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Zoning Chapter 130

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ZONING

Chapter 130

**From the
CODE
of the
TOWNSHIP OF MONROE**

**COUNTY OF MIDDLESEX
STATE OF NEW JERSEY**

**[Printed as last amended 12-6-82 by Ord. No. 34-82. Consult
municipal records for possible amendments adopted there-
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Chapter 130

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[HISTORY: Adopted by the Council of the Township of Monroe 1-31-79 as Ord. No. 377.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Administration of government — See Ch. 3.
Building construction — See Ch. 20.
Uniform construction codes — See Ch. 25.
Flood hazard areas — See Ch. 44.
Industrial Commission — See Ch. 56.
Subdivision of land — See Ch. 108.

ARTICLE I
Purpose and Title

§ 130-1. Purpose.

A. There is hereby established a comprehensive zoning plan for Monroe Township, in the County of Middlesex, hereinafter referred to as the "township," which plan is set

¹ Editor's Note: This ordinance supersedes former Ch. 130, Zoning, adopted 4-7-52 as Ord. No. 76 and readopted 1-17-77 by Ord. No. 315 and 1-20-78 by Ord. No. 354, as amended.

forth in the text, Zoning Map and Schedule of District Regulations that constitute this chapter. Said plan is adopted for the purposes set forth in Chapter 291, Laws of New Jersey 1975, which, in the interest of the protection and promotion of the public health, safety and welfare, shall be deemed to specifically include the following, among others:

- (1) To lessen congestion in the streets.
- (2) To secure safety from fire, panic and other dangers.
- (3) To promote health, morals and the general welfare.
- (4) To provide adequate light, air and open space.
- (5) To prevent the overcrowding of land or buildings.
- (6) To avoid undue concentration of population.
- (7) To protect the environment from deleterious uses of land.
- (8) To promote a desirable visual environment through creative development techniques and good civic design and arrangements.
- (9) To promote the conservation of open space and valuable natural resources and to prevent urban sprawl and degradation of the environment through improper use of land.
- (10) To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens.

B. Such regulations were made with reasonable consideration, among other things, to the character of each district and its peculiar suitability to particular uses and with a view toward conserving the value of property and encouraging the most appropriate use of land throughout the township.

§ 130-2. Title.

This chapter shall be known as the "Monroe Township Zoning Ordinance."

ARTICLE II

Establishment of Districts; Zoning Map

§ 130-3. Districts enumerated.

A. Monroe Township is hereby divided into the zones or districts shown on the Zoning Map and listed below:

R-3A	Residential
R-60	Residential
R-30	Residential
R-20	Residential
R-10	Residential
PRC	Planned Retirement Community
N-C	Neighborhood Commercial
G-C	General Commercial
L-I	Light-Impact Industrial
FH/C	Flood Hazard/Conservation
PO/CD	Planned Office-Commercial Development [Added 1-4-82 by Ord. No. 1-82]

B. For purposes of this chapter, the more restricted district shall be deemed to be that district which is subject to regulations which prohibit the particular use intended to be made of said lot or which regulations require higher standards with respect to densities, coverage, setbacks, yards, screening, landscaping, parking and similar requirements.

§ 130-4. Interpretation of district boundaries.

In determining the boundaries of districts shown on the Zoning Map, the following rules shall apply:

A. Unless otherwise shown, the district boundary shall be lines of streets, alleys, parkways, waterways, railroad rights-of-way or such lines extended.

- B. Where such boundary lines are indicated as approximately following the property lines of parks or other publicly owned lands, such lines shall be construed to be such boundaries.
- C. In all cases where a district boundary line divides a lot in one (1) ownership and more than fifty percent (50%) of the area of such lot lies in the less restricted district, the regulations prescribed by this chapter for the less restricted district shall apply to such portion of the more restricted portion of said lot.
- D. In all cases where a district boundary line is located not farther than fifteen (15) feet away from a lot line of record, such boundary line shall be construed to coincide with such lot line.
- E. In all other cases, where dimensions are not shown on the map, the location of district boundary lines shown on the map shall be determined by the use of the scale appearing thereon.
- F. In cases of uncertainty or disagreement as to the true location of any zone boundary line, the determination thereof shall lie with the Board of Adjustment as hereinafter provided.
- G. The boundaries of the districts are shown on the map designated as the "Zoning Map," approved by the Municipal Council of Monroe Township as part of this chapter and filed in the office of the Clerk of Monroe Township. Said Zoning Map and all notations, references and other information shown thereon are a part of this chapter and have the same force and effect as if the Zoning Map and all notations, references and other information shown thereon were all fully set forth as described herein.

§ 130-5. Official Zoning Map.

- A. The location and boundaries of said districts are hereby established as shown on the Official Zoning Map of Monroe Township New Jersey dated January 31, 1979, which is

attached hereto and is hereby made a part of this chapter together with all notations, references and designations shown thereon.

- B. Maintenance. Said original tracing of the Official Zoning Map shall be maintained in the office of the Township Clerk and shall be made available for public reference. Copies of the Official Zoning Map shall be reproduced for public distribution of the complete Zoning Ordinance. However, the original tracing of the Official Zoning Map maintained in the office of the Township Clerk shall be used as the final authority as to the current status of zoning districts in Monroe Township.
- C. Changes. When, in accordance with the provisions of this chapter and of the state law, changes are made in district boundaries or other matters portrayed in the Official Zoning Map, such changes will not become effective until the Official Zoning Map has been amended.
- D. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Municipal Council may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may contain corrected drafting or other errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Zoning Map or any amendment thereof.
- E. Unless the prior Zoning Map has been lost or totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

§ 130-6. Effect of establishment of districts.

Following the effective date of this chapter:

- A. No building shall be erected, moved, altered, rebuilt or enlarged except as specified elsewhere in this chapter, nor

shall any land or building be used, designed or arranged to be used for any purpose or in any manner except in conformity with all regulations, requirements and/or restrictions specified in this chapter for the district in which such building or land is located.

- B. No yard or open space required in connection with any building or use shall be considered as providing a required open space for any other building on the same or any other lot.
- C. No lot shall be formed from part of a lot already occupied by a building unless such building, all yards and open spaces connected therewith and the remaining lot comply with all requirements prescribed by this chapter for the district in which said lot is located. No permit shall be issued for the construction of a building on any new lot thus created unless such building and lot comply with all the provisions of this chapter.

ARTICLE III Definitions and Word Usage

§ 130-7. Word usage; terms defined.

- A. Word usage. For the purpose of this chapter, words used in the present tense include the future, and the singular number includes the plural and the plural the singular. The word "building" includes the word "structure." The word "used" or "occupied" shall be deemed to also include "designed, intended or arranged to be used." The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the word "lot" includes the word "plot" or "parcel." The word "shall" is mandatory and the word "may" is permissive.
- B. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY BUILDING — A building detached from and subordinate to the main building on a lot and used for

purposes customarily incidental to those of the main building.

ACCESSORY USE — A use customarily incidental and subordinate to the main use conducted in a main or accessory building or on the lot of the main building.

ALTERATION, STRUCTURAL — Any change that involves the supporting elements of a building, such as bearing walls, columns, beams or girders.

APARTMENT HOUSE, GARDEN-TYPE — A multifamily residential structure of not more than two (2) stories containing three (3) or more dwelling units.

ATTIC — That part of a building which is immediately below and wholly or partly within the roof framing.

AUTOMOBILE SERVICE STATION — A building or place of business where gasoline, oil and grease, batteries, tires and automobile accessories are supplied and dispensed directly to the motor vehicle trade, at retail, and where minor repair service is rendered.

BASEMENT — That portion of the building that is partly underground, which has more than one-half ($\frac{1}{2}$) of its height, measured from cellar floor to ceiling, above the average adjoining ground level. A "basement" shall be counted as a story if used for business or as an independent dwelling unit.

BILLBOARD — A sign which directs attention to a product, business, service or entertainment conducted, sold or offered elsewhere than upon the lot on which said sign is located.

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

CELLAR — The lowest part of a building partly or totally underground having one-half ($\frac{1}{2}$) or more of its height, measured from cellar floor to ceiling, below the average level of the adjoining ground.

COURT, INNER — An unoccupied lot space, enclosed on all sides by exterior walls of a building.

COURT, OUTER — An open unoccupied lot space enclosed on not more than three (3) sides by exterior walls of a building.

COVERAGE — That percentage of the lot area that is covered by building(s).

CURB LEVEL — The permanently established grade at the top of the curb of the street midpoint in front of the lot. Where a lot fronts upon two (2) or more streets of different levels, the curb of the higher street may be taken as the base for measuring the height of structures to a distance one hundred (100) feet back from that street.

DWELLING — Any structure designed for use by human occupants for sleeping and living purposes, whether occupied or vacant, except that the foregoing shall not apply to hotels or motels. It shall have one (1) or more rooms containing independent cooking and complete bathroom facilities.

DWELLING, SEMIDETACHED — A building with one (1) or two (2) dwelling units beside the other, completely separated therefrom by a party or common wall with no openings therein.

DWELLING, MULTIFAMILY — A building containing three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY — A detached building designed for occupancy as one (1) dwelling unit for one (1) family.

DWELLING, TWO-FAMILY — A building designed for two (2) separate families where the dwelling units are entirely separated by vertical walls or horizontal floors.

DWELLING UNIT — Any room or group of rooms located within a dwelling forming a single habitable unit which includes facilities for living, sleeping, cooking, eating, bathing and toilet purposes.

ELECTRICAL TRANSMISSION LINES — Lines for the transmission of electrical power other than those lines required for the furnishing and conveyance of electrical power to individual properties and users.

FAMILY — One (1) or more persons related by blood, marriage or legal adoption or unrelated adults living together as a single housekeeping unit.

FLOOR AREA — The sum of the gross horizontal areas of any building or buildings on a lot, measured from the interior faces of interior walls. "Floor area" shall not include cellar space, stairways, unenclosed porches and breezeways nor any floor space with a floor-to-ceiling height of less than seven (7) feet.

GARAGE, PRIVATE — A building or part thereof used primarily for the storage of one (1) or more motor vehicles that are accessory to a residential or nonresidential building and in which no other business, service or industry connected with motor vehicles is conducted or rendered.

HEIGHT OF BUILDING — The vertical distance measured from the average elevation of the proposed finished grade along the wall of a building to the highest point of the roof beams adjacent to the street wall in the case of flat roofs and, in the case of pitched roofs, from that average elevation of the proposed finished grade to the average height of the gable.

HOME OCCUPATION — An activity conducted generally 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. Not more than two (2) persons are to be engaged at this occupation and not more than one-fourth ($\frac{1}{4}$) of the floor area of one (1) story is devoted to such use. Such use shall not take place after 9:00 p.m. Such "home occupation" may be conducted in an accessory building. No mechanical equipment shall be used other than that such as is customary for purely domestic or household purposes.

HOTEL — Any building or any part of a building which contains living and sleeping accommodations for transients or permanent guests who are lodged with or without meals and in which no provision is made for cooking in any individual room or rooms. (See "motel.")

JUNKYARD — A lot or part thereof or a structure used primarily for the collection, storage and sale of wastepaper, rags, scrap metal or other scrap or discarded material or for collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof.

LOADING SPACE — A space, open or enclosed, for the loading or unloading of goods to or from a vehicle, having direct access to a public right-of-way, at least twelve (12) feet wide, thirty-five (35) feet long with fourteen (14) feet of headroom.

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

LOT AREA — The area included within lot lines, in square footage or acreage.

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

LOT DEPTH — The mean distance from the line of the street on which it fronts to the rear lot line measured in the mean general direction of the side lines of the lot.

LOT, INTERIOR — A lot other than a corner lot.

LOT LINE — Any boundary of a lot, as defined herein.

LOT WIDTH — The horizontal distance between the side lot lines, measured along the required setback lines.

MOTOR, MOTOR COURT or MOTOR HOTEL — A building or building group designed for occupancy as the temporary residence of individuals who are lodged with or

without meals and in which no provision is made for guests' cooking in any individual room or suite, with parking space provided closely located to each room or suite.

NONCONFORMING LOT — A lot the area, dimension or location of which was lawful prior to the adoption, revision or amendment of a Zoning Ordinance but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

NONCONFORMING STRUCTURE — A structure the size, dimension or location of which was lawful prior to the adoption, revision or amendment of a Zoning Ordinance but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

NONCONFORMING USE — A use or activity which was lawful prior to the adoption, revision or amendment of a Zoning Ordinance but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

PARKING SPACE — An off-street space which, exclusive of driveways and turning areas, is at least ten (10) feet wide and twenty (20) feet long. Driveways or aisles to serve said parking space(s) shall be at least twenty-four (24) feet wide.

PLANNED RETIREMENT COMMUNITY (PRC) — A residential community provided for permanent residents aged forty-eight (48) years or over in which the residential property and the residential-related open space, recreational facilities and property are all owned by a mutual nonprofit corporation or corporations established pursuant to the laws of the State of New Jersey and also governed by Section 213 of Title II of the National Housing Act (or provisions of a similar or comparable nature) or by individuals, condominium associates or other

entities, all of which shall have rules and regulations controlling the development in conformance to this chapter.

SIGN — Any device or representation for visual communication used as or which is in the nature of an advertisement, announcement or direction, including any letter, word or model, banner, pennant or insignia but excluding any public traffic, street or directional sign.

SITE PLAN — A development plan of one (1) or more lots on which is shown the existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, floodplains, marshes and waterways; the location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting and screening devices; and any other information that may be reasonably required in order to make an informed determination pursuant to an ordinance requiring review and approval of site plans by the Planning Board adopted pursuant to Article 6 of Chapter 291, Laws of New Jersey 1975.

STORY — That part of any building comprised between the level of one (1) finished floor and the level of the next higher finished floor, or if there is no higher finished floor, then that part of the building comprised between the level of the highest finished floor and the underside of the roof beams.

STORY, HALF — That portion of a building situated above a full story and having at least two (2) opposite exterior walls meeting a sloping roof at a level not higher above the floor than a distance equal to one-half ($\frac{1}{2}$) the floor-to-ceiling height of the story below.

STREET — Any street, avenue, boulevard, road, parkway, viaduct, drive or other way which is an existing state, county or municipal roadway, or which is shown upon a plat heretofore approved pursuant to law, or which is approved by official action as provided by this chapter, or

which is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a Planning Board and the grant to such Board of the power to review plats; and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.

STREET LINE — The dividing line between a public or private street and a lot.

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.

USE — The specific purpose for which a parcel of land or a building or portion of a building is designed, arranged, intended, occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

YARD, FRONT — An open, unoccupied space within and extending the full width of the lot between all street lines and the parts of the building nearest to such street lines. The depth of a "front yard" shall be measured at right angles to the front line of the lot.

