zoning Board") or the Warren Township Planning Board ("Planning Board"), including the failure or refusal to comply with (i) any details set forth in the approved plans, or (ii) any condition or conditions of approval as set forth in the approving board's resolution; or
- b. Violation of any "d" variance approval granted by the Zoning Board; or
- c. Violation of any "c" variance granted by the Zoning Board or Planning Board; or
- d. Violation of any easement granted to or running in favor of the Township of Warren or to any other municipal entity, body or board; or
- e. Violation of any court order (including a consent order) issued by the Judge of any court of competent jurisdiction relative to any land use or land development case or controversy; or
- f. Violation of any zoning agreement entered into between the Township and any property owner; or
- g. Violation of any agreement between the Township and a named defendant which was entered into to resolve a Municipal Court Zoning case; or
- h. Violation of any requirement under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. relative to any land within the Township of Warren.

**§ 16-26.2. Certificates and Permits. [Ord. No. 93-24; Ord. No. 03-23 § 12]**

- a. **Zoning Permits.** Zoning permits shall hereafter be secured from the Zoning Officer prior to the issuance of a Building Permit for the construction, erection, moving or alteration of a structure, fence or sign or part of a structure or upon a change in the use as defined by the Uniform Construction Code of the State of New Jersey of a structure or land. A fee, as per schedule in Chapter 15, Section 15-5, shall be paid to the Township of Warren prior to issuance of the permit.
- b. **Special Use Permits.** It is recognized that it may be in accordance with the purpose of this chapter to permit activities for a limited period of time not to exceed one week, which activities may be prohibited by any other provisions of this chapter. If such uses are of such a nature and are so located that at the time of petition they will: (1) in no way exert a detrimental effect upon the uses of land and activities normally permitted in the district; and (2) contribute materially to the welfare of the Township at the time and place involved, then the Township Committee may grant a special use permit of such activity and no other action shall be required by the sponsors, agents or other in receipt of such special use permit. The Township Committee may refer such request to any agency, department or board prior to decision.
- c. **Special Events Permit.** All outdoor events conducted by any nonresidential user in the Township (examples of such users are, but shall not be limited to: stores, offices, banks, restaurants, churches, synagogues and other places of worship, Elks,



American Legion, nonpublic schools and the like) shall be required to obtain a special events permit from the Warren Township Committee to ensure adequate provisions are made for public health and safety for any events for which it is anticipated that 100 or more people will attend. Application for such permit shall be made through the Township Clerk. A fee of \$25 shall accompany the application (the fee shall be waived for all nonprofit entities). The said permit will address the control or provision of: noise impacts, traffic control, parking, toilet/sanitary facilities, security, lighting, crowd control and the like. The Township Committee may refer a request to any Township agency, department or board for review and advice prior to issuing a special events permit. Exempted from the provisions of this paragraph shall be public school properties, Township properties, fire and rescue squad properties and catering/restaurant/camp/swim club type businesses which generally conduct their operations outside, and outdoor seasonal store sidewalk sales.

- d. Certificates of Occupancy. Certificates of occupancy shall be issued by the Construction Official in the manner prescribed. A new certificate of occupancy shall be required for any change in use as defined by the Uniform Construction Code of the State of New Jersey.
- e. Notice of Violation. On the serving of notice by the Zoning Officer to the owner of any violation of any of the provisions or requirements with respect to any building or use thereof or of land, as specified in this chapter, the certificate of occupancy for such use shall be deemed to be in violation of this chapter and subject to the penalties hereafter prescribed. A new certificate of occupancy shall be required for any further use of such building or land.

#### **§ 16-26.3. Records. [Ord. No. 93-24]**

- a. It shall be the duty of the Zoning Officer to keep a record of all permits issued, and a record of all certificates of occupancy which the Zoning Officer countersigns, together with a notation of all special conditions involved. He shall file and safely keep copies of all plans submitted and the same shall form a part of the records of his office and shall be available for the use of the Township officials.
- b. The Zoning Officer shall prepare a monthly or quarterly report for the Township Committee summarizing for the period since the last previous report all zoning permits issued and certificates countersigned and all complaints of violations and the action taken consequent thereon. A copy of each such report shall be filed with the Township Tax Assessor at the same time it is filed with the Township Committee.

#### **§ 16-26.4. Enforcement; Applicability of Low and Moderate Income Housing. [Ord. No. 93-24]**

- a. In the event, in addition to any other remedies provided by law, a developer fails to construct and sell or rent its required low and moderate income housing in accordance with the provisions of its final development approval and Section 16-6 of this chapter, the developer shall be subject to a revocation of its development permit, cessation of issuances of certificates of occupancy until the development is brought into compliance, and/or be subject to the penalties contained in Section

16-27 of this chapter.

