

Introduced: June 11, 2018

Adopted: August 13, 2018

THE TOWNSHIP OF SOUTH ORANGE VILLAGE

ORDINANCE #2018-15

AN ORDINANCE AMENDING AND RESTATING VILLAGE CODE, CHAPTER 185, SECTIONS 185-3, 185-163, 185-164 AND SCHEDULE I, TO REVISE USES IN BUSINESS DISTRICTS B-1, B-2 AND B-3.

BE IT ORDAINED, by the Board of Trustees of the Township of South Orange Village, a municipal corporation of New Jersey located in Essex County thereof, as follows:

Section 1.

Chapter 185, Section 185-3 is hereby amended and restated as follows:

A. Words defined. As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY STRUCTURE — A structure, the use of which is incidental to that of the principal building or structure which is located on the same lot.

ACCESSORY USE — A use incidental to the principal use of a building or structure as defined or limited by the provisions of this chapter.

ADMINISTRATIVE OFFICER — The Construction Official of the Township of South Orange Village.

ADULT ENTERTAINMENT/RETAIL ESTABLISHMENT — Includes the following uses:

- (1) **ADULT BOOKSTORE** — An establishment having as a significant portion of its stock-in-trade pornographic books, magazines, other periodicals, films, slides or videotapes, and which establishment is customarily not open to the public because it excludes minors by reason of age.
- (2) **ADULT EATING OR DRINKING ESTABLISHMENT** — An eating or drinking establishment which customarily presents topless or nude dancers, strippers or similar entertainments, and which establishment is customarily not open to the public because it excludes minors by reason of age.
- (3) **ADULT THEATER** — An establishment which customarily presents motion pictures, films, videotapes, slide shows or live performances featuring topless or nude dancers, strippers or similar entertainments, including an

establishment where such entertainment is viewed from an enclosure, and which establishment is customarily not open to the public because it excludes minors by reason of age.

ALTERATION OF A BUILDING OR STRUCTURE — A change or rearrangement in the structural parts or in the means of egress; or an enlargement or diminution, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

APARTMENT BUILDING — A building designed and used for three or more dwelling units.

APPLICANT or DEVELOPER

- (1) A developer submitting an application for development.
- (2) The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase or other person having an enforceable proprietary interest in such land.

APPLICATION FOR DEVELOPMENT — The application form and all accompanying documents required by the ordinances of the Township of South Orange Village for approval of a subdivision plat, site plan, plan development, conditional use, zoning variance or which seeks the direction of the issuance of a permit to be granted by the Board of Adjustment or the Planning Board, pursuant to the provisions of the Municipal Land Use Law.

APPROVING AUTHORITY — The Planning Board of the Township of South Orange Village, unless a different agency is designated by an ordinance of this Village, when action is required pursuant to any section of this chapter.

ARCADE — A facility whose primary use is the provision of on-site entertainment including, but not limited to, automatic amusement devices, video games, virtual reality and games of billiards or pool.

AREA OF BUILDING — The area included within surrounding exterior walls (or exterior walls and fire walls), exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if included within the horizontal projection of the roof or floor above.

AUTOMATIC AMUSEMENT DEVICE — Any machine which, upon the insertion of a coin, slug, token, plate or disk, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score, including but not limited to such devices as marble machines, pinball machines, skill ball, mechanical grab machines and all games, operations or transactions similar thereto, under whatever name they may be indicated. It shall include video-type games or machines or similar

devices that use a display screen for points, lines and dots of light that can be manipulated to simulate games or other types of entertainment. It shall not include nor shall this definition apply to music-playing devices.

BASEMENT — That portion of a building which is partly below and partly above grade and having at least 1/2 its height above grade.

BICYCLE RACK — A device, intended for the secure parking of bicycles, which meets the design standards set forth in § 185-174 and secured to a concrete base using a tamper-proof anchor.

BILLIARD OR POOL ROOM — Any room or place located in an operating business premises opened to the public, which premises are operated for the economic enhancement of the operator wherein is located a table or other device on which the games of billiards or pool are or can be played.

BLOCK — The length on one side of a street between two street intersections.

BOARDER — A person, not a member of a family as defined in this chapter, who is sheltered or sheltered and fed for consideration.

BOARDINGHOUSE — A building and associated use as defined in N.J.S.A. 55:13B-3a.