YARD, REAR — An open unoccupied space extending the full width of the lot between the rear lot line and the parts of the building nearest to such rear lot line. The depth of a "rear yard" shall be measured from the rear line of the lot or its vertical projection to the part of the building that is nearest at any story level.

YARD, SIDE — An open unoccupied space extending the full length of the lot between the side lot line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any district. The width of a "side yard" shall be measured at right angles to the side line of the lot.

ARTICLE IV
Schedule of District Regulations

§ 130-8. Use and interpretation of schedule; supplementary notes.

- A.** The regulations prescribed for each of the districts listed in § 130-3A are listed on the accompanying schedule entitled "Schedule of District Regulations," which schedule is hereby adopted and made a part of this chapter. Said schedule is contained at the end of this chapter, and it may be amended in the same manner as any other part of this chapter.
- B.** In addition to uses specifically prohibited by this chapter and the schedule referred to herein, no building, structure or land shall be used, nor shall any building, structure or part thereof be constructed or altered, nor shall any use of land be changed, where said use, construction or alteration of land, structure or building is intended, arranged or designed to be used in whole or in part for any use or purpose except the uses specifically allowed by right or special permit for each district in the Schedule of District Regulations. The omission of any use or type of use from said schedule shall be deemed to be an exclusion thereof from all districts.
- C.** The following notes which are referred to in the Schedule of District Regulations are a part thereof and are hereby adopted as part of the Schedule of District Regulations:
- (1) Note 1: Farms, truck gardens and other agricultural uses are permitted as principal uses, provided that:
 - (a) The commercial raising of hogs fed upon garbage or similar refuse shall not be permitted.
 - (b) Stables housing horses shall not be located closer than one hundred (100) feet to any property line.
 - (c) The number of horses on the site shall be limited to a ratio of one (1) horse for each forty thousand (40,000) square feet of the site or major fraction thereof in excess of the first acre of lot area.

- (2) Note 2: Home occupations and trades as defined in this chapter are permitted as accessory uses, provided that:
- (a) Such uses are confined to not more than twenty-five percent (25%) of the habitable floor area of the principal structure or are conducted in accessory structures located in the rear half of the lot which shall also conform to all other applicable requirements of this district, including lot coverage, yards, building height and any other requirement.
 - (b) One (1) sign indicating the home occupation shall be permitted and shall have an area not greater than ten (10) square feet.
 - (c) Not more than two (2) persons shall be employed in said home occupation or trade.
- (3) Note 3: Private swimming pools for use by the residents on the premises shall be permitted, provided that:
- (a) Said pools shall not be located in the front setback area of the lot or within ten (10) feet of any property line.
 - (b) All private swimming pools shall be fully enclosed by a fence or wall of substantial construction not less than four (4) feet in height, with no openings larger than three (3) inches except for gates and doors. The fence or wall shall be so constructed as to prevent any person from gaining access to the pool by going beneath or over such fence or wall. A dwelling or accessory building wall may be used as part of the enclosure.
 - (c) Every fence or wall shall be provided with one (1) or more gates or doors, of the same height as the fence or wall, equipped with a self-closing or self-latching device capable of keeping them securely closed. Gates or doors must be locked when the pool is not in use.

- (d) Permanently affixed wading pools not greater than twelve (12) inches in depth and not provided with a fence or wall as required by this subsection shall be either emptied or covered with a suitable, strong, protective covering fastened in place when the pool is not in use.
 - (e) This section shall not apply to aboveground pools more than forty-eight (48) inches in height, provided that all steps, ladders or other means of access to the pool are removed when the pool is not in use, nor shall it apply in cases where the entire premises on which the pool is located is enclosed by a fence which meets the requirements of this subsection.
 - (f) No private swimming pool shall be maintained in the township after July 1, 1971, unless in conformance with this subsection, whether or not such pool was constructed before or after the effective date of this subsection.
- (4) Note 4: Fences and walls shall be permitted, provided that:
- (a) No fences on a residential parcel of land shall exceed six (6) feet in height.
 - (b) The nearest part of any fence erected in Monroe Township shall not be placed closer than six (6) inches to any boundary line.
 - (c) No fence shall be placed closer to any abutting street than is permitted on the lot for structures, except that chain link or other similar fences that shall not obstruct vision and having a height not greater than four (4) feet shall be permitted, but not closer than six (6) inches to any boundary line.
 - (d) The type, material and design shall be subject to Planning Board approval.

- (5) Note 5: Private schools and other institutions of higher learning shall be permitted as conditional uses, provided that:
- (a) Said school or institution shall be a nonprofit organization within the meaning of the Internal Revenue Act and registered effectively as such thereunder.
 - (b) Such school shall have, as its prime purpose, the general education of students in the arts and sciences and shall be licensed by the State Department of Education if a license for its operation is required by law.
 - (c) No school permitted hereunder shall be a trade school except to the extent that instruction in a particular trade or trades may be a part of the general education curriculum of the school in the arts and sciences. No correctional health or any other institution not primarily concerned with the general education of students in the arts and sciences shall be permitted.
- (6) Note 6: Annual membership clubs, including country, golf, tennis and swim clubs, shall be permitted, provided that:
- (a) Such club shall not be used for activities that are commonly conducted as businesses.
 - (b) The sites for said clubs shall be of sufficient area to provide adequate protection to all adjoining properties as well as space for all on-site activities, including parking and loading spaces.
 - (c) Exterior lighting for parking lots, as well as the sports facilities that will be used after dark, shall be so located and hooded or shielded to reflect the light away from adjoining properties.
 - (d) Where the side or rear yards of said club sites adjoin residential property, the club use shall be screened by a fence, wood or thick hedge having a

height of at least four (4) feet and not to exceed six (6) feet.

(7) Note 7: Automobile service stations shall be permitted, provided that:

- (a) No service station shall be permitted within one thousand (1,000) feet of another gasoline station, either existing or for which a building permit has been applied.
- (b) Not more than two (2) driveways shall be permitted for each one hundred fifty (150) feet of lot frontage. Driveways shall be at least twenty-four (24) feet wide and not wider than thirty-six (36) feet and shall be located at least ten (10) feet from a side lot line. No driveway to or from a service station shall cross any sidewalk located within two hundred (200) feet of any school, library, playground or other recreation facility used by children of elementary school age.
- (c) No major auto repair work shall be performed in the open, and all automobile parts, dismantled vehicles and products for sale shall be stored within the service station. Gasoline or oil sales, changing of tires and other similar minor servicing shall not be considered major repair work.
- (d) All gasoline and similar substances shall be stored underground at least forty (40) feet from any property line other than a street right-of-way line.
- (e) All gasoline pumps shall be located at least twenty (20) feet from any street right-of-way line.
- (f) Where a service station site abuts a residential use or a residential zone, screening in the form of a fence, wall or live planting shall be provided.

(8) Note 8: Department stores shall be permitted, provided that:

- (a) The site for a department store shall be at least twenty-five (25) acres.
 - (b) Not more than one (1) accessory warehouse structure shall be permitted on the site. Said structure shall not have a floor area which is greater than seventy-five percent (75%) of the size of the principal use.
 - (c) Outdoor sales space intended for such goods as, but not limited to, gardening equipment and supplies, outdoor furniture, fencing and similar goods shall be permitted and shown in detail on the site plan which will be submitted for approval.
 - (d) Landscaping shall be provided at the store, warehouse and outdoor sales areas, as well as in the parking lot design. Wherever the site abuts a residential district, screening shall be provided in the form of a wall, fence, thick hedge or other planting at least four (4) feet and not greater than six (6) feet in height.
 - (e) On-site parking and loading facilities shall be provided in accordance with the schedules for on-site parking and loading that are contained in this chapter.
 - (f) Signs shall be provided in accordance with the sign regulations that are contained in this chapter.
- (9) Note 9: Designed shopping centers shall be permitted as conditional uses of land subject to approval by the Planning Board, provided that:
- (a) Said shopping center plan, including its accessory on-site parking and loading facilities, access and entrance ways, connections with existing streets and highways, landscaping and other elements of the plan, shall be as one (1) comprehensive design showing the total concept, especially total floor area of buildings, rather than a stage or stages with undefined future expansion areas.

- (b) For a community-type shopping center, which generally requires a market of at least thirty-five thousand (35,000) persons, the site shall be at least twenty-five (25) acres in size. For a regional-type shopping center, which generally requires a market of at least one hundred fifty thousand (150,000) persons, the site shall be at least forty (40) acres in size.
 - (c) On-site parking and loading facilities shall be in accordance with the schedules of off-street parking and loading requirements that are contained in Article V of this chapter.
 - (d) Signs shall be in accordance with the regulations on signs contained in Article V of this chapter.
 - (e) Any site plan for a shopping center submitted for review shall contain detailed design proposals on the applicant's method of connecting the shopping center with existing highways or streets in Monroe Township. Where there is some question as to the feasibility or adequacy of said connections with existing streets or proposed traffic improvement, the Planning Board may request, at the expense of the applicant, a review by a qualified traffic specialist.
- (10) Note 10: Light manufacturing, converting, processing, altering, assembly, finishing, printing or other handling of materials or products shall be permitted, provided that:
- (a) Such industrial uses or the occasional by-products of such uses shall not create a hazard to the health or safety of the residents of Monroe and others on adjoining property.
 - (b) No ongoing nuisance conditions, such as noise, objectionable odors, glare or visual pollutants, accompany the activity or will occur at a frequency that will constitute a nuisance. See

Industrial Performance Standards, Article VI, for particular standards.

(c) Generally there will not be any negative impact on the physical, social or aesthetic environments.

(d) Where there is some doubt as to the possible impact that a proposed industry use may have on the environment, the Planning Board may require, at the expense of the applicant, an environmental review and an impact statement, if deemed necessary, by a qualified specialist.

(11) Note 11: The Flood Hazard/Conservation District boundaries shown on the accompanying Zoning Map are the flood hazard areas that were delineated by the Federal Department of Housing and Urban Development for the National Flood Insurance Program which was enacted in 1968 to protect house buyers who qualify for insurance. It has been recognized that those boundaries were prepared at a broad scale, are tentative and are, therefore, subject to refinement as part of a more detailed mapping to be prepared by the New Jersey Department of Environmental Protection. Until such more detailed maps, which may adjust the flood hazard delineations of the Department of Housing and Urban Development or add others, are made available, the following conditions shall apply in this district:

(a) No principal building shall be permitted.

(b) Approval of any accessory building, structure or use shall be as a conditional use by the Planning Board after the applicant has received approval from the Department of Environmental Protection of the State of New Jersey or other agency having jurisdiction over this matter at the time the application will be considered by Monroe Township.

(c) In the absence of detailed maps delineating the flood hazard areas by elevation, an applicant shall

apply to the State of New Jersey Department of Environmental Protection for establishment of a stream encroachment line.

(12) [Added 1-4-82 by Ord. No. 1-82] Note 12: Other requirements for development in the PO/CD District include the following:

- (a) Provisions shall be made for safe traffic ingress and egress and traffic flow provisions on major roads.
- (b) A planted buffer of forty (40) feet shall be installed on the property where it fronts major roads or is adjacent to a residential zone. Said buffer shall be properly landscaped with deciduous and evergreen trees. Said buffer shall be subject to Planning Board review.
- (c) The property shall be fenced where necessary as may be required by the Planning Board.
- (d) The entire project shall be harmonious and complementary with the surrounding area but not restricted to one (1) architectural motif.
- (e) The entire project shall be designed in a campus-type layout with controlled ingress and egress as opposed to individual buildings fronting on a road with their own driveways.
- (f) The site shall be served by public water and sewer.
- (g) Parking areas shall be set back a minimum of ten (10) feet from all internal roads and shall have a ten-foot setback from the front of the building. Adequate landscaping shall be provided in the front yard setback. It is desirable, however, not to have any parking in the front yard.
- (h) Stormwater and retention facilities shall be provided as may be required by ordinance.
- (i) Full site plan approval will, of course, be required.

- (j) A full landscaping plan shall be submitted for any project.
- (k) Underground sprinkler shall be required for lawn and landscaped areas.
- (l) Height limitation does not include mechanical or elevator equipment rooms.
- (m) Signs shall be provided in accordance with § 130-11C(8).

§ 130-8.1. Prohibited uses. [Added 4-7-80 by Ord. No. 7]

- A. Notwithstanding any other provisions of this chapter, no asphalt plant or asphalt-mixing plant, as defined in this chapter, shall be permitted at any place or within any zone in the Township of Monroe.
- B. Notwithstanding any other provisions of this chapter, no existing dwelling house shall be converted or have additions made thereto for the purpose of operating a hospital, as defined in this chapter.
- C. Mining, as defined in this chapter, shall not be permitted in any zone.
- D. Landfills and dumps, as defined in this chapter, shall not be permitted in any zone. Not prohibited by this subsection shall be the operation of a dump or landfill by or on behalf of the Township of Monroe on lands owned by the township.
- E. The construction of more than one (1) dwelling unit on a single lot shall not be permitted in any zone.

ARTICLE V

Site Plans; Signs; Off-Street Parking and Loading

§ 130-9. Intent.

Article V consists of regulations, provisions and requirements that are supplementary to or in modification of the regulations set

forth in the Schedule of District Regulations and the notes accompanying said Schedule of District Regulations that are contained in § 130-8. These supplementary regulations include, but are not limited to, requirements for site plan approval, signs, parking and loading facilities and fences.

§ 130-10. Site plan review and approval.

A. Site plan approval by the Planning Board is required prior to the issuance of a building permit for all principal uses of land except one- or two-family houses and excavations.

B. Application details.

(1) Applications for site plan review and accompanying site plans shall be made in ten (10) copies to the Township Clerk for distribution to the:

- (a) Planning Board.
- (b) Middlesex County Planning Board [three (3) copies].
- (c) Township Council.
- (d) Township Clerk.
- (e) Planning Board Engineer.
- (f) Planning Board Attorney.

(Cont'd on page 13027)

(g) Planning consultant.

(h) Fire Code Official.

(2) The site plan shall be drawn at a scale not smaller than one (1) inch equals fifty (50) feet and shall contain the following information for the site and all areas within one hundred (100) feet of the site:

(a) Name and title of person preparing map.

(b) Date, scale and North point.

(c) Tax Map and block number and zoning district in which property is located.

(d) All existing property lines and the name of the owner of each property.

(e) Topographical information, including the elevation of buildings, contour lines at not less than two-foot intervals and grades of all roads, driveways and sewers.

(f) The location of all existing canals, rivers, watercourses, wooded areas, easements, rights-of-way, streets, roads, highways, freeways, railroads, buildings, structures or any other feature directly on the property or beyond the property if such feature has an effect upon the use of said property.