- b. Developers seeking final approval for projects containing low and moderate income dwelling units shall certify that information and data contained on all subdivision and/or site plan review application forms is true and complete, and if not true and complete, the developer shall be subject to criminal prosecution under N.J.S.A. 2c:28-2 and also the Township, at its option, may declare all subsequent approvals associated with the subject project or development void and unenforceable.
- c. Developers seeking final approval hereunder for projects containing low and moderate income dwelling units shall provide a declaration of covenants and restrictions in a form acceptable to the Township Attorney including, but not limited to, provisions to assure that the initial sales or rental of dwelling units are in accordance with the requirements of this subsection, Section 16-6 and applicable sections of the Township's Land Development Ordinance dealing with such housing.

**§ 16-26.5. Illicit Connection to Storm Sewer System. [Ord. No. 05-34 § 2]**

All persons must comply with the provisions of Section 8-10 of the Revised General Ordinances of the Township of Warren.

**§ 16-27. VIOLATIONS; PENALTIES. [Ord. No. 93-24]**

Any owner or agency and any person or corporation, who shall violate any of the provisions of this chapter or fail to comply therewith or with any of the requirements thereof, or who shall erect, structurally alter, enlarge, rebuild or move any building or buildings or any structure or who shall put into use any lot or land in violation of any detailed statement or plan submitted and approved hereunder, shall be guilty of a violation.

The owner of any building or structure, lot or land or part thereof, where anything in violation of this chapter shall be placed, and any architect, builder, contractor, agency, person or corporation employed in connection therewith and who may have assisted in the commission of any such violation shall be guilty of a separate violation.

**§ 16-27.1. Maximum Penalty. [Ord. No. 93-24; Ord. No. 08-24 § 3]**

For violation of any provision of this chapter or any other ordinance of the Township where no specific penalty is provided regarding the section or sections violated, the maximum penalty, upon conviction shall be a fine not exceeding \$2,000, or imprisonment for a period not exceeding 90 days, or both; or a period of community service not exceeding 90 days. Also, any person or other entity who is convicted of violating an ordinance within one year of the date of a previous violation shall be sentenced to an additional fine as a repeat offender. The additional fine imposed upon a person or other entity for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance, but shall be calculated separately from the fine imposed for the violation of this chapter or said ordinance (N.J.S.A. 40:49-5).

**§ 16-27.2. Separate Violations. [Ord. No. 93-24]**

Except as otherwise provided, each and every day in which a violation of any provision of this chapter or any other ordinance of the Township exists shall constitute a separate violation.

**§ 16-27.3. Application. [Ord. No. 93-24]**

The maximum penalty stated in this section is not intended to state an appropriate penalty for each and every violation. Any lesser penalty, including a nominal penalty or no penalty at all, may be appropriate for a particular case or violation.

**§ 16-27.4. Minimum Penalty. [Ord. No. 93-24]**

The Township Committee may prescribe that, for the violation of any particular code provision or ordinance, at least a minimum penalty shall be imposed which shall consist of a fine which may be fixed at an amount not exceeding \$100 (N.J.S.A. 40:49-5).

**§ 16-28. PROTEST. [Ord. No. 93-24]**

A protest pursuant to N.J.S.A. 40.55D-63 against any proposed amendment or revision of a Zoning Ordinance may be filed with the Township Clerk, signed by the owners of 20% or more of the area either (1) of the lots or land included in such proposed change, or (2) of the lots or land extending 200 feet in all directions therefrom inclusive of street space, whether within or without the Township. Such amendment or revision shall not become effective following the filing of such protest except by the favorable vote of 2/3 of all members of the Township Committee of Warren.

**§ 16-29. MISCELLANEOUS PROVISIONS.****§ 16-29.1. Severability. [Ord. No. 93-24]**

If any article, section, subsection, sentence, clause or phrase of the chapter is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this chapter and they shall remain in full force and effect.

**§ 16-29.2. Repeals. [Ord. No. 93-24]**

All sections of Chapter 16, Zoning, of "The Revised General Ordinances of the Township of Warren" and their amendments, by enactment of the new Chapter 16, Zoning, pursuant to the provisions of Chapter 291, P.L. 1975, are hereby repealed.

**§ 16-29.3. Short Title. [Ord. No. 93-24]**

This chapter shall be known and may be cited as the Zoning Ordinance of the Township of Warren.

**§ 16-29.4. Effective Date. [Ord. No. 93-24]**

This chapter shall take effect upon final passage and according to law.