BUFFER — An area of land along a property division line or zone boundary line adjoining a less intensive use which shall be landscaped so as to provide protection to adjoining less intensive use from environmental nuisances which may be caused by the more intensive use. The width of a buffer area shall be measured at right angles to the affected lot line or zone boundary line and shall not be less than the width stipulated by zone district or use regulations.

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

BUILDING AREA — See "area of building or structure."

BUILDING LINE — A line parallel to the street line touching that part of a building closest to the street.

BUILDING, PRINCIPAL — A structure in which is conducted the principal use of the site on which the building is situated. In any residential district, any dwelling shall be deemed to be a principal building on the lot on which it is located.

BUILDING SITE — The area occupied by a building or structure, including the yards and courts required for light and ventilation, and such areas that are prescribed for access to the street.

BUSINESS — Any enterprise, occupation, trade or profession, either continuous or temporary. The term "business" shall include the occupancy or use of a building or premises or any portion thereof for the transaction of business or the rendering or receiving of professional services. (See "professional office.")

CATERING KITCHEN/FOOD PRODUCTION — A facility whose primary use is the preparation and storing of food for service at another location.

CELLAR — That portion of a building which is partly or completely below grade and having at least 1/2 its height below grade.

CERTIFICATE OF OCCUPANCY — The certificate issued by the Construction Official which permits the occupancy and use of a building.

CHECK CASHING SERVICE — A business or service other than a state- or federal-regulated or -chartered bank, savings bank, savings-and-loan institution, credit union or other financial institution which has, as its primary, secondary or accessory purpose, the honoring or cashing of checks, drafts or money orders for a fee or other remuneration.

CHILDREN'S GYM — A facility for children whose primary purpose is to offer a wellness program, health club, fitness center, gymnasium or other facility that offers physical activity, recreation, or nutrition services, and may include equipment or space for fitness and exercise activities.

CHILDREN'S PLAY SPACE — A facility whose primary purpose is to foster the social and physical well-being of children. The facility may offer space for children's free play, organized activities, indoor playground equipment and mats. The facility may provide educational, entertainment, recreational and/or physical activities to children under adult supervision and may offer private events and parties for children.

CLINIC — A facility for the diagnosis and treatment of outpatients and/or a group practice in which several physicians work cooperatively.

COAH — The New Jersey Council on Affordable Housing.

COMMERCIAL OR INDUSTRIAL SHOWROOM — An establishment that primarily sells business to business, but may include sales directly to consumers, where items offered for sale are displayed. This includes, but shall not be limited to, construction materials generally sold to contractors, solar panels and plumbing or electrical supplies. The products offered shall not be considered as being stored at the location.

COMMON OPEN SPACE — An open space within or related to a site designated as a development and designed and intended for the use or enjoyment of the residents and owners of the development.

COMMUNITY DEVELOPMENT OFFICE — A facility whose primary purpose is to provide office space operated by a non-profit organization that offers services and programming to support community members and local businesses.

COMPLETE APPLICATION — An application for development shall be complete for the purpose of commencing the applicable time period for action by the approving Village agency when so certified by the municipal agency involved or its authorized committee or designee as having complied with the requirements of this chapter, the rules and regulations of the approving Village agency, and when required documents are

received, fees are paid all in accord with the provisions of N.J.S.A. 40:55D-10.3.

CONDITIONAL USE — A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in Part 13, Zoning, of this chapter and upon the issuance of an authorization by the Planning Board.

CONDOMINIUM PROPERTY — The land covered by the master deed, whether or not contiguous, and all improvements thereon, all owned either in fee simple or under lease, and all easements, rights and appurtenances belonging thereto or intended for the benefit thereof.

CONSTRUCTION OFFICIAL — The chief officer of the Township of South Orange Village responsible for the administration and enforcement of the Construction Code pursuant to the State Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq.¹

CONSTRUCTION TRAILER — A mobile structure used to accommodate temporary offices and storage of building materials during construction projects.

CONTRACTOR — Any person or firm who engages in a business which involves the construction, repair or maintenance of either residential or commercial property construction, or both, such as carpenters, concrete/mason repairers or installers, electricians, plumbers, excavators, home improvers, painters, landscapers, etc.