(g) The location of existing structures and structures proposed for the site showing the ground area covered by said structures, including all setback dimensions and identifying their use. The type of structure proposed shall be illustrated by accompanying floor plans and by front, rear and side elevation sketches drawn to scale. If applicable to commercial structures, the areas proposed to be used for outdoor selling or display should be noted.

(h) The proposed on-site circulation system, access- and egress ways and service roads, if applicable,

with particular reference to automotive and pedestrian safety and convenience and access and egress in case of fire or catastrophe. The location, design and treatment of proposed entrances and exits to public rights-of-way, including any possible use of traffic signals, channelization, acceleration and deceleration lanes, marginal roads, additional widths and any other traffic engineering analysis, shall be included.

- (i) The location, design and proposed treatment of sidewalks, paths or other means of pedestrian circulation.
- (j) On-site parking and loading spaces and aisles drawn to the dimensions as contained in the definitions of this chapter and according to the requirements of the accompanying schedules of off-street parking and loading facilities.
- (k) On-site loading facilities, if applicable, drawn to the dimensions contained in the definitions of this chapter.
- (l) The location and type of exterior lighting facilities proposed.
- (m) Signs, if any, according to the accompanying regulations on signs, and proposed exterior lighting with reference to elimination of glare, the ensurance of traffic safety, economic effect and compatibility and harmony with properties in the district.
- (n) An estimate of the number of employees who will be using the site on a full- or part-time basis, if applicable. If a nonresidential principal use, a description of the operation, including a description of the types of products to be sold, the type of machinery and equipment to be used, if any, and sufficient information to enable the Planning Board to determine the impact which

such nonresidential activity may have on adjacent properties shall be included.

- (o) The location and identification of proposed clubhouses, swimming pools, open spaces, parks or other communal recreational areas and the identification of the persons or entities responsible for their installation and maintenance and of the users other than residents or their guests.
- (p) The location and design of buffer areas, screening devices or other landscaping, including preliminary grading for analysis of drainage water management. A comprehensive landscaping plan shall be provided showing schematically the proposed location of trees, shrubs, grass area or other planting and identifying the types and diameters of trees. Existing trees or wooded areas to be retained shall be so identified.
- (q) Identification of the type and location of public and private utilities and services, such as water, sewage disposal, etc., including their maintenance facilities; and also identification of the system to be used for storage and removal of trash and garbage. Regulations applicable here are as follows:
 - [1] Adequate provision shall be made for a sewage disposal system which shall be a sufficient size, capacity and design to collect and dispose of all sewage from all present and proposed buildings and which shall be otherwise constructed and maintained in conformity with all applicable state, county and municipal regulations and requirements. Separate application and approval of the Monroe Township Municipal Utilities Authority shall be required for all sanitary sewer systems prior to approval by the Planning Board.

- [2] Adequate provision shall be made for a storm drainage system which shall be of sufficient size, capacity and design to collect, carry off and dispose of all predictable surface water runoff within the area and which shall be otherwise constructed and maintained in conformity with all applicable state, county and municipal regulations and requirements. In cases where downstream pipes, culverts or channels are determined by Middlesex County or the Township Engineer to be inadequate to accommodate the increased storm runoff from the site, the applicant will be required to provide a storm-water detention facility to be constructed on the same lot of the site application and to be maintained by the applicant.
- [3] Adequate provision shall be made for a potable water system which shall be of sufficient size, capacity and design to supply potable water to each of the buildings to be erected in the development and which shall be otherwise constructed and maintained in conformity with all applicable state, county and municipal regulations and requirements. Separate application and approval of the Monroe Township Municipal Utilities Authority shall be required for all sanitary sewer systems prior to approval by the Planning Board.
- [4] Approval by the Monroe Township Health Officer shall be required for proposed private water or sanitary disposal systems prior to site plan approval by the Planning Board.
- [5] Adequate provision shall be made for the collection and disposal of garbage, trash and solid waste, and such system shall be maintained in conformity with all applicable

state, county and municipal regulations and requirements.

- (r) Any other information required by the Planning Board which is reasonably necessary to ascertain compliance with the provisions of this chapter.
 - (s) For any area that will be developed in stages, a total development plan must be submitted to the Planning Board in accordance with this section.
- C. Review criteria. In reviewing the site plan, the Planning Board shall consider its conformity to the Master Plan and the other codes and ordinances of the township. Traffic flow, circulation and parking shall be reviewed to ensure the safety of the public and of the users of the facility and to ensure that there is no unreasonable interference with traffic on surrounding streets. The impact on drainage shall be considered to ensure against flooding. Conservation, soil erosion and sediment control, aesthetics, landscaping and impact on surrounding development as well as on the entire township shall be part of the Planning Board review. In its review, the Planning Board may request recommendations from any other local, county, state and/or federal agency which may have an interest in the particular development for which site plan approval is being sought.
- D. Time limits for Planning Board review.
- (1) If an application for development is found to be incomplete, the Planning Board shall notify the developer within forty-five (45) days of the submission of such application, or it shall be deemed to be properly submitted.
 - (2) Upon the submission of a complete application for a site plan for ten (10) acres of land or less, the Planning Board shall grant or deny preliminary approval within forty-five (45) days of the date of such submission or within such further time as may be consented to by the developer. Upon the submission of a complete application for a site plan of more than ten (10) acres,

the Planning Board shall grant or deny preliminary approval within ninety-five (95) days of the date of such submission or within such further time as may be consented to by the developer. In those cases where the submitted application requires the Planning Board to also consider an application for a variance, other than a use variance, the Planning Board shall grant or deny approval within ninety-five (95) days of the date of such submission or within such further time as may be consented to by the developer. Otherwise, the Planning Board shall be deemed to have granted preliminary approval of the site plan.

E. Waiver of site plan requirements. The requirements of the site plan provisions of this chapter may be waived in whole or in part or on such conditions as may be deemed necessary to further carry out the intent of this chapter, at the sole discretion of the approving agency, when the applicant has submitted to the approving agency a written request setting forth the following:

- (1) A detailed written statement of the applicant's plans for use of the building and property, including, at a minimum, the information required by § 130-10B of this Article.
- (2) The applicant's reasons for requesting waiver of all or part of the site plan provisions of this chapter. The applicant shall submit six (6) copies of the written application for the waiver of site plan to the approving agency for distribution. In considering for approval a request for waiver of site plan requirements, the approving agency will consider the review criteria as contained in § 130-10C of this Article and will make further findings that the application for waiver conforms to the standards of sound planning as contained in this chapter and does not impair the intent and purpose of the requirements of this chapter. The approving agency's findings and written approval or disapproval, with or without conditions, shall be forwarded to the applicant, and the referring

municipal officer or agency where appropriate, in conformance with other provisions of this chapter.

F. Issuance or denial of building permits; appeals.

- (1) Upon receipt by the Construction Official of such report of the Planning Board showing that conditions set forth in this and other pertinent Articles have been complied with, and upon compliance with the standards set forth in the Building Code, the Construction Official may issue the required building permit. In the event that the Planning Board shall not make a finding that the conditions set forth in this chapter have been complied with, the Construction Official shall refuse to issue a building permit, and the reasons for such refusal shall be set forth in writing.
- (2) If the Construction Official, acting upon the recommendations of the Planning Board, issues the permit applied for or if he refuses to issue such permit, then in either case any persons aggrieved by such determination and action by the Construction Official may appeal such decision to the Zoning Board of Adjustment, as provided in § 130-51. Persons aggrieved by a Zoning Board of Adjustment decision may appeal such decision to the Township Council within ten (10) days thereof. Said Council is hereby authorized and empowered in such cases to hear and fully decide and dispose of such matter. The Township Council shall conclude a review of the record below and act upon the same no later than forty-five (45) days after the date of appeal unless the Township Council and the applicant consent to extend the time for such action.

G. Soil erosion and sediment control. In considering soil erosion and sediment control, the following shall apply:

- (1) Measures for soil erosion and sediment control must meet or exceed standards and specifications set forth herein or, in the absence of such standards, in the Standards and Specifications for Soil Erosion and Sediment Control adopted by the Freehold Soil

Conservation District, which standards and specifications shall be on file in the office of the Township Clerk and shall apply in the absence of enforcement by Monroe Township.

- (2) The following control measures shall be required for an effective erosion and sediment control plan:
- (a) Any stripping of vegetation, regrading or other development will be done in such a way as will minimize erosion.
 - (b) Development plans shall preserve salient natural features, keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and best handle the volume and velocity of surface water runoff.
 - (c) Whenever feasible, natural vegetation should be retained, protected and supplemented.
 - (d) The area and/or duration of exposure of disturbed soils shall be kept to a practical minimum.
 - (e) Disturbed soils shall be stabilized as quickly as possible.
 - (f) Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.
 - (g) The permanent final vegetation and structure should be installed as soon as practical in the development.
 - (h) Provisions should be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary, the rate of water runoff shall be mechanically retarded.
 - (i) Sediment in the runoff water shall be trapped until stabilization is effected, utilizing debris basins, desilting basins, sediment basins or silt traps.

- (3) Any applicant for a building permit for a development disturbing a land area of five thousand (5,000) square feet or more is required to submit to the Freehold Soil Conservation District for its approval a soil erosion plan indicating land treatment measures to control erosion. Said soil erosion plan shall be prepared in accordance with the requirements of the Freehold Soil Conservation District.
- (4) In order to provide more suitable sites for buildings and other physical features and to improve surface drainage and control erosion, the following requirements shall be met:
 - (a) The yards around every structure shall be graded to secure proper drainage away from buildings and dispose of it without ponding, and all land within a development shall be graded to drain and dispose of surface water without ponding, except if otherwise approved by the Board. A minimum of two-percent slopes away from structures shall be required.
 - (b) All drainage provisions shall be of such design as to collect on-site runoff and carry surface waters to the nearest practical street. Where storm swales are used to deliver surface waters away from buildings, the swales shall be sodded or planted as required and shall be of such slope, shape and size as to conform to good engineering principles.
- (5) Excavations and fills.
 - (a) No excavation shall be made with a cut face steeper in slope than one and one-half (1½) feet horizontal to one (1) foot vertical [sixty-six percent (66%)], except as approved by the Board when handled under special conditions.
 - (b) No fill shall be placed which creates any exposed surface steeper in slope than two (2) feet horizontal to one (1) foot vertical [fifty percent

(50%)], except as approved by the Board when handled under special conditions.

- (c) Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations and the sloping surfaces of fills.
 - (d) Retaining walls or cribbing shall be required where needed to prevent the surface of excavations or fills from exceeding at any point the maximum allowable slope.
 - (e) Excavations shall not be made so close to property lines as to endanger adjoining property without supporting and protecting the face of the excavation.
 - (f) No fill shall be made so as to cause settlement, sliding or erosion of the soil.
 - (g) No fill shall be made or placed adjacent to the bank of a channel so as to create bank failure or sliding.
- (6) No developer shall block, impede the flow of, alter or construct any structure or deposit any material or thing or commit any act which will affect normal or flood flow in any communal stream or watercourse without having obtained prior approval from the township or the New Jersey Division of Water Policy and Supply, whichever is applicable.
- (a) Adequate right-of-way and/or easement shall be provided for access of men and equipment during construction and afterwards for maintenance.
 - (b) Each person, corporation or other entity which makes any surface changes shall be required to:
 - [1] Collect on-site runoff and dispose of it to the point of discharge into the common natural watercourse of the drainage area.
 - [2] Handle existing off-site runoff through his development, but size any pipe he installs

and size any easements and make necessary on-site improvements for a fully developed area upstream.

- [3] Pay his proportionate share of the total cost of off-site improvements to the common natural watercourse, as determined by the Township Engineer based on fully developed drainage area.
- [4] Provide and install, at his expense and in accordance with township specifications, all drainage and erosion control improvements, temporary and permanent, as required by an erosion and sediment control plan.

H. Cost of improvements; bonding; as-built plans.

- (1) The township shall be required to:
 - (a) Assess and collect the proportionate cost of off-site improvements to the common natural watercourse, except that collection may be delayed until the assessed land is approved for development.
 - (b) Acquire easements for such common natural watercourse improvements.
 - (c) Supervise such improvements to completion.
 - (d) Final plans for the control of erosion and sedimentation and the control practices as approved will be incorporated into the agreement and bond requirements as required for other improvements in this chapter.
 - (e) The Planning Board may require that public improvements, landscaping and buffer area requirements be secured by a performance guaranty in the same manner as prescribed for such improvements in the Subdivision Ordinance of the Township of Monroe.²

² Editor's Note: See Ch. 108, Subdivision of Land.

(2) The Planning Board may require the furnishing of a performance guaranty in favor of the municipality in an amount not to exceed one hundred twenty percent (120%) of the cost of installation for improvements it may deem necessary or appropriate, including but not limited to the following: streets, grading, pavement, gutters, curbs, sidewalks, streetlighting, shade trees, surveyor's monuments, water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, erosion control and sedimentation control devices, public improvements of open space and, in the case of site plans only, other on-site improvements in landscaping.

(3) In those instances where storm drainage facilities are to be installed as required by site plan or where pavement grades are considered to be critical aspects of the proposed construction, an as-built plan shall be required prior to issuance of a certificate of occupancy. In the case of site plans for planned retirement communities, the as-built plan shall be submitted to the municipality prior to the issuance of certificates of occupancy for the last ten (10) units of the particular module or section under development.

I. Fees. All applications for building permits or conditional permits for any commercial, industrial or planned retirement community development shall be accompanied by a fee established in accordance with the township's Fee Schedule.

J. Validity of approval. Unless work is commenced within two (2) years of the date of granting of site plan approval and diligently pursued, such approval shall become null and void.

§ 130-11. Signs.

A. General regulations for signs. The following regulations shall apply to all signs in all districts:

- (1) Signs, other than official traffic signs, shall not be erected within the right-of-way of any street.
- (2) The area of a sign shall be computed as the total area of the smallest rectangle that will contain the entire sign or sign structure, including all parts thereof, except the supports of a freestanding sign which shall not contain any advertising material.
- (3) Each side of a multifaced sign shall be considered as a separate sign for computation of the total surface area of any such sign.
- (4) The following types of signs are prohibited:
 - (a) Any sign that obstructs a sign displayed by a public authority for the purpose of traffic safety, instruction, direction or other information.
 - (b) Any sign within the area of vision clearance at a street corner, corner lot or other location.
 - (c) Any sign that obstructs any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress for any building as required by law.
 - (d) Signs that cause direct glare into or upon a dwelling or other use of a structure where persons live, are employed or conduct other activity where such glare would constitute a sustained nuisance.
 - (e) All bare incandescent light sources (neon lights are not to be considered as such) and immediately adjacent reflecting surfaces shall be shielded from view, and flashing, moving or intermittently illuminated signs, reflection signs or luminous signs and advertising devices shall be prohibited.
 - (f) Billboards advertising products or services other than those dispensed at the structure and location on which the billboard will be placed.
- (5) The following are signs for which no permit is required in any district:

- (a) Signs not illuminated by either direct or indirect lighting, displayed on residential buildings other than single-family dwellings for the purpose of giving only the name thereof, as follows: not to exceed one (1) sign on a building, located on the face thereof, and projecting not more than six (6) inches therefrom, not extending above the actual height of the building and not exceeding one (1) foot in vertical dimension.
- (b) Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his official duties, or by trustees under deeds of trust, etc., provided that all such signs shall be removed no later than ten (10) days after the last day of the period for which the same are required to be displayed in order to accomplish their purpose.
- (c) Signs of any political party or announcements of the candidacy or any individual for a nomination or office, provided that in any residential district no such sign shall exceed twelve (12) square feet in area, and in any district other than a residential district no such sign shall exceed in area the maximum area of sign display permitted on any lot in that district, and provided further that all such signs shall be removed not later than ten (10) days after the day of the election to which they pertain.
- (d) Signs advertising only the name, time and place of any bona fide fair, carnival, festival, bazaar or similar event, when conducted by a public agency or for the benefit of any civic, fraternal, religious or charitable cause, provided that no such sign in any residential district shall exceed twenty (20) square feet in area or be displayed except on the immediate site of the event to which it pertains and that no such sign in any commercial or industrial district shall exceed in area the maximum

area of signs permitted on any lot in that district, and provided further that all such signs shall be removed within ten (10) days after the last day of the event to which they pertain.

- (e) Signs not exceeding two (2) square feet in area warning the public against trespassing on the land on which the same are displayed.
- (f) Signs of whatever size necessary, warning the public of danger but not containing any advertising material in addition thereto.
- (g) Any informational or directional sign erected by a public agency or under the authorization of a public agency.

B. Signs in residential districts. The following regulations shall apply to signs in residential districts:

- (1) Every sign in a residence district shall:
 - (a) Be placed flat against a building, projecting not more than six (6) inches therefrom on the front or side and not extending beyond the height of said building; or
 - (b) Be located apart from the building as a freestanding sign in front of a development at a minimum distance of at least fifteen (15) feet from the lot line. Said freestanding sign shall not exceed six (6) feet in height.
- (2) No sign in a residence district shall be illuminated by other than indirect lighting with the source thereof so shielded that it illuminates only the face of the sign.
- (3) The following types of signs shall be permitted in all residence districts:
 - (a) Nameplates and identification signs.
 - [1] Signs indicating the name and address of the occupant or a permitted home occupation or

profession, provided that they shall not exceed two (2) square feet in area.

- [2] Only one (1) sign shall be permitted per dwelling unit except in the case of corner lots where two (2) such signs, one (1) facing each street, shall be permitted.

(b) Sales or rental signs.

- [1] Signs advertising the sale or rental of the premises upon which they are located, provided that they shall not exceed four (4) square feet in area.
- [2] Not more than one (1) such sign may be placed upon any property unless such property fronts upon more than one (1) street, in which case two (2) signs may be erected, one (1) facing each street.
- [3] Such signs shall be promptly removed when the premises is sold or rented.

(c) Institutional signs.

- [1] Signs of schools, colleges, churches, hospitals or other institutions of a similar public or semipublic nature, provided that the size of any sign shall not exceed twenty (20) square feet in area.
- [2] Not more than one (1) such sign shall be permitted for an institution unless the property fronts upon more than one (1) street, in which case two (2) such signs may be erected, one (1) facing each street.

(d) Signs accessory to parking areas.

- [1] Signs designating entrances or exits to or from a parking area, provided that the size of any sign shall not exceed four (4) square feet in area.

- [2] Signs designating the identity and conditions of use of parking areas, provided that the size of any such sign shall not exceed eight (8) square feet in area. Not more than one (1) sign may be placed upon any property unless such property is located on a corner, in which event two (2) such signs may be permitted, one (1) facing each street.

(e) Development signs.

- [1] Signs advertising the sale or development of the premises upon which they are located may be erected by a builder, contractor, developer or other persons interested in such sale or development, provided that the area of any sign shall not exceed twenty (20) square feet.
- [2] Not more than one (1) sign may be placed upon any such property unless such property fronts upon more than one (1) street, in which event one (1) such sign may be erected facing each street.
- [3] Such sign shall be removed by the developer within thirty (30) days of the final sale of the property.

(f) Directional signs for developments.

- [1] Signs indicating the location and direction of premises available for or in the process of development, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder or agent may be erected, provided that the area of any sign shall not exceed four (4) square feet in area nor four (4) feet in length.
- [2] Not more than one (1) such sign may be erected on each five hundred (500) feet of street frontage.

[3] Such signs shall be removed by the developer within thirty (30) days of the final sale of the property.

(g) Artisans' signs.

[1] Signs of builders, electrical contractors, painters and other artisans may be erected and maintained during the period in which such persons are performing work on the premises, provided that the size of any such sign shall not exceed twelve (12) square feet in area.

[2] Such signs shall be removed promptly upon completion of the work.

(h) Private driveways. Signs indicating the private nature of a driveway, provided that the size of any such sign shall not exceed two (2) square feet.

C. Signs in commercial and industrial districts. The following types of signs shall be permitted in commercial and industrial districts:

- (1) Signs permitted in residence districts as described in § 130-11B(3) above shall be permitted subject to those regulations and shall be applicable to residential structures that are presently located in commercial and industrial districts.
- (2) The area of signs in commercial districts shall be based on a ratio of two (2) square feet of sign area for each one (1) linear foot of building frontage on which the sign will be placed and shall not exceed a maximum area of forty (40) square feet for each business contained in the building.
- (3) The area of signs in industrial districts shall be based on a ratio of two (2) square feet of sign area for each one (1) linear foot of building frontage on which the sign will be placed and shall not exceed a maximum area of forty (40) square feet. On industrial sites

having an area of one (1) acre or larger, the sign area shall be limited to one hundred (100) square feet.

- (4) Not more than one (1) exterior sign shall be permitted for each commercial establishment on each wall facing a street.
- (5) Signs shall be placed flat against a wall and shall not project more than six (6) inches from the wall to which they are affixed. No sign shall project beyond the top or side wall to which it is affixed.
- (6) In a commercial district, no sign shall be placed to extend over a sidewalk where it may cause danger to a pedestrian or interfere with circulation or in such a position that will cause danger to traffic on a street by obscuring the view.
- (7) Billboards and other outdoor advertising displays shall be prohibited in all districts.
- (8) Freestanding identification signs for designed shopping centers and industrial parks that are located on sites of at least five (5) acres, provided that:
 - (a) There shall be no more than one (1) such identification sign for each street, other than a residential service street, on which the shopping center or industrial park entrance fronts.
 - (b) The total area of such identification signs shall not exceed seventy-five (75) square feet, nor shall they exceed a height of forty (40) feet.
 - (c) All bare incandescent light sources (neon lights are not considered as such) and immediately adjacent reflecting surfaces shall be shielded from view; and flashing, moving or intermittently illuminated advertising devices shall be prohibited.

§ 130-12. Off-street parking and loading facilities; schedules.

The following regulations and schedules with specific requirements shall apply to all off-street parking and loading facilities for all uses of land in all districts:

A. General requirements.

- (1) All off-street parking and loading facilities shall be designed at least according to the dimensions as contained in the definitions of "parking space" and "loading space" in Article III of this chapter.
- (2) No off-street loading area or off-street parking area or part thereof for three (3) or more vehicles shall be closer than ten (10) feet to any dwelling, school, hospital or other institution for human care located on an adjoining lot.
- (3) For development other than single-family dwellings, any off-street parking area or off-street loading area for three (3) or more vehicles shall be improved according to the standards of Monroe Township as determined by the Township Engineer. All parking and loading spaces shall be marked so as to provide for the orderly and safe loading, parking and storage of motor vehicles.
- (4) All off-street parking areas and off-street loading areas shall be graded and drained so as to dispose of all surface water without detriment to surrounding uses as determined by the Township Engineer.
- (5) All off-street parking space and off-street loading space shall be provided with safe and convenient access to a street. Access drives or driveways shall be not less than twelve (12) feet in width for one-way use and twenty-four (24) feet in width for two-way use. If such space is located contiguous to a street, the street side thereof shall be curbed, and ingress and egress shall be provided only through driveway openings through the curb located and constructed in accordance with specifications prescribed by the

Township Engineer. No access drive or driveway in any residential district shall be used to provide access to uses other than those permitted in such residential district.

- (6) Any public or private parking or loading area for three (3) or more vehicles, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements. Plans for such areas shall be reviewed by the Building Inspector and Township Engineer to ensure compliance with these regulations.
- (7) Off-street parking areas for three (3) or more vehicles and off-street loading areas adjoining residential districts shall be effectively screened by a fence or hedge as provided in this chapter. The screening shall be on the side or sides which adjoin or face premises in any residential district or institutional premises.
- (8) Where there are practical difficulties in the way of the location of parking space or if the public safety or the public convenience, or both, would be better served by the location of such parking space other than on the same lot with the use to which it is appurtenant, the Board of Adjustment, on specific application, may authorize such alternative location of required parking space as will adequately serve the public interest, subject to the following conditions:
 - (a) Such space shall be located on land in the same ownership or leasehold as that of the land on which is located the use to which such space is appurtenant.
 - (b) The entrance to such space shall be within a radius of two hundred fifty (250) feet from an effective entrance to the use that such space serves.
 - (c) Such space shall be conveniently usable without causing hazard to pedestrians, hazard to vehicular traffic, traffic congestion, detriment to

the appropriate use of other property in the vicinity or detriment to any residential neighborhood.

- (9) Off-street parking and loading facilities for separate uses may be provided jointly for more than one (1) land use if the total number of spaces so provided is not less than the sum of the separate requirements for each use, and provided that all regulations governing the location of accessory spaces in relation to the uses served are adhered to. Further, no accessory space or portion thereof shall serve as a required space for more than one (1) use unless otherwise approved by the Board of Adjustment in accordance with the purposes and procedures set forth herein.

B. Schedule of Required Off-Street Parking Spaces.

Land Use	Parking Spaces Required
Dwellings	2 for each dwelling unit
Places of worship	1 for each 5 seats
Hotels, motels and other transient accommodations	1¼ for each unit of occupancy
Elementary schools	10, plus 2 for each classroom
High schools	25, plus 4 for each classroom
Community buildings, fraternal and social clubs and similar uses	1 for each 8 members
Hospitals	4 for each 5 beds
Nursing homes	1 for each 3 beds
Government administrative offices	5 for each 800 square feet of gross floor area
Retail stores, service establishments and professional offices	1 for each 200 square feet of gross floor area

Land Use	Parking Spaces Required
Professional offices in homes	1 for each professional and other full-time employee, plus 3 additional
Restaurants, bars and commercial entertainment establishments	1 for each 3 seats (including barstools)
Wholesale, warehouse, storage and heavy commercial establishments	1 for each 2,000 square feet of gross floor area
Light-impact industries	1 for each 800 square feet of floor area
Doctor or dentist offices	4 for each doctor and 1 for each employee
Office buildings	1 for each 200 square feet of gross floor area
All other nonresidential uses	1 for each 200 square feet

C. Schedule of Required Off-Street Loading Spaces.

Land Use	Loading Spaces Required
Schools	1
Hospitals	1 for each 50 beds
Undertakers	1 for each 5,000 square feet of floor area
Retail stores	1 for each establishment
Wholesale, storage, distributive and other industrial establishments	1 for the first 10,000 square feet of gross floor area, plus 1 additional for each additional 20,000 square feet or fraction thereof of gross floor area

§ 130-12.1. Hedges. [Added 11-5-80 by Ord. No. 35-80]

A. Purpose. The intention of these requirements is to provide standards for the protection of the health, safety and

aesthetic values of adjacent property within the municipality.

- B. Substantive provisions. On any corner lot, no hedges, trees or shrubs or other growth shall be maintained which may cause danger to traffic on an abutting street or public way by obscuring the view. A minimum clear sight triangle, lying between the lines extending along each abutting street center line a distance of sixty (60) feet measured from the point of the center line intersection, shall be maintained, within which any permitted structures or plantings shall be limited to a height of not more than three (3) feet above the street grade. In addition, all hedges, trees, evergreen shrubs, bushes and other plantings which, on the effective date of this section, were so located on corner lots as to cause such danger to traffic shall be cut or trimmed to conform with the above height limitations.
- C. Enforcement. At the direction of the Mayor, Township Planning Board, Construction Official, Chief of Police or Health Officer, a notice requiring compliance with the provisions of Subsection B above shall be sent by the office of the Construction Official, by registered mail, to the last known address of the owner or tenant of the land in question. Such notice shall state the acts to be performed by such owner or tenant as well as the penalty for failure to comply with such notice. If the owner or tenant to whom the notice is sent neglects or refuses to comply with such notice within ten (10) days of receipt of same, the Health Officer, Building Inspector or Police Chief or representative, as the case may be, shall arrange to perform the acts required by the notice at the cost of the township. He shall certify the cost thereof to the Township Council, which shall examine the certificate and, if found correct, shall cause the costs as shown thereon to be charged against said lands. Such costs shall be added to the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes and to be collected and enforced by the same officers and in the same manner as taxes.

ARTICLE VI
Industrial Performance Standards

§ 130-13. Objectives.

- A. The objectives of the following performance standards are to ensure that all industries will provide methods to protect the community from hazards and nuisances which can be prevented by processes of control and nuisance elimination.
- B. No land or building may be used or occupied in any manner so as to create dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazardous condition; noise or vibration; smoke, dust, odor or other form of air pollution; glare or heat; conditions conducive to the breeding of rodents or insects; or other dangerous or objectionable elements in an amount or manner as to adversely affect the surrounding area.

§ 130-14. Compliance required; applications for industrial uses.

- A. Any use established or changed to and any building, structure or tract of land developed, constructed or used for any permitted use shall comply with all the district regulations and performance standards referred to herein.
- B. All applications for industrial uses must be accompanied by a certification from a registered professional engineer in the State of New Jersey that the proposed use can meet the performance standards of this chapter. Further, the Planning Board may, at the expense of the applicant, employ consultants to evaluate the environmental effects of the proposed industrial use.

§ 130-15. Noise.

- A. Noise shall be measured with a sound level meter and octave band analyzer that conforms to specifications of the American Standards Association. Measurements are to be made at lot lines.

(Cont'd on page 13051)

B. The following sources of noise are exempt:

- (1) Transportation vehicles not under the control of the industrial use.
- (2) The noises of safety signals, warning devices and emergency pressure relief valves.
- (3) Temporary construction activity between 7:00 a.m. and 7:00 p.m.

C. All noise shall be muffled so as not to be objectionable due to intermittence, heat frequency or shrillness. In no event shall the sound-pressure level of noise radiated continuously from a facility exceed the values given in Table 1.