CONVENIENCE STORE — A retail store where prepackaged foods, dry goods, household items, newspapers, magazines, tobacco products and similar items are sold and where prepared and unprepared foods are sold only for off-premises consumption.

COOPERATIVE — A housing corporation or association which entitles the holder of a share or membership interest thereof to possess and occupy for dwelling purposes a house, apartment or other structure owned or leased by said corporation or association or to lease or purchase a dwelling constructed or to be constructed by said corporation or association.

COURT — An unoccupied open space other than a yard. An "outer court" is one which extends to the street or to the front or rear yard. An "inner court" is any other court. The height of a court is to be measured from the lowest level it is required to serve up to the roof of the building served. The width of an outer court is its horizontal dimension parallel with its principal open end. The width of an inner court is its lesser horizontal dimension.

COVERAGE, BUILDING — The percentage of ground area of a lot which is covered by all buildings, proposed buildings and other structures, including area under the roof or other horizontal surfaces of any structure supported by columns with or without enclosing walls. [Added 4-28-1986 by Ord. No. 86-7]

COVERAGE, LOT — The percentage of surface area of a lot which is covered by all

1. Editor's Note: See Ch. 113, Construction Codes, Uniform.

existing and proposed buildings and structures, including driveways, parking lots, pedestrian walkways and other man-made impervious improvements which are more impervious than the natural surface. All required parking areas which are permitted to remain unpaved shall be included in the computation of lot coverage. In calculating the coverage, due consideration shall be given to the increased permeability of pervious surfaces and primarily impervious surfaces as defined herein.

CO-WORKING SPACE – An office use in which common and unassigned office space is made available to individuals and companies on a short term basis, including daily rates. Assigned office spaces and longer lease periods may be included in this definition so long as they are still provided access to common use space and common facilities. Long term assigned (more than 1 month) office space without access to common use space and common facilities shall be considered to fall under the definition of Executive Office or Professional Office.

CREATIVE STUDIO – A facility whose primary use is as a studio not creating any off-premises noise, smoke, air or other pollution, and excluding all uses otherwise prohibited by this Chapter where artists, artisans or professionals engage in small-scale production of:

1. Media, including technical production, support and post production of photographs, motion picture, television, video, sound, and other communications media production;
2. Works of visual performance, or multimedia art, such as painting, sculpture, dance, music or similar activities; and
3. Artisan and craft wares produced with shared or individual hand, mechanical, or electronic tools for the manufacture of finish goods including processing, fabrication, assembly, treatment and packaging of products; as well as the incidental storage, sales and distribution of such product, including but not limited to, glass, ceramics, leather, jewelry, garments, metalwork and paper products.

CROSSWALK — A right-of-way, dedicated to public use, to facilitate pedestrian access through a subdivision.

CUL-DE-SAC — See "street."

CURB GRADE — The established elevation of the curb in front of the building measured at the center of such front. Where no curb grade has been established, the Village shall establish such curb level or its equivalent for the purpose of this chapter.

DECK — A nonroofed structure that is elevated more than 18 inches above grade at any one point.

DETACHED DWELLING — A building which has no structural contact or connection with any other building and which has no covered or enclosed passageway to any other building.

DEVELOPMENT — The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure or of any mining, excavation or landfill, and any use or change in the use of any building or other structure or land or extension of use of land, for which permission may be required pursuant to this chapter.

DEVELOPMENT FEES — Money paid by an individual, person, partnership, association, company or corporation for the improvement of said property as permitted in COAH's rules.

DISTRICT CORRIDORS — Irvington Avenue and Valley Street, as used in Section 185-162, Schedule I, to identify certain streets in Business Districts B-1, B-2 and B-3.

DRAINAGE RIGHT-OF-WAY — The lands required for the installation of stormwater sewers or drainage ditches, or lands or interest therein, required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage in accordance with N.J.S.A. 58:1A-1 et seq., as amended and supplemented to date.²

DRIVE-IN RESTAURANT — A building where food and beverages are sold in a form ready for consumption by patrons in their automobiles parked on the building lot.

DWELLING — A building or portion thereof designed or used as a residence.

DWELLING, ONE-FAMILY — A detached building occupied or intended to be occupied exclusively for residential purposes by one family or one housekeeping unit.

DWELLING UNIT — A room or series of connected rooms designed for permanent residency, containing living, cooking, sleeping and sanitary facilities for one housekeeping unit. The dwelling unit shall be self-contained and shall not require the use of outside stairs, passing through another dwelling unit or other indirect route(s) to get to any portion of the dwelling unit.

EASEMENT — A use or burden imposed on real estate by deed or other legal means to permit the use of land by the public, a corporation or particular persons for specific uses.

EQUALIZED ASSESSED VALUE — The value of a property determined by the Village Tax Assessor through a process designed to ensure that all property in the municipality is assessed at the same assessment ratio or ratios required by law. Estimates at the time of issuance of a building permit may be obtained utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the Village Tax Assessor.

ESSENTIAL SERVICES — The erection, construction, alteration or maintenance of underground, surface or overhead electric, gas, steam, water and sewage transmission and collection systems and the appurtenances necessary for such systems to furnish an

2. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. I).

adequate level of public service.

EVENT SPACE – A facility whose primary purpose is to provide a room, space or premises, operated as a commercial establishment, in which eating and/or drinking may take place and in which entertainment, private parties and other events may also be provided. Such entertainment may include, but not be limited to, music by a live musician or musicians, or any mechanical, electronic or other means. Such facilities shall not include nightclubs, discotheques and cabarets. The operation of a motion picture shall only be incidental to a specific event.

EXECUTIVE OFFICE — A room or suite of rooms located in a nonresidential district wherein the business of a person or organization is carried on, be it professional or not. This definition shall not include any premises where any manufacturing operation occurs or where any business supplies other than ordinary office supplies are stored.

FAMILY — A family shall consist of a group of persons, whether related or unrelated, not larger in number than any dwelling, occupied or to be occupied by such group of persons, whether related or unrelated, may accommodate under the applicable Housing Code provisions which constitute a single bona fide housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization or similar group. A single bona fide housekeeping unit, for purposes of this chapter, is a relationship between persons for maintaining a common household or family relationship on a permanent basis or for an indefinite period of time. A home in which foster children live who have been placed with any family in a single-family dwelling by the Division of Youth and Family Services or a duly incorporated child care agency or a home where children are placed pursuant to law with families in single-family homes known as "group homes" shall also be deemed to constitute a single-family home. The taking of lodgers, boarders or roomers in all or part of premises or the taking in of a subtenant for a portion of the premises shall not be deemed to constitute a bona fide housekeeping unit even though such lodgers, boarders, roomers or subtenants shall be using certain rooms and housekeeping facilities in common within the structure. Nothing in the foregoing definition shall be construed to prevent the allowance of fraternity or sorority houses within the University U Zone, provided that appropriate provisions exist for the same within this chapter.

FAST-FOOD RESTAURANTS — Public eating places where prepared food and beverages are available for on- and/or off-premises consumption upon a short waiting period, and orders are placed by the customer at the counter and primarily served in or on disposable wrappers, containers or plates, and where wait service is not available. This does not include restaurants that have takeout as accessory to a traditional restaurant.

FINAL APPROVAL — The official action of the approving authority taken on a preliminary approved major subdivision or site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guaranties properly posted for their completion, or

approval conditioned upon the posting of such guaranties.

FIREPROOF — As defined in the Township of South Orange Village Building Code.

FLAT — A multifamily unit which is on one floor within a single building that is physically attached to two or more other units.

FLOOR AREA, GROSS — The floor area within the perimeter of the outside walls of a building, without deduction for hallways, stairs, closets, thickness of walls, columns or other features, including basements.

FLOOR AREA, NET — The actual occupied area, not including accessory unoccupied areas or the thickness of walls.

FLOOR AREA RATIO (FAR) — The aggregate floor area, in square feet, of a building or group of buildings on a lot divided by the area, in square feet, of the lot.

GARAGE, COMMERCIAL — Any building in which a business, service or industry involving the sale, rental, storage, maintenance, washing or servicing and storage in connection therewith of motor vehicles is conducted or rendered, but not including gasoline service stations as hereinafter defined.

GARAGE, PRIVATE — An accessory building or portion of a principal building used primarily for the storage of private passenger vehicles and in which no business is carried on and no service is rendered to the general public and wherein not more than one commercial vehicle not to exceed one ton's capacity is stored.

GARAGE, PUBLIC — A building or structure for the storage or parking of more than four passenger motor vehicles or motor-powered boats or more than one commercial motor vehicle, and in which provision may be made for the dispensing of gasoline, oil or similar products for the servicing of such vehicles.