Table 1

Maximum Permissible Sound-Pressure Levels*

Frequency Band (cycles per second)	Sound-Pressure Level (decibels)
20 - 75	69
75 - 150	60
150 - 300	56
300 - 600	51
600 - 1,200	42
1,200 - 2,400	40
2,400 - 4,800	38
4,800 - 10,000	35

*Source: ASPO, Planning Advisory Service, Report No. 272.

D. If the noise is not smooth and continuous and is not radiated between 7:00 p.m. and 7:00 a.m., one (1) or more of the corrections in Table 2 shall be added or subtracted from each of the decibel levels given in Table 1.

Table 2

**Correction in Maximum Permitted Sound-Pressure Level
To Be Applied to Table 1**

Type of Operation or Character of Noise	Correction (decibels)
Noise source operates less than 20% of any one-hour period	Plus 5*
Noise source operates less than 5% of any one-hour period	Plus 10*
Noise source operates less than 1% of any one-hour period	Plus 15*
Noise of periodic character (hum, screech, etc.)	Minus 5
Noise of impulsive character (hammering, etc.)	Minus 5

* Apply one (1) of these corrections only. Source: ASPO, Planning Advisory Service, Report No. 272.

§ 130-16. Vibration.

- A. Vibration shall be measured at lot lines, and such measurement shall not exceed the particle velocity designated herein. The instrument used for these measurements shall be a three-component measuring system (seismograph) capable of simultaneous measurement of vibration on three (3) mutually perpendicular directions [one (1) vertical and two (2) horizontal].
- B. The maximum permitted vibration is given below in terms of particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency, utilizing the following formula:

$$P.V. = 6.28 F \times D.$$

Where

P.V. = Particle velocity, in inches per second.

F = Vibration frequency, in cycles per second.

D = Single displacement (amplitude) of the vibration, in inches.

- C. The maximum particle velocity shall be the vector sum of the three (3) individual components recorded. Such particle velocity shall not exceed ten-hundredths (0.10) in the L-I District at the lot line. However, where vibration is produced as discrete impulses and such impulses do not exceed a frequency of one hundred (100) per minute, the maximum particle velocity shall not exceed twenty-hundredths (0.20).

§ 130-17. Dust and particulates.

- A. The total emission rate of dust and particulate matter from all vents, stacks, chimneys, flues or other openings or any process operation or activity within the boundaries of any lot shall be restricted to a maximum of seventy-five percent (75%) of the allowable emission, in pounds per hour, established by Chapters 7 and 8 of the New Jersey Air Pollution Code.
- B. Particulate matter emission from materials or products subject to becoming windborne shall be kept to a minimum by paving, oiling, wetting, covering or other means so as to render the surface wind resistant. Such sources include, among other things, vacant lots, yards and storage piles of bulk material, such as coal, sand, cinders, slag, sulfur, etc.

§ 130-18. Smoke.

- A. For the purpose of grading the density or equivalent opacity of smoke, the Ringelmann Chart as published by the United States Bureau of Mines shall be used.

- B. In the L-I District, the emission of smoke darker than Ringelmann No. 1 from any chimney, stack, vent, opening or combustion process is prohibited; however, smoke of a shade not to exceed Ringelmann No. 2 is permitted for up to a total of three (3) minutes in any one-hour period.

§ 130-19. Odors.

No odorous material may be emitted into the atmosphere in quantities sufficient to be detected without instruments. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained. Table 1 (Odor Thresholds in Air) in Part 1 (Odor Thresholds for 53 Commercial Chemicals) of Research on Chemical Odors, copyrighted October 1968 by the Manufacturing Chemists Association, Inc., Washington, D.C., shall be used as a guide in determining quantities of offensive odors.

§ 130-20. Toxic matter.

The measurement of toxic matter shall be at ground level or habitable elevation and shall be the average of any twenty-four-hour sampling period. The release of any airborne toxic matter shall not exceed two and five-tenths percent (2.5%) of the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists.

§ 130-21. Detonable materials.

- A. In the L-I District, the storage, utilization or manufacture of materials or products which decompose by detonation is limited to five (5) pounds.
- B. Such materials shall include but are not limited to all primary explosives, such as lead azide, lead styphnate, fulminates and tetracene; all high explosives, such as TNT, RDX, HMX, PETN and picric acid; propellants and components thereof, such as dry nitrocellulose, black

powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks, such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives, such as dynamite and nitroglycerin; unstable organic compounds, such as acetylides, tetrazoles and ozonides; unstable oxidizing agents, such as perchloric acid, perchlorates and hydrogen peroxide in concentration greater than thirty-five percent (35%); and nuclear fuels, fissionable materials and products and reactor elements, such as Uranium 235 and Plutonium 239.

ARTICLE VII

Planned Retirement Community District (PRC)

§ 130-22. Establishment authorized.

Any other provisions of this chapter to the contrary notwithstanding, there is hereby permitted and authorized the establishment of a planned retirement community within any residential district in the Township of Monroe, County of Middlesex, State of New Jersey, as herein defined, in accordance with the provisions and requirements of this chapter.

§ 130-23. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

PLANNED RETIREMENT COMMUNITY — A residential community provided for permanent residents aged forty-eight (48) years or over in which the residential property and the residential-related open space, recreational facilities and property are all owned by a mutual nonprofit corporation, or corporations, established pursuant to the laws of the State of New Jersey and also governed by Section 213 of Title 11 of the National Housing Act (or provisions of a similar or comparable nature) or by individuals, condominium associations or other entities, all of which shall have rules and regulations

controlling the development in conformance with this chapter.

§ 130-24. Purpose.

The purpose and intent of the PRC District is to enable the planned development of a residential retirement community which shall also contain recreational, medical and shopping facilities and similar services required by the residents thereof in accordance with a comprehensive site development plan approved by the Planning Board of the Township of Monroe.

§ 130-25. Permitted and required uses.

A. In a planned retirement community, no building, structure or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained except for the following planned retirement community uses on a reasonable basis essentially for the residents of the community, their guests and reasonable use by others designated by those holding title:

- (1) Dwellings for owner-occupancy.
- (2) The following required recreational uses, at least one (1) of each:
 - (a) Golf course. One (1) nine-hole golf course having an area of at least seventy-five acres shall be provided for each three thousand two hundred (3,200) dwelling units. If an eighteen-hole golf course is provided, it shall be at least one hundred fifty (150) acres in size, and a thirty-six-hole golf course shall be at least two hundred twenty-five (225) acres in size.
 - (b) Clubhouse. Each clubhouse shall provide at least six hundred (600) square feet of multipurpose space for each fifty (50) dwelling units. In addition, such fully equipped facilities as game rooms, arts and crafts rooms, fully equipped

kitchen, office space and service facilities shall also be provided in the clubhouse. One (1) off-street parking space shall be provided for each four (4) dwelling units, except that this requirement may be reduced to the extent that other conveniently accessible and available off-street parking facilities could feasibly be substituted.

- (c) Swimming pool. One (1) swimming pool shall be provided for each six hundred (600) dwelling units at a ratio of one and seven-tenths (1.7) square feet of water surface area for each dwelling unit which the pool will serve. There shall also be provided an improved sitting area, contiguous to all sides of the pool, having an area two (2) times the water surface area of the pool. A twenty-five-meter pool shall have a minimum width of forty-five (45) feet, and a fifty-meter pool shall have a minimum width of sixty (60) feet.

- (d) Lake.

- (e) Shuffleboard court.

B. The following other required accessory uses shall also be provided:

- (1) Medical facilities. There shall be sufficient building space to adequately allow for the provision of all medical facilities for retirement communities as required by any applicable federal, state or local regulations. There shall also be provided conveniently located on-site loading space and accessways for use by emergency vehicles.

- (2) Site for places of worship. For each place of worship contained in the overall site development plan there shall be a site of at least one (1) acre. Off-street parking facilities shall be provided as required in the schedule in § 130-12 of this chapter.

C. In addition to the above uses required, a planned retirement community may also include the following:

- (1) Motels not to exceed two hundred (200) units of occupancy.
- (2) Retail commercial center, designed as a neighborhood type which does not use more than five percent (5%) of the gross area of the overall PRC site.
- (3) Riding stables and bridle paths subject to any conditions required by the Township of Monroe.
- (4) Fire station or fire protection facilities.
- (5) Administration, maintenance and security buildings.

§ 130-26. Development standards.

No building permit shall be issued for construction or other improvement for a planned retirement community except in accordance with a site development plan for the overall site and an engineering and improvement plan for each section that have been approved by the Planning Board of the Township of Monroe, as prescribed in this chapter. Such site development and engineering and improvement plans and each subsection thereof shall meet the following minimum requirements:

- A. Minimum area. The minimum site area for a planned retirement community shall be at least four hundred (400) acres, contained in one (1) or more adjoining parcels of land; however, where a contiguous parcel of land is proposed to be added to an approved PRC of four hundred (400) acres or more, said addition may be less than four hundred (400) acres. There is no minimum land area requirement for a subsection.
- B. Residential density. In each residential section of a planned retirement community, there shall be not more than fourteen (14) dwelling units for each gross acre of said residential section which includes, in addition to the land covered by buildings, landscaped open space, parking and circulation aisles and interior roads not dedicated for public use.

- C. Lot coverage by buildings. Not more than twenty percent (20%) of the gross area of each residential section shall be covered by all buildings.
- D. Landscaped open space. Each residential section in a PRC development shall contain at least sixty percent (60%) of said section as landscaped open space or green area, which shall not include paved streets and parking areas. However, where a PRC contains an improved golf course, with an area of at least seventy-five (75) acres, that is provided for the residents of said PRC, then at least fifty percent (50%) of any residential section thereof shall be landscaped open space as described in this chapter.
- E. Building height. No buildings shall exceed a height of two (2) stories or thirty-five (35) feet, except that the height of water tanks, towers and church spires shall be permitted up to fifty-five (55) feet. For sections of a PRC whose site development plan was approved prior to the adoption of this Zoning Ordinance, at least eighty percent (80%) of the total number of dwelling units shall be contained in buildings not more than thirty-five (35) feet in height. The remaining twenty percent (20%) of the total number of dwelling units may be contained in buildings having a maximum height of fifty-five (55) feet.
- F. Setbacks. There shall be a setback of forty (40) feet from any exterior boundary of the overall site of a PRC development. No building or structure other than entrance gatehouses, fences, freestanding walls or detached carports shall be located within said setback area.
- G. Off-street parking.
- (1) Off-street parking spaces shall be provided in accordance with the following schedule for each type of land use contained in a site development plan:
 - (a) One and one-half (1½) spaces for each dwelling unit, one (1) of which shall be enclosed in a garage or carport.

- (b) One (1) space for each two hundred (200) square feet of floor area in use for retail commercial purposes.
 - (c) One (1) space for each eight (8) persons for whom seating is provided in an auditorium or place of worship, except that this number may be reduced to the extent that combined use of parking lots makes it feasible.
 - (d) One (1) space for each one thousand (1,000) square feet of floor space in a medical facility, plus additional space for each resident doctor.
 - (e) One (1) space for each guest room or suite of a motel or hotel, plus one (1) space for each full-time employee.
- (2) In addition, the following general controls apply to all parking facilities:
- (a) All parking spaces in existing PRC's shall be at least nine (9) feet wide and twenty (20) feet long and clearly marked at those dimensions. In future PRC's, parking spaces shall be at least ten by twenty (10 x 20) feet. All circulation aisles for said parking facilities shall be at least twenty-four (24) feet wide.
 - (b) On-site parking facilities shall be of a design and location that will not interfere with the efficient flow of traffic in the area and with the access of emergency and service vehicles nor cause a safety or nuisance hazard to residents on the site or to adjoining properties. All assigned spaces shall be located within two hundred (200) feet of the dwelling units they serve.
 - (c) In conforming to the off-street parking requirements of this chapter, curb parking spaces shall not be included.
 - (d) A landscaped separator between parking lanes, having a landscaped width of at least five (5) feet,

shall be provided in the commercial areas of a PRC development.

- (e) No parking shall be permitted in the residential setback area.
- (f) Lighting standards for outdoor parking areas shall be of a height and shall be reflected away from windows of the dwelling units in order to minimize the impact of such lighting on the residents in the dwelling units.

H. On-site loading facilities. For each establishment in a PRC shopping center there shall be provided at least one (1) paved and marked on-site loading facility having minimum dimensions of twelve (12) feet in width, thirty-five (35) feet in depth and a clear headroom of fourteen (14) feet. Said loading facilities shall be provided at the rear of the commercial structure.

I. Roads. Interior roads not dedicated to public use shall have a paved roadway width of at least twenty-four (24) feet. Road improvements shall be made and maintenance shall be ongoing in accordance with the standards of the Township of Monroe. Provision shall be made for the permanent ownership, to the end that the same shall not thereafter be required for dedication to the Township of Monroe for public use.

§ 130-27. Application procedure.

No building permit or certificate of occupancy shall be issued for the construction of any building or other use of land in a planned retirement community except in accordance with a site development plan for the overall tract on which such buildings are to be located that has been approved by the Planning Board and then, for each section to be developed, in accordance with an engineering and improvement plan for said section that has also been approved by the Planning Board according to the following procedure:

- A. Applications for site development approval shall be made to the Planning Board and shall be accompanied by a site development plan containing the information set forth hereafter. Upon approval of the application and the site development plan by the Planning Board, it shall be forwarded to the Township Council for its approval within sixty (60) days after receipt of the same. Once the site development plan is approved by the Township Council, no other use shall be permitted of the land designated in the site plan other than was permitted in a PRC. After approval of the site development plan by the Township Council and the Planning Board, application may be made for approval of separate sections in the PRC by filing an engineering and improvement plan. No approval shall be granted if it is anticipated that each section shall be separately owned without a subdivision being granted by the Planning Board.
- B. The site development plan shall contain the following information:
- (1) The outline of the tract proposed for use as a PRC, including the dimensions.
 - (2) Name and title of person preparing map.
 - (3) Date, scale and North arrow.
 - (4) Tax Map, block number and zone district on which the property is located.
 - (5) The location of all watercourses, wooded areas, easements, rights-of-way, streets, roads, highways, freeways, railways, canals, rivers, buildings, structures or any feature directly on the property or beyond the property if such feature has an effect upon the use of said property.
 - (6) General topography of the tract showing ten-foot-interval contours.
 - (7) The general location of the proposed collector streets in the PRC and their connections to existing public roadways.