GASOLINE SERVICE STATION — A building or premises in which or upon which is conducted a business involving the retail sale and direct delivery to motor vehicles of gasoline and lubricating oil, regardless of any other business on the premises, which business may or may not include facilities for lubricating, washing or otherwise servicing motor vehicles, but not including facilities for body repair work, painting or motor vehicle sales, or storage of disabled vehicles.

GENERAL OFFICE — A building or part thereof located in a nonresidential zone wherein a business organization carries on all facets of its business other than the manufacture and fabrication of products for its use or sale to others.

GRADE

- (1) A reference plane representing ground level with respect to an established reference point expressed as the number of feet above or below the reference point or the number of feet above sea level.
- (2) The slope of a road, path, driveway, swale or other improvement constructed

at ground level or the slope of the ground in its natural state expressed as a percentage of slope which is the relationship of vertical distance or measurement to horizontal distance or measurement.

GRADE, EXISTING — The same as natural grade, or it is the established finished grade prior to disturbance by new or additional construction, earth removal or earth-filling procedures.

GRADE, FINISHED — The level or elevation of ground surface or other ground-level improvements with respect to an established reference point or sea level upon completion of construction, earth removal or earth-filling procedures.

GRADE, NATURAL — The level or elevation of natural ground surface with respect to an established reference point or sea level prior to disturbance by construction, earth removal or earth-filling procedures.

GYM -- A facility whose primary purpose is to offer a wellness program, health club, fitness center, gymnasium or other facility that offers physical activity, recreation, or nutrition services, and may include equipment or space for fitness and exercise activities and may include incidental sauna, spa or hot tub facilities.

HAZARDOUS MATERIALS — Includes but is not limited to inorganic mineral acids of sulfur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium and arsenic and their common salts; lead, nickel and mercury and their inorganic salts or metallo-organic derivatives; and coal tar acids, such as phenols and cresols, and their salts.

HEIGHT, BUILDING — The vertical distance from the average of the existing ground elevation at the perimeter of the foundation of the building or structure to the level of the highest point of the roof structure thereof. In all cases where height limitations are stipulated by measurement in feet and in number of stories, the intent is to limit height to the stipulated maximum number of stories within the stipulated footage limitation.

HEIGHT, WALL — The vertical distance from the average of the existing grades at the base of the wall to the top of the wall.

HOME-BASED BUSINESS — Any legal activity operated for pecuniary gain in, or directed from, a legally existing residential building or a structure accessory thereto which is incidental and secondary to the use of such a building for dwelling purposes. Said activity must be operated or directed by one or more family members residing within that residential building, and the activity operated from within must not change the essential residential character of the dwelling and must be consistent with the limitations set forth in § 185-187.

HOOKAH LOUNGE – A facility that has water pipes (also known as a hookah, shisha, boory, argileh, nargile, hubble-bubble, goza, meassel or sheeha) for people to share pipefuls of either tobacco or an herb or a dried fruit or a combination of those which is burnt using coal and becomes smoke, then passes through an ornate water vessel and is inhaled through a hose.

HOUSEKEEPING UNIT — A stable group of individuals, unrelated by blood, marriage, or civil union, who reside together "family style" as a bona fide single housekeeping unit. Existence of one or more of the following shall create a rebuttable presumption that the group is not a bona fide housekeeping unit:

- (1) Keyed lock(s) on any interior door(s) to prevent access to any area of the dwelling unit with sleeping accommodations.
- (2) Members of the group have separate leases or subleases and/or make separate rent payments to a landlord.
- (3) The group significantly re-forms over the course of a twelve-month period by losing and/or gaining members.

IMPERVIOUS SURFACE — Any hard-surfaced, man-made areas that do not readily absorb rainwater, including but not limited to buildings, patios, solid wood or composite decks that do not allow water to flow between the decking to the ground beneath, porches, paved parking, turnabouts and driveway areas, walkways, sidewalks, and paved recreation areas (tennis, basketball courts), but shall not include swimming pools, nonpermanent children's play equipment, movable outside lawn furniture, arbors, fences and small garden structures such as birdbaths or artwork.

INDUSTRIAL FEEDING ESTABLISHMENT — A business facility preparing, storing or serving food where food is served for the convenience of the employees or guests of the business establishment as an accessory use in a building that has another primary business use.

KITCHEN USED PRIMARILY FOR COOKING CLASSES — A facility that offers cooking classes to the public, but does not train commercial chefs. The facility may offer public and private events including, but not limited to, wine and food tastings and birthday parties.

KNITTING ROOM — A facility whose primary purpose is to sell knitting accessories at retail and to hold incidental classes for the public to learn the various forms of knitting.

LOCAL LANDMARK — An historic district, site, property, building, structure and object which meets the criteria set forth in § 9-28A of this Code and:

- (1) Has previously been included on the State or National Register of Historic Places or for which an opinion or certification of eligibility exists by the State Historic Preservation Officer pursuant to the Code of Federal Regulations, Title 36, Part 800, as amended in the Federal Register (69 FR 40553-40555) on July 6, 2004, or N.J.A.C. 7:4-5.1-3, that such is eligible for inclusion on the Register(s), and is further designated a local landmark by the Board of Trustees pursuant to N.J.S.A. 40:55D-65.1; or
- (2) Is, by ordinance, designated as a local landmark by the Board of Trustees, pursuant to N.J.S.A. 40:55D-65.1; or

- (3) Is recommended by the Historic Preservation Commission pursuant to N.J.S.A. 40:55D-109b and adopted by the Planning Board in the Historic Preservation Element of the Master Plan as a local landmark.

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

LOT, CORNER — A lot at the junction of and fronting on two or more intersecting streets or having two or more sides bounded by the same street.

LOT COVERAGE — The percentage of surface area of a lot which is covered by all existing and proposed buildings and structures, including driveways, parking lots, pedestrian walkways and other man-made impervious improvements which are more impervious than the natural surface. All required parking areas which are permitted to remain unpaved shall be included in the computation of lot coverage. In calculating the coverage, due consideration shall be given to the increased permeability of pervious surfaces and primarily impervious surfaces as defined herein.

LOT, DEPTH OF — A distance between a lot's mean front street line and its mean rear line.

LOT FRONTAGE — The length of the front lot line measured at the street right-of-way line.

LOT, INDIVIDUAL TOWNHOUSE — The lot area upon which an individual townhouse dwelling unit is constructed. Lots for individual townhouses may be platted and in fee simple ownership or may be in common ownership and not shown on the final plat.

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

LOT LINE — A line of record bounding a lot.

LOT LINE, FRONT — The lot line separating a lot from a street right-of-way; in the case of corner lots, the line on which the primary entrance faces.

LOT LINE, REAR — The lot line opposite and most distant from the front lot line, or the point at which the side lot lines meet.

LOT LINE, SIDE — Any lot line other than a front or rear lot line.

LOT, WIDTH OF — The mean width of a lot measured at right angles to its depth.

LOW-INCOME HOUSEHOLDS — Those households with an income no greater than 50% of the median household income of the Newark Primary Metropolitan Statistical Area (PMSA), adjusted for household size.

LOW-INCOME HOUSING — Housing which, with the appropriate purchase or rental subsidy, is economically feasible for families whose income is categorized as "low" within the standards existing from time to time and promulgated by the United States Department of Housing and Urban Development, the New Jersey Housing Finance Agency or other generally acceptable state or federal agencies.

MAIN STREET – South Orange Avenue and Sloan Street, as used in Section 185-162, Schedule I, to identify certain streets in Business District B-1.

MAJOR SUBDIVISION — Any subdivision not classified as a minor subdivision.

MEDTAIL – A facility whose primary purpose is to provide diagnostic therapeutic, or preventative medical, osteopathic, chiropractic, dental, psychological and similar or related treatment together with a retail sales component that is accessible and regularly open to the public, and consists of at least 20% of the establishment's total floor area. Treatments must be administered by a practitioner or group of practitioners licensed to perform such service to ambulatory patients on an outpatient basis only, and without facilities for inpatient care, major surgical procedures, or emergency and urgent care. Examples of such a facility may include but not be limited to hearing centers that test hearing and sell hearing aids and eyeglass retailers that check vision and sell eyeglasses.

MINOR SUBDIVISION — A subdivision of land that does not involve:

- (1) The creation of more than three lots fronting on an existing street;
- (2) Planned development;
- (3) Any new street; or
- (4) Extension of any off-tract improvement.