- (8) The proposed land uses for the entire site showing the locations of the required and permitted uses as set forth in § 130-25. The land use categories shown on the map shall differentiate between the locations of multifamily structures, if any, from the locations of single-family structures. The map shall also show golf courses, clubhouses, maintenance buildings and the sites for all required facilities.
 - (9) A schedule of land uses by estimated acreage and a breakdown of the number of dwelling units by type of structure, e.g., single-family or multifamily, that will be contained in the residential use areas and the estimated floor area of the commercial use areas.
 - (10) Such other features as the applicant may consider to be relevant in the evaluation of the site development plan or details as the applicant or the Planning Board may consider.
- C. Engineering and improvement plan. No building permit or certificate of occupancy shall be issued for the construction or use of any building in a PRC except in accordance with the approved engineering and improvement plans for the tract to be covered by one (1) master deed on which such buildings are to be located. Application for approval of engineering and improvement plans shall be made to the Planning Board and shall contain a map for the development of the tract, specifically setting forth the following:
- (1) Topography of existing and proposed contours at one-foot intervals and the elevations of all components of the facilities and utilities.
 - (2) Location of all dwelling units intended to be contained in one (1) master deed, garages, parking areas, roads and sidewalks drawn to scale with sufficient control elevations and profiles for construction layout and supervision.
 - (3) Locations, profiles and widths of all proposed roads with complete horizontal and vertical controls.

- (4) The locations, profiles, sizes of all water mains, sanitary sewers and storm drains, together with drainage calculations. Identification of the system to be used for storage and removal of trash and garbage.
- (5) Those buildings, structures and uses, other than dwellings, permitted and required in § 130-25A and B.
- (6) Architectural plans indicating typical floor plans; front, side and rear elevations; general design or architectural style; and information on the types of materials to be used.
- (7) The location, design, size and type of signs and a description of their lighting mechanisms is required essentially for the nonresidential land uses and for the entrance to the entire development.
- (8) Where a nonresidential principal use such as a shopping center involves machinery and equipment (e.g., a dry-cleaning plant, bakery, etc.), a description of the operation, types of machinery and equipment to be used, etc., is required to enable the Planning Board to determine the impact these might have on the adjacent residential properties in and outside the PRC development.
- (9) Changes, if any, from the approved site development plan, together with the reasons for such changes. Changes will be permitted as long as the applicable percentages and size of each use are not varied from the site development plan previously approved by the Planning Board. Other major changes shall be subject to a resubmission of the site development plan and approval by the Planning Board.

§ 130-28. Consideration by Planning Board.

The Planning Board shall consider the proposed site development plan from the point of view of the standards and purposes of the regulations governing planned retirement communities so as to achieve a maximum of compatibility between the

proposed development and the surrounding uses of land, the conservation of woodland and the protection of watercourses from erosion and silting and a maximum of safety, convenience and amenity for the residents of the community. To these ends the Planning Board shall consider:

- A. That the proposed use of any of the component parts of the site development plan will not be detrimental to the general character of the neighborhood.
- B. That the proposed site development plan will not be incompatible with nor adversely affected by any conforming existing uses of land.
- C. That the proposed site development plan will not adversely affect any plans for the physical development of the township as contained in this chapter or in any master plan or portion thereof.
- D. That the proposed site development plan will provide adequate and logically arranged facilities for on-site circulation and access and egress for the estimated vehicular and pedestrian traffic generated by such use.
- E. That proposed site development plan has been drawn to protect and retain existing natural features such as trees, streams, etc.
- F. That the provision of landscaped open space or green areas required shall be so located and of such dimensions that their maximum use can be achieved by the residents of the PRC.
- G. That no outdoor lighting shall be permitted to shine directly or cause a nuisance on any abutting property.
- H. That the proposed land use and the intensity of use is reasonable in terms of the logical, efficient and economical provision of services and utilities, such as water, sewers, police and fire protection, transportation and recreation facilities.
- I. That each proposed use contained in the site development plan, on an individual-case basis, shall be further subject to

the other specific conditions for such use as set forth in this chapter.

- J. That the proposals for maintenance and conservation of the common open space are reliable, and the amount, location and purpose of the common open space are adequate. [Added 12-6-82 by Ord. No. 34-82]
- K. That in the case of a proposed development which contemplates construction over a period of years, that the terms and conditions intended to protect the interest of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate. [Added 12-6-82 by Ord. No. 34-82]

§ 130-29. Planning Board report.

If after a public hearing the Planning Board finds that a proposed site development plan meets the purposes of these regulations, it shall approve the plan. The Board shall notify the applicant and the Township Council in writing of its approval or disapproval promptly but in no case later than thirty (30) days after the filing of the application unless the applicant consents to the extension of this time limit. In the case of disapproval, the reasons shall be given and the changes necessary for approval shall be stated.

§ 130-30. Departures from site development plan.

Building permits for sections of the overall site development plan shall be issued only in accordance with the approved site development plan. Any departure from the plan shall be cause for revocation of a building permit or denial of a use and occupancy permit. Any proposed changes in the plan shall be resubmitted for approval according to the procedure contained in this chapter.

§ 130-31. Duration of approval.

A site development plan approved in accordance with these regulations shall remain valid for a period of two (2) years

following the classification of the property as a planned retirement community. If, at the end of that time, no application for a building permit for one (1) or more buildings has been filed, then the plan shall be considered as having lapsed and shall be of no effect unless resubmitted as a new application to the Planning Board.

§ 130-32. Record plat.

A record plat showing the boundaries of the area zoned under the provisions of this section shall be recorded in the Middlesex

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County Clerk's office within ninety (90) days of approval unless the Planning Board extends the time for filing for an additional period not to exceed ninety (90) days. No building permit shall be issued for construction until the plat has been filed. The plat shall state thereon that the property has been classified as a planned retirement community and shall be duly signed and dated by the Mayor of the township and attested by the Township Clerk, with the date of the Township Council's action noted thereon.

§ 130-33. Development.

- A. Development of all the uses and facilities approved on the site development plan shall proceed at the same rate as the dwelling units. To assure compliance with this section, the Construction Official shall, from time to time following the approval of a planned retirement community, review all of the building permits issued for said PRC and examine the construction which has taken place on the site. If he shall find that the percentage of the total acreage set aside on the site development plan for such facilities which has been developed is less than the percentage of the total acreage set aside for dwelling units which has been developed, he shall report such fact to the Planning Board, which shall take such action as it shall deem appropriate.
- B. Prior to the issuance of the certificates of occupancy for the last twelve (12) dwelling units of any residential section, the applicant shall furnish the Construction Official with three (3) copies of an as-built plan indicating specific elevations of the storm drainage system and site grading. Only after review and approval of the Township Engineer will the remaining certificates of occupancy be issued.

ARTICLE VIII

Nonconforming Buildings and Uses of Land

§ 130-34. Restrictions; applicability of provisions.

- A. Except as hereinafter provided, no building or premises shall be used except in conformity with the provisions of

this chapter which apply to the district in which it is located. However, the following provisions shall apply to all buildings and uses of land or buildings existing on the effective date of this chapter, which buildings and uses of land or buildings do not conform to the requirements set forth in this chapter; to all buildings and uses of land or buildings that become nonconforming by reason of any subsequent amendment to this chapter and the Zoning Map which is a part hereof; and to all conforming buildings housing nonconforming uses:

- (1) Except as provided in Subsection A(5) hereinafter, any type of nonconforming use of buildings or land may be continued indefinitely, but:
 - (a) Shall not be enlarged or structurally altered, extended or placed on a different portion of the lot or parcel of land occupied by such use on the effective date of this chapter or of any applicable amendment thereof, nor shall any external evidence of such use be increased by any means whatsoever except whereby through such alteration it is changed to a conforming use.
 - (b) Shall not be changed to another nonconforming use without a conditional use permit from the Board of Adjustment, and then only to a use which, in the opinion of said Board, is of a more restricted nature.
 - (c) Shall not be reestablished after the physical operation thereof has ceased for a period of one (1) year for any reason. Intent to resume active operation of nonconforming use after cessation thereof shall not confer the right to do so.
- (2) Except as provided in Subsection A(4) hereinafter, no building which houses a nonconforming use shall be:
 - (a) Structurally altered or enlarged.
 - (b) Moved to another location where such use continues to be nonconforming.

- (c) Changed back to a nonconforming use if once changed to a use permitted in the district in which it is located.
- (3) Any building which houses a nonconforming use and which is damaged or destroyed to an extent less than fifty percent (50%) of its sound value or floor area, exclusive of the foundation, by any cause, may be restored, but not enlarged, and the nonconforming use reinstated within six (6) months of such damage. If the restoration of such building is not completed within the said six-month period, the physical operation of the nonconforming use of such building shall be deemed to have ceased, unless such nonconforming use shall have been carried on without interruption in the undamaged portion of such building.
- (4) Any building housing a conforming use which does not conform to other than use regulations as set forth in this chapter may be rebuilt, if damaged, but shall not be altered or enlarged so as to increase the degree of nonconformity thereof.
- (5) Nothing in this Article shall be deemed to prevent normal maintenance and repair or incidental alteration of any building, or the carrying out, upon issuance of a building permit, of major structural alterations or demolitions necessary in the interest of public safety, provided that the nonconformity is not extended. In granting such a permit, the Construction Official shall state to the Board of Adjustment the precise reason(s) why such alterations were deemed necessary.
- (6) Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a building permit has been heretofore issued or plans for which are on file with the Construction Official at the time of the passage of this chapter and the construction of which, in either case, shall have been diligently prosecuted within a year of the date of such permits. "Actual construction" is hereby defined

to include the placing of construction materials in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

- B. All the foregoing provisions relating to nonconforming uses and buildings shall apply to all nonconforming uses and buildings existing at the time of the adoption of this chapter and to all uses and buildings that become nonconforming by reason of any amendment thereof, but not to any use established or building erected in violation of law, regardless of the time of establishment or erection.

ARTICLE IX
Administration and Enforcement

§ 130-35. Administrative official. [Amended 2-2-81 by Ord. No. 5-81]

- A. The Construction Official, the various subcode officials and the Zoning Officer, each acting within the scope of his jurisdiction, are hereby given the duty, power and authority to administer and enforce the provisions of this chapter. The Construction Official shall examine all applications for permits and shall issue permits for the construction, alteration, enlargement and occupancy of all uses which are in accordance with the requirements of this chapter and for all nonconforming uses in buildings existing at the time of passage of this chapter. The Construction Official shall also record and file all applications for permits with accompanying plans and documents and make such reports to the Board of Adjustment, Township Council and the Planning Board, as may be required.
- B. If the Construction Official, particular subcode official or Zoning Officer shall find that any of the provisions of this chapter are being violated, he shall notify, in writing, the person responsible for such violations, indicating the nature of the violation, and order the action necessary to

correct it, or he shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.

§ 130-36. Building permits required.

- A. No building or structure in any district shall be erected, enlarged or structurally altered without a building permit duly issued, upon application, by the Construction Official. No building permit shall be issued by the Construction Official except in conformity with the provisions of this chapter unless he receives a written order from the Board of Adjustment or Planning Board in the form of an administrative review, special exception or variance as provided in this chapter. No permit shall be required where the cost of improvement is less than five hundred dollars (\$500.) and does not affect a bearing wall of the structure.
- B. All applications for building permits and supporting documentation shall be made in duplicate and shall be accompanied by plans, in duplicate and drawn to scale, showing the following:
- (1) An accurate survey, at the scale of the township's Tax Maps, showing shape, dimensions, radii angles and area of the lot on which the building is proposed to be erected or of the lot on which it is situated if an existing building. Said survey shall be prepared by a land surveyor licensed by the State of New Jersey.
 - (2) The block and lot numbers as they appear on the official Tax Map of Monroe Township.
 - (3) The exact size and location on the lot of the proposed building or buildings, or alteration of an existing building, and of other existing buildings on the same lot.
 - (4) The dimensions of all yards in relation to the subject building and the distance between such building and any other existing buildings on the same lot.
 - (5) The existing and intended use of all buildings, existing or proposed, or of land and the number of dwelling

units that a residential building is designed to accommodate.

- (6) Such topographic or other information with regard to the building, the lot or neighboring lots, on-site parking and loading as may be necessary to determine that the proposed construction will conform to the provisions of this chapter.
 - (7) The locations, widths and grades of driveways serving such automobile parking areas and truck loading areas, together with information regarding the proposed surfacing of such parking and loading areas and driveways.
- C. No building permit shall be issued for a building to be used for any use in any district where such use is allowed by special permit of the Board of Adjustment unless and until such special permit has been duly issued by said Board.
- D. On the issuance of a building permit, the Construction Official shall return one (1) copy of all documents filed to the applicant.

§ 130-37. Issuance of building permits.

- A. It shall be the duty of the Construction Official to issue a building permit, provided that the proposed use and the plans and application submitted conform to all requirements of this chapter and that all other reviews and actions, if any, required by this chapter have been complied with and all necessary approvals secured therefor. A permit is valid for a period of one (1) year following date of issue. [Amended 8-4-80 by Ord. No. 22]
- B. All building permits shall be issued in duplicate, and one (1) copy shall be kept conspicuously displayed upon the premises affected whenever construction work is being performed thereon. No owner, contractor, workman or other person shall perform any building operations of any

kind unless a building permit covering such operation has been displayed as required by this chapter, nor shall such person perform building operations of any kind after notification of the revocation of said building permit, subject to the provisions of § 130-36.

§ 130-38. Denial of building permits.

If a building permit is denied, the Construction Official shall promptly cause to be sent to the applicant, addressed to the address of the applicant set forth in the application for the said permit, a notice of his action which shall specify, in writing, the ground or grounds upon which the same is based. The applicant may, within sixty-five (65) days thereafter, notify the Construction Official in writing that he appeals from such determination of the Construction Official to the Board of Adjustment hereinafter provided for, and it shall thereupon be the duty of the Construction Official to deliver the plans, specifications, application for permit, certificate of use or intended use of such buildings or proposed building and a copy of his notification to the owner or to his agent that such building or use is a nonconforming building or use, or both, together with any other papers or information in his possession to the Board of Adjustment, and the Board of Adjustment shall, within thirty (30) days thereafter and upon five (5) days' notice in writing to said owner or his agent, review the determination of the Construction Official and either affirm or reverse the determination of the Construction Official.

§ 130-39. Separate permits required.

Building permits shall be issued separately for each proposed application. Such building permits shall be issued only if individual wells and sanitary disposal systems have been approved by the Township Health Officer or if water and sanitary sewers, adequate to serve the proposed building as specified in all relevant township codes and ordinances, are available and if the building will have direct access to an improved existing street.

§ 130-40. Revocation of permit.

If, at any time, it shall appear to the Construction Official that the application or accompanying plan is in any respect false or misleading, or that work is being done upon the premises differing materially from that called for in the application filed with him under existing laws or ordinances, he may forthwith revoke the building permit, whereupon it shall be the duty of the person holding the same to surrender it and all copies thereof to the said Construction Official. After the building permit has been revoked, the Construction Official may, in his discretion, before issuing a new building permit, require the applicant to file an indemnity bond in favor of Monroe Township with sufficient surety conditioned for compliance with this chapter and all laws and ordinances then in force and in a sum to cover the cost of removing the structure if it does not so comply.