MODERATE-INCOME HOUSEHOLDS — Those households with income no greater than 80% and no less than 50% of the median household income of the Newark PMSA, adjusted for household size.

MUNICIPAL LAND USE LAW — Chapter 291 of the Laws of New Jersey 1975, as amended from time to time.³

NONCONFORMING LOT — A lot, the area, dimensions and location of which were lawful prior to the adoption, revision or amendment of a zoning ordinance but that 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 this chapter but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

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

3. Editor's Note: See N.J.S.A. 40:55D-1 et seq.

OFF-SITE, ON-SITE, OFF-TRACT, ON-TRACT, OPEN SPACE — As defined in the Municipal Land Use Law, P.L. 1975, c. 291 (N.J.S.A. 40:55D-5).

OFF-STREET LOADING SPACE — An accommodation for the off-street parking of a commercial vehicle for the purpose of delivery to or receipt from a building of goods and materials and having a width of at least 10 feet, a length of at least 25 feet and a clearance above grade of at least 14 feet.

OFF-STREET PARKING AREA — An open area, other than a street or other public way, used for the parking of motor vehicles and available for use, whether for a fee or as a service or privilege for clients, customers, suppliers or residents.

OFF-STREET PARKING SPACE — An accommodation for the off-street parking of one motor vehicle, which shall have such area and dimensions as prescribed by § 185-113 of this chapter.

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

PAINT AND SIP STUDIO -- A facility whose primary purpose is for customers, with the guidance of an artist, to create art, usually in the form of paintings, often while drinking wine. The facility may offer private events and parties.

PARTY/WEDDING PLANNER OFFICE – A facility whose primary purpose is to provide prospective clients who intend to have a wedding or other affair with planning services necessary for the affair. Such facility may have offices, sitting areas and displays from various service providers.

PATIO — A nonroofed structure at or near grade that is elevated no more than 18 inches above grade at any one point.

PAWNSHOP — Any business which loans money on deposit or pledge of personal property, other than securities or printed evidence or indebtedness, deals in the purchasing of personal property on condition of selling back at a stipulated price or is designated as or doing business as furniture-storage warehousemen, and loaning and advancing money upon goods, wares or merchandise pledged or deposited as collateral security.

PERMITTED USE — Any use which shall be allowed subject to the provisions of this chapter.

PERVIOUS SURFACE — Porous asphalt, porous concrete and nongrouted permeable pavers, bricks or other porous materials which are demonstrated by product specification or certified by a licensed professional engineer to allow some rainwater to

pass through and be absorbed by the ground beneath. The percentage of impervious surface will be calculated based on the manufacturer's product specifications to be provided to and approved by the Village Engineer. (Note: Property owners shall be encouraged to use pervious paving for new driveways and parking areas and other best management practices, including rain gardens, rain chains, rain barrels and other water collection techniques, to reduce the amount and velocity of rainwater runoff from the surface of their lots, to retard soil erosion and improve the quality of the water running off to receiving surface bodies of water.)

PET GROOMING – A facility whose primary purpose is to provide hygienic care and cleaning of dogs, cats and similar animals.

PLANNED COMMERCIAL DEVELOPMENT — An area of a minimum contiguous size, to be developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate commercial or office uses, or both, and any residential and other uses incidental to the predominant use as may be permitted by the zoning provisions.

PLANNED DEVELOPMENT — A planned unit development, planned unit residential development, residential cluster, planned commercial development or planned industrial development.

PLANNED ECONOMIC DEVELOPMENT — Planned commercial development.

PORTABLE GARBAGE BIN — An exterior waste container with a capacity of at least one cubic yard.

PORTABLE SANITATION FACILITY — An outdoor toilet with walls which can store waste and be emptied from time to time.

PORTABLE STORAGE UNIT — A nonmotorized storage container for on-site storage, including refrigerated storage containers.

PREMISES — Land, buildings and appurtenances thereto held under common ownership or used for a common purpose.

PRIMARILY IMPERVIOUS SURFACE — A gravel, loose stone or stone dust area which allows some rainwater to be absorbed into the ground, and ordinary brick, concrete pavers or bluestone laid in sand, without an impervious plastic or other barrier, with space for rainwater to penetrate to the ground. Such areas shall be considered 75% impervious.