§ 130-41. Files and records.

- A. The Construction Official shall maintain files of all applications for building permits and plans submitted therewith and for certificates of occupancy issued by him, which files and records shall be open to public inspection.
- B. The Construction Official shall keep a record of every identifiable complaint of a violation of any of the provisions of this chapter, and of the action taken consequent to each such complaint, which records shall be public records. He shall submit a written report to the Township Council at intervals of not greater than three (3) months, summarizing for the period since his last previous report all building permits and certificates of occupancy issued by him and all complaints of violations and the action taken by him consequent thereto. He shall also prepare an annual report on such activities.

§ 130-42. Certificates of occupancy.

- A. No land shall be occupied or used and no building hereafter erected, altered or moved shall be occupied or used in whole

or in part for any purpose whatsoever until a certificate of occupancy shall have been issued by the Construction Official stating that the premises or building complies with all the provisions of this chapter. A certificate of occupancy shall be deemed to authorize, and is required for, initial occupancy and use of the building or land to which it applies. [Amended 5-7-79 by Ord. No. 389]

- B. Application for a certificate of occupancy on a form furnished by the Construction Official for a new building or for an existing building which has been altered shall be made after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this and other relevant Monroe Township codes and ordinances. Such certificate shall be issued within five (5) days after receipt of such application, but only provided that all requirements of all applicable codes or ordinances in effect have been complied with. Pending the issuance of such a certificate, a temporary certificate of occupancy may be issued by the Construction Official, for a period not to exceed ninety (90) days, during the completion of any alterations that are required under the provision of any law or ordinance or for a part of a partially completed building. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owner or of the township respective to the use or occupancy of the land or building or any other matter covered by this chapter, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately assure the safety of the occupants of the building and of the adjacent buildings and land.
- C. Every application for a certificate of occupancy or a temporary certificate of occupancy shall be accompanied by a fee of twenty-five dollars (\$25.). [Amended 5-7-79 by Ord. No. 389]
- D. If the proposed use is in conformity with the provisions of this chapter and of all other applicable laws and ordinances, a certificate of occupancy shall be issued so stating, or shall be rejected in writing, stating specifically

wherein the use does not conform, by the Construction Official within thirty (30) days after receipt of a written application therefor. In the case of a change of use of a nonconforming use, such certificate shall be issued within thirty (30) days after action by the Board of Adjustment authorizing same. However, in neither case shall a failure to receive written notice within thirty (30) days be deemed as acceptance.

- E. No certificate of occupancy shall be issued for any use of a building or of land allowed by conditional use permit of the Board of Adjustment as specified in this chapter unless and until such conditional use permit has been duly issued by the said Board. Every certificate of occupancy for a use for which a conditional use permit has been issued or for which a variance has been granted shall contain a detailed statement of such conditional use permit or variance and of any conditions to which the same is subject.
- F. The Construction Official shall, after inspection, issue a certificate of occupancy for any building or use thereof or of land, provided that such building or use of land conforms to the provisions of this chapter and all other relevant codes and ordinances of Monroe Township. Such certificate shall be issued only after the Construction Official determines that the facts represented on the application are correct and that the building, structure or use is in conformity with the provisions of this chapter, and after the Construction Official receives written confirmation from the fire, health or other offices that all applicable codes and ordinances administered and enforced by the above-named officials have been complied with. If the proposed use requires approval by the state's Environmental Protection Agency or other state agency, no certificate of occupancy shall be issued until such written approval is received by Monroe Township. The minimum requirement for dwelling unit occupancy prior to issuance of a certificate of occupancy shall be the installation of a functioning storm drainage system, curbs and sidewalks where required, driveways and roadway pavement with the exception of the final pavement course.

G. A record of all certificates of occupancy shall be kept in the office of the Construction Official, and one (1) copy shall be furnished to the Assessor and, on request, to any agency of Monroe Township or to any persons having a proprietary or tenancy interest in the building or land affected.

H. For any and every violation of the provisions of this chapter, the owner, general agent or contractor of a building or premises where such violations have been committed or shall exist and the owner, general agent or contractor, lessee or tenant of any part of a building or premises in which such violation has been committed or shall exist and the general agent, architect, builder, contractor or any other person who commits, takes part or assists in such violation shall, for each and every day such violation continues, be subject to a penalty to be set by the Magistrate and, in addition, shall pay all costs and expenses incurred by Monroe Township in determining such violation. Penalties for such violation shall be collected, and violations of this chapter shall be prosecuted, in the manner prescribed by law or ordinance effective in Monroe Township. Nothing in this chapter shall be construed as depriving Monroe Township or the Township Council of any other available remedy.

§ 130-43. Annual report to Township Council.

The Construction Official shall maintain files of all applications submitted to him and of all certificates of occupancy issued by him and shall maintain records of all actions taken by him pursuant to all such applications. He shall keep a record of every identifiable complaint of a violation of any of the provisions of this chapter and of the action taken consequent to such complaint. He shall report to the Township Council annually, summarizing for the period since his last previous report all applications approved by him, all certificates of occupancy issued and all complaints of violation made to him and the action taken thereon.

§ 130-44. Notices.

Upon the written request of an applicant who has submitted an application for development, Monroe Township shall, within seven (7) days, make and certify a list of names and addresses of owners to whom the applicant is required to give notice. A fee of ten dollars (\$10.) shall be paid for this service.

§ 130-44.1. Interim disaster relief. [Added 3-3-80 by Ord. No. 6]

- A. The Construction Official is hereby given the authority to issue permits for the installation of temporary trailers or mobile homes in any zone or district so as to afford interim, short-term residential relief from disaster occasioned by fire, flood or other catastrophe. The Construction Official shall consult with the Public Officer Board in making his determination as to the applicability of relief afforded by this section.
- B. Upon complaint of neighboring property owners or upon the request of the Zoning Board of Adjustment, or following the expiration of six (6) months from the date of issuance of a permit, any person afforded relief pursuant to this section shall be required to attend a hearing on the matter before the Zoning Board of Adjustment.

§ 130-44.2. Abatement of nuisance; cost to be lien against premises. [Added 4-6-81 by Ord. No. 10-81]

The Township Council, upon the declaration of a public nuisance by resolution, may abate the nuisance, correct defects or put the premises complained of in proper condition so as to comply with the requirements of the Township Code or any state statute applicable thereto at the cost of the owner or lessor. The township may expend municipal funds for such purpose and charge the same against the premises, and the amount thereof as determined by the Council shall become a lien against the premises and collectible according to law.

ARTICLE X
Board of Adjustment

§ 130-45. Membership; term of office; compensation; organization; meetings; general procedures.

- A. The Board of Adjustment heretofore established pursuant to the provisions of Chapter 291 of the Laws of 1975 shall continue as the Board of Adjustment shall consist of seven (7) members. No member shall hold any elective office or position in the township. The terms of the members first appointed under this act shall be so determined that, to the greatest practicable extent, the expiration of such terms shall be distributed evenly over the first four (4) years after their appointment, provided that the initial term of no member shall exceed four (4) years. Thereafter, the term of each such member shall be four (4) years.
- B. The Township Council shall determine any compensation the members of the Board shall receive.
- C. The Board may, within the limit of appropriations made available to it by the Township Council, employ a secretary, legal counsel and such other personnel as may be required for the conduct of its business.
- D. The Board of Adjustment shall adopt such rules and regulations as it may deem necessary to interpret and carry into effect the provisions of this chapter. The Board shall elect a Chairman from among its members, and meetings of the Board shall be held at the call of the Chairman. The Board shall also select a Vice Chairman who, in the absence of the Chairman, shall act as Chairman.

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- E. Meetings of the Board of Adjustment shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman or the Acting Chairman shall have power to issue subpoenas for the attendance of witnesses and the production of records and may administer oaths and take testimony. All regular meetings of the Board of Adjustment shall be open to the public.
- F. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall immediately be filed in the office of the Board and shall be a public record. A quorum shall consist of four (4) members of the Board, and the concurring votes of four (4) members of the Board shall be required to effect any action of the Board.
- G. The Board of Adjustment shall report to the Township Council annually, summarizing all appeals and applications made to it since its last previous report and summarizing its decisions on such appeals and applications. At the same time that each such report is filed, copies thereof shall also be filed with the Mayor, the Planning Board, the Construction Official and the Township Attorney.
- H. At intervals of not greater than twelve (12) months, the Township Attorney shall examine the records of the Board of Adjustment and shall submit to said Board a written summary of his observations thereon, including any recommendations that he may deem advisable in order to assure full conformity with the requirements and limitations of this chapter pertaining to the jurisdiction and functions of said Board. Copies of such summary and recommendations shall be filed with the Mayor, the Township Council, the Planning Board and the Construction Official.

§ 130-46. Powers and duties.

The Board of Adjustment shall have all the powers and duties prescribed by law (Chapter 291 of the Laws of 1975) and by this

chapter, which powers and duties are more particularly specified as follows, provided that none of the following provisions shall be deemed to limit any power of said Board that is conferred by law.

- A. Variances, interpretations and special questions. The Board shall have the power to:
- (1) Hear and decide requests for use and hardship variances.
 - (2) Hear and decide requests for interpretation of the Zoning Map.
 - (3) Render decisions upon other special questions upon which such Board is authorized to pass.
- B. Hardship variances. Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, or by reason of other extraordinary and exceptional physical situation or condition of such piece of property, the strict application of this chapter would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property, the Board may authorize, upon an appeal relative to such property, a variance from such strict application so as to relieve such physical difficulties or hardship; provided, however, that no variance shall be granted under this subsection to allow a structure or use in a district restricted against such structure or use.
- C. Use variances. The Board shall have the power to grant a variance to allow a structure or use in a district restricted against such structure or use in particular cases and for special reasons, but only by affirmative vote of at least two-thirds ($\frac{2}{3}$) of the full authorized membership of the Board.
- D. Appeals. The Board shall have the power to hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made in the enforcement of this chapter.

E. The Board of Adjustment shall also have the following specific additional powers:

- (1) To refer applications before the Board to any appropriate person, agency, board, commission, committee, authority or other instrumentality for review and recommendations.
- (2) To direct the issuance of a building permit for those purposes enumerated in N.J.R.S. 40:55D-34, 55D-35 and 55D-36 upon such terms and conditions as contained therein and which will permit and encourage the health, morals, safety and general welfare of the public.
- (3) Where an original application requires a use variance or variances on more than one (1) lot for minimum lot area requirements on a major or minor subdivision application and this chapter requires the applicant to also obtain subdivision, site plan and/or conditional use approval, the Board of Adjustment may grant said subdivision, site plan and/or conditional use approval in conjunction with said variance. The Zoning Board of Adjustment, in its discretion, may refer the application to the Planning Board and other appropriate administrative agencies normally involved with said reviews pursuant to this chapter and review the Planning Board's and others' reviews and the Planning Board's recommendation report.
- (4) To review, recommend, report on or decide matters, at formal or informal public meetings, referred to the Board by other administrative agencies, as permitted or required by other ordinances or inherent powers of Monroe Township.

§ 130-47. Temporary uses.

The Board of Adjustment may, after due notice and public hearing, permit the temporary occupancy and use of a structure in any district for a purpose that does not conform to the regulations for that district. Such occupancy and use shall be subject to any

reasonable conditions and safeguards which the Board may impose to minimize any injurious effect upon the neighborhood or to protect contiguous property. Such approval and permit based thereon shall not be valid for more than twelve (12) months but may be renewed not more than once for another period of twelve (12) months.

§ 130-48. Changes from one nonconforming use to another.

The Board of Adjustment may, after due notice and public hearing, permit a change from one nonconforming use to another, provided that the new nonconforming use shall be of substantially the same character and shall have the same or fewer nuisance characteristics as the previous nonconforming use and shall conform to all other provisions of this chapter for nonconforming uses.

§ 130-49. Conditions imposed upon granting application; compliance.

A. In any case where the Board of Adjustment is empowered to approve a conditional use or authorize a variance, said Board may impose such conditions or restrictions as are deemed necessary in the specific case in order to minimize the effects of the use, exception or variance upon other property in the neighborhood, assure a harmonious arrangement of uses or implement the intent and purpose of this chapter. Any such conditions or restrictions shall become a part of any building permit or certificate of occupancy thereafter issued for the premises involved. Special conditions or limitations may include, but are not limited to, any of the following:

- (1) The location of principal and accessory buildings.
- (2) The limitation of signs or advertising devices, including number, size, location and type of illumination.
- (3) The limitation of amount, location, intensity and direction of exterior illumination.

- (4) The amount, location and improvement of off-street parking and loading space.
 - (5) The control of the number and design of the means of access and circulation to and within the premises.
 - (6) The type, location and design of drainage and drainage structures.
 - (7) The grading and the location and type of retaining walls or structures.
 - (8) Landscaping, screening, fencing and walls, including the location and type of planting and fencing required for screening purposes.
 - (9) Hours of operation.
 - (10) Structural changes, including the installation of storefronts.
 - (11) Control or elimination of smoke, dust, gas, noise, vibration, odor or fire or health hazards or any other deleterious effects of a land use on the environment.
 - (12) As a condition for any approval the Board of Adjustment shall require that no taxes or assessments for local improvements are due or delinquent on the property for which any application is made.
 - (13) Other conditions found by the Board to be necessary, which may include traffic studies, environmental impact or other technical studies by qualified professionals at the expense of the applicant.
- B. Whenever the Board of Adjustment or Planning Board, in passing upon an application, imposes conditions upon the granting of said application, unless a specific time is fixed by either Board, within which time the conditions must be complied with, then such conditions must be complied with by the date of issuance of the certificate of occupancy for said application. If such conditions are not so complied with, then the granting of said application shall become null and void and all records of said application shall be endorsed to indicate that said application was denied by

the Board of Adjustment or Planning Board. After said application becomes null and void, it shall be the duty of the Construction Official to examine the premises in question to ascertain whether there may be thereon any violations of this chapter. If such violation exists, the Construction Official shall cause a summons to be issued.

§ 130-50. Hearing procedures.

A. The powers and duties of the Board of Adjustment shall be exercised in accordance with the following procedure:

- (1) A public hearing shall be held by said Board on every appeal and application made to it. Due notice of such hearing and of the substance of the appeal or application shall be given by the Board to the appellant. Upon written request of the appellant, the township shall, within seven (7) days, make and certify a list of names and addresses of property owners located within two hundred (200) feet of the property to be affected by said application, to whom the applicant is required to give notice at least ten (10) days prior to the time of hearing. A fee of ten dollars (\$10.) shall be paid for this certified list.
- (2) At least ten (10) days before the date of any public hearing, the Construction Official shall transmit to the Secretary of the Planning Board a copy of any appeal or application, together with a copy of the notice of such hearing. The Planning Board may submit to the Board of Adjustment an advisory opinion on said appeal or application at any time prior to the rendering of a decision.
- (3) The Board shall render a decision not later than one hundred twenty (120) days after the date an appeal is taken from the decision of an administrative officer or the submission of a complete application for development to the Board of Adjustment. Failure of the Board to render a decision within such one-hundred-twenty-day period or within such further

time as may be consented to by the applicant shall constitute a decision favorable to the applicant.

- (4) Unless work is commenced and diligently prosecuted within six (6) months of the date of the granting of a variance or conditional use, such a variance or conditional use shall become null and void.
- (5) Each appeal and application to the Board of Adjustment shall be made by the owner of the property affected, in writing, on forms prescribed by the Board, and shall be accompanied by a fee established in accordance with the township's Fee Schedule.
- (6) Every decision of the Board of Adjustment shall be recorded in accordance with standard forms adopted by the Board and shall set forth the circumstances of the case and shall contain a record of the findings on which the decision is based. Every decision of the Board of Adjustment shall be by resolution, and each such resolution shall be filed with the Township Clerk by case number, together with all documents pertaining thereto.

B. All provisions of this chapter relating to the Board of Adjustment shall be strictly construed. The Board, as a body of limited jurisdiction, shall act in full conformity with all provisions of law and of this chapter and in strict compliance with all limitations contained therein.

§ 130-51. Appeals.

A. Appeals to the Board of Adjustment may be taken by any person aggrieved, or by his agent, or by an officer, board, department or bureau of Monroe Township affected by any decision of the Construction Official. Such appeal shall be taken within sixty-five (65) days by filing a notice of appeal with the officer from whom the appeal is taken specifying the grounds of such appeal. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the appeal is taken.

- B. An application for a use permit or for any other permit for which approval by the Board of Adjustment is required under the terms of this chapter may be made by the owner of the property involved, or by a lessee thereof, or by a person, firm or corporation under bona fide contract to purchase the same.
- C. All appeals shall be in writing on forms prescribed by the Board of Adjustment. Every appeal shall refer to the specific provision of the ordinance that is involved and shall fully set forth the circumstances of the case and the interpretation that is claimed on an allegation of error, the variance that is applied for and the grounds on which it is claimed that the same should be granted, or the conditional use for which the permit is sought or any other such information that the rules of the Board may require.
- D. An appeal stays all proceedings in furtherance of the action in respect to which the decision appealed from was made, unless the officer from whose action the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him, that by reason of the facts stated in the certificate a stay, in his opinion, would cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Adjustment or by the Superior Court on application on notice to the officer from whom the appeal is taken and on due cause shown.
- E. Said applicant or appellant shall, at least ten (10) days prior to the time appointed for said hearing, give notice to all owners of property situate within or without Monroe Township and within two hundred (200) feet of the property to be affected by said appeal. Such notice shall be given either by registered mail or by being served personally at their usual place of abode, if said owners are the occupants of the property affected by such appeal.
- F. Upon the written request of the applicant, Monroe Township shall, within seven (7) days, make and certify a list of names and addresses of property owners to whom

the applicant is required to give notice. A fee of ten dollars (\$10.) shall be paid for this service.

§ 130-52. Conditional uses granted by Planning Board.

- A. The Planning Board shall have the power to grant conditional uses on a case-by-case basis after making findings that each such conditional use, although not permitted by right, would be appropriate or inappropriate in the requested location. The Planning Board's review shall consider the compatibility of land uses, the impact of the conditional use on the physical, social and aesthetic environment, traffic generation, compatibility with the township's Master Plan and any other relevant factors.
- B. The Planning Board shall grant or deny an application for a conditional use within ninety-five (95) days of submission of a complete application by a developer to the Construction Official or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute approval of the application, and a certificate of the Construction Official as to the failure of the Planning Board to act shall be issued on request of the applicant.
- C. Whenever review or approval of the application by the County Planning Board is required, the Monroe Township Planning Board shall condition any approval upon timely receipt of a favorable report from the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period. Whenever said owners are nonresidents of Monroe Township, such notice may be given by sending written notice thereof by registered mail to the last known address of the property owner or owners, as shown by the most recent tax lists of the township. Where the owner is a partnership, service upon any partner as above provided shall be sufficient, and where owners are corporations, service upon any officers as above provided shall be sufficient. The appellant shall, by affidavit, present

satisfactory proof to the Board of Adjustment at the time of the hearing that said notices have been duly served as aforesaid. Upon the hearing, any party may appear in person, by agent or by attorney.

§ 130-53. Expiration and extension of variance or use permit.

Unless otherwise specified by the Board of Adjustment, a decision or any appeal or request for a variance or use permit shall expire without notice if the applicant fails to obtain any necessary permit from the Construction Official or comply with the conditions of said authorized permit within one (1) year from the date of authorization thereof. However, an extension may be granted by the Board of Adjustment because of the occurrence of conditions unforeseen at the time of the original action. Any application for extension shall be subject to the same procedure as specified in this Article for the original issuance of the variance or use permit.

§ 130-54. Effect of delayed decision.

Whenever an appeal shall be taken to the Board of Adjustment pursuant to this Article, said Board shall render a decision not later than one hundred twenty (120) days after the date an appeal is taken from the decision of an administrative officer or the submission of a complete application for development to the Board of Adjustment. Upon failure to do so, such appeal, at the expiration of such time, shall be deemed to be decided adversely to the appellant as though the Board has rendered a decision to that effect.

§ 130-55. Repeated hearing.

Whenever the Board of Adjustment, after hearing all evidence presented upon an application or appeal, under the provisions of this chapter, denies the same or refuses to recommend to the Township Council, said Board shall refuse to hold further hearings on the said or substantially similar application or appeal by the

same applicant, successor or assignee for a period of six (6) months. If the Board determines, from the information supplied with a request for a rehearing, that changed conditions have occurred relating to the promotion of the public health, safety, convenience, comfort, prosperity and general welfare, the appeal or application may be considered within said period.

§ 130-56. Notification of Planning Board.

The Board of Adjustment shall transmit to the Planning Board a copy of every appeal or application made to the Board and shall also notify the Planning Board of the date of the hearing thereon. If, prior to the hearing, the Planning Board submits to the Board of Adjustment a recommendation that an application for a use permit be denied or that specified conditions be prescribed in connection with a particular variance, the Board of Adjustment shall not act contrary to such recommendation except by majority vote.

ARTICLE XI

Appeals From Decision of Zoning Board of Adjustment

§ 130-57. Responsibility of Township Council.

- A. It is the intent of this chapter that all questions of interpretation and enforcement shall first be presented to the Construction Official (the administrative official) and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of such administrative official, and that recourse from the decision of the Board of Adjustment shall be to the Township Council and courts as provided by law.
- B. It is further the intent of this chapter that the duties of the Township Council in connection with this chapter shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and elsewhere in this chapter. Under this chapter the Township Council shall have only the duties of:

- (1) Considering and adopting or rejecting proposed amendments or the repeal of this chapter as provided by law.
 - (2) Establishing fees and charges as stated elsewhere in this chapter.
 - (3) Acting on use variances after approval by the Board of Adjustment.
 - (4) Acting on all other final decisions of the Board of Adjustment or Planning Board on any other class of application for development. Any such appeal shall be made within ten (10) days of the date of the publication of such final decision. The appeal to the Township Council shall be made by serving the Township Clerk, in person or by certified mail, with a notice of appeal specifying the grounds thereof and the name and address of the appellant and his attorney, if represented. Such appeal shall be decided by the Township Council only upon the record established before the Planning Board or Board of Adjustment.
- C. Notice of the meeting to review the record below shall be given by the Township Council, by personal service or certified mail, to the appellant, to those entitled to notice and to the Board from which the appeal is taken at least ten (10) days prior to the date of the meeting. The parties may submit oral or written arguments on the record at such meeting.
- D. The Township Council shall conclude a review of the record below not later than forty-five (45) days from the date of receipt of the transcript of the hearing unless the appellant consents in writing to an extension of such period. The appellant shall arrange for a transcript for use by the Township Council. Failure of the Township Council to hold a hearing and conclude a review of the record below and to render a decision within such specified period without such written consent by the appellant shall constitute a decision affirming the action of the Board.

- E. The Township Council may reverse, remand or affirm, wholly or in part, or modify the final decision of the Planning Board or Board of Adjustment, as the case may be.
- F. The affirmative vote of a majority of the full authorized membership of the Township Council shall be necessary to reverse, remand or modify any final decision of either Board.
- G. The Township Council shall mail a copy of the decision to the applicant or, if represented, to his attorney without separate charge, and for a reasonable charge to any interested party who has requested it, not later than ten (10) days after the date of the decision.

ARTICLE XII Amendment Procedure

§ 130-58. Initiation of amendments.

The Township Council may, from time to time, after public notice and hearing, amend, supplement or change the regulations and districts herein established. Proceeding for an amendment may be initiated only as follows:

- A. By the Township Council by the introduction of an amending ordinance.
- B. By the Planning Board by adoption of a resolution recommending an amendment.

§ 130-59. Referral to Planning Board.

- A. Every resolution of intention to amend the Zoning Ordinance that is adopted by the Township Council and every petition for an amendment shall be referred to the Planning Board for report and recommendations.
- B. In recommending the adoption of any proposed amendment, the Planning Board shall fully state its reason for

such recommendation, describing any change in conditions, justifying the amendment and the manner in which the amendment would be in harmony with the Monroe Township Master Plan. The Planning Board need not confine its recommendation to the proposed amendment as set forth in the petition or resolution but may revise the proposal if the Planning Board is of the opinion that such revision is in accord with the furtherance of the purposes of this chapter.

- C. The Planning Board shall report to the Township Council its recommendation with respect to any proposed amendment initiated by petition or resolution within a period of thirty-five (35) days from and after the initiation of proceedings therefor. Failure to report within such period shall be deemed to be approval of the proposed amendment.

§ 130-60. Protest by property owners.

If a protest is filed against any proposed amendment or revision of a Zoning Ordinance, signed by the owners of twenty percent (20%) or more either of the area of the lots or land included in such proposed change or of the lots or land extending two hundred (200) feet in all directions therefrom exclusive of street space, within or without the municipality, such amendment shall not become effective except by a favorable vote of two-thirds ($\frac{2}{3}$) of all the members of the Township Council.

§ 130-61. Public hearing.

- A. No amendment, supplement, change, modification or repeal of any regulation, restriction or district boundary shall become effective until after a public hearing is held in relation thereto at which the parties in interest and citizens shall have an opportunity to be heard.
- B. At least ten (10) days' notice of the time and place of such hearing shall be published in an official paper or a paper of general circulation in the township.

§ 130-62. Modification of petition or resolution.

The hearing by the Township Council on a proposed amendment or resolution shall be held on the petition or resolution as filed. Any further proposal in respect to any proposal made in connection therewith or any addition or modification of the content of the proposed amendment shall be made only in the form of an amended petition or resolution. The filing of any such amended petition or resolution shall terminate all proceedings consequent to the original petition or resolution and shall be deemed to be the initiation of new proceedings, which shall be conducted in full conformity with the provisions of this Article as if the original petition or resolution had never been filed, except that a protest filed against the amendment as originally proposed shall be deemed to have been filed against the amendment as proposed in the amended petition to the extent that it is pertinent thereto.

§ 130-63. Adoption of resolution.

Before adopting any amendment, the Township Council shall adopt a resolution setting forth the findings upon which it determined such amendment to be required by the public interest in furtherance of the purposes of this chapter.

§ 130-64. Repeated petition.

No petition for a change in district boundaries shall be considered by the Township Council within a period of one (1) year from its last consideration of any proposed change in district boundaries applying to substantially the same land.

§ 130-65. Withdrawal of petition.

With the consent of the Township Council, any petition for an amendment may be withdrawn at any time by the filing of a verified petition of withdrawal signed by a majority of the persons who signed the original petition. Such withdrawal shall terminate the proceedings initiated by the original petition. Any

proceedings for an amendment initiated by a resolution of the Township Council or the Planning Board may be terminated by the body that initiated the same at any time that such proceedings are before said body. In any event, any hearing for which notice has been given shall be held.

§ 130-66. General revision.

In furtherance of the purposes set forth in Article I, the Planning Board shall, at intervals of not greater than two (2) years, report to the Township Council as to the necessity for a general revision of this chapter. If the Planning Board recommends such a revision, it shall describe the conditions which it believes indicate the desirability thereof, outlining, in general, the respects in which it is of the opinion that the chapter could be better adapted to such conditions in furtherance of the purposes set forth in Article I and shall indicate the scope of the revision that it believes to be advisable.

**ARTICLE XIII
Violations and Penalties**

§ 130-67. Complaints.

Any person may file a complaint if there is any reason to believe a violation of this chapter exists. All such complaints must be in writing and shall be filed with the Construction Official, who shall record such complaint and immediately investigate it. Upon his becoming aware of any violation of any provisions of this chapter, the Construction Official shall serve notice of such violation on the person committing or permitting the same, and if such violation has not ceased within such reasonable time, as the Construction Official has specified in such notice, and a new certificate of occupancy obtained as provided in § 130-42, he shall institute such action as may be necessary to terminate the violation.

§ 130-68. Abatement of violations.

In the event that any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this chapter or of any ordinance or regulation made under authority conferred hereby, the Township Council or, with its approval, the Construction Official or other proper official, in addition to other remedies, may institute any appropriate legal action or proceedings to prevent such unlawful erection, construction reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use about such premises.

§ 130-69. Penalties.

It shall be the duty of the Construction Official to strictly enforce all the provisions of this chapter. The general agent, architect, builder, contractor, owner or tenant or any other person who commits, takes part or assists in any violation of this chapter or who maintains any building or premises in which any violation of this chapter shall exist shall, for each and every violation, be imprisoned for a period not exceeding thirty (30) days or shall be fined not exceeding two hundred dollars (\$200.), or both. Each day that a violation is permitted to exist shall constitute a separate offense. Any corporation violating any provision of this chapter shall, upon conviction, be subject to a fine not exceeding two hundred dollars (\$200.).

**ARTICLE XIV
Interpretation of Provisions****§ 130-70. Interpretation and application.**

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by this chapter to repeal,

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abrogate, annul or in any way to impair or interfere with any existing provisions of law or ordinance or any rules, regulations or permits previously adopted or issued, or which shall be adopted or issued pursuant to law, relating to the use of buildings or premises, nor is it intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height or bulk of buildings or requires larger yards, courts or other open spaces than are imposed or required by such existing provisions of law or ordinance, or by such rules, regulations or permits, or by such easements, covenants or agreements, the provisions of this chapter shall control.