PRINCIPAL USE — The primary or predominant use of the premises.

PRIVATE, PUBLIC, NONPROFIT ORGANIZATION, INSTITUTION OR GROUP PREPARING, STORING OR SERVING FOOD — A facility which has, as an accessory use, the preparation, storing or serving of food for persons utilizing the facility for the primary function of the private, public or nonprofit organization, institution or group.

PRIVATE RECREATION FACILITY — A recreation facility open only to bona fide

members and guests of such facility.

PROFESSIONAL OFFICE — A room or suite of rooms located in a nonresidential district wherein the business of a physician, dentist, lawyer, architect, engineer and other professional person may be carried on.

PROFESSIONAL OFFICE BUILDING — A building designed to contain one or more rooms or suites of rooms in which professional or business offices are contained.

PROFESSIONAL OFFICE IN RESIDENCE — A professional office of a doctor, dentist, psychologist, architect, accountant, attorney or engineer located in a dwelling owned and occupied by the doctor, dentist, psychologist, architect, accountant, attorney or engineer.

PROFESSIONAL PERSON — A physician, dentist, engineer, architect, lawyer and other professional persons as the approving authority may determine to be of similar character.

PROHIBITED USE — All uses not expressly permitted in this chapter.

REALTOR OFFICE — A facility whose primary purpose is to provide broker and agent services to purchasers and sellers of real estate.

RESIDENTIAL CLUSTER, RESIDENTIAL DENSITY, RESUBDIVISION — As defined by the Municipal Land Use Law, Chapter 291 of the Laws of 1975 (N.J.S.A. 40:55D-6).

RESTAURANT — Any building or space equipped to serve food and drink within the interior of said building as a principal use and which utilizes wait service and/or nondisposable utensils for the service of food and drink. Takeout orders are permitted as an accessory use.

RETAIL FOOD ESTABLISHMENT

- (1) Any coffee shop; cafeteria; short-order cafe; luncheonette; grill; tearoom; sandwich shop; soda fountain; ice cream parlor; tavern; bar; cocktail lounge; nightclub; roadside stand; industrial feeding establishment; private, public or nonprofit organization, institution or group preparing, storing or serving foods; catering kitchen; commissary; box-lunch establishment; retail bakery; meat market; delicatessen; grocery store; public food market; or any similar place in which food or drink is prepared for retail sale or service on the premises or elsewhere, and any other retail eating or drinking establishment or operation where food is served, handled or provided for the public with or without charge.
- (2) Each retail food establishment shall be classified by principal use in one of the following categories: restaurant, fast-food restaurant, convenience store, retail market, catering facility, industrial feeding establishment or private, public or nonprofit organization, institution or group.

RETAIL MARKET — Includes bakeries, meat and fish markets, delicatessens, grocery

stores, food markets and ice cream parlors which may have, as an accessory use, on-premises food consumption but not wait service.

RETAIL SHOWROOM -- A retail sales establishment involved in the sale, lease, rent or display of new products or merchandise to the general public for personal use or household consumption. This includes, but shall not be limited to, stores selling apparel, furniture, books, jewelry, appliances, arts, crafts and consumer electronics. The products offered shall not be considered as being stored at the location.

ROOMING HOUSE — A building and associated use as defined in N.J.S.A. 55:13B-3h.

SENIOR CITIZEN — A person 55 years of age or older. For purposes of this chapter, the spouse of a senior citizen, regardless of age, and a person, such as a nurse, companion or child, whose presence is essential to the daily physical care of the senior citizen shall be considered senior citizens.

SENIOR CITIZEN HOUSING — A housing development or housing project with priority for senior citizens (as that term is defined from time to time by either the United States Department of Housing and Urban Development or the New Jersey Housing Finance Agency) or the handicapped. A person shall be considered handicapped if he or she has a physical impairment which is expected to be of long, continued and indefinite duration and will substantially impede his ability to live independently and is of such a nature that such disability could be ameliorated by more suitable housing conditions.

SETBACK LINE — A line drawn parallel with the property line. The term "required setback" means a line that establishes the required distance from the property line beyond which a front wall of a building or part of a building is not permitted to extend toward the property line.

SIDE STREET -- Academy Street, Prospect Street, Scotland Road, Taylor Place, Village Plaza, Vose Avenue, First Street, Second Street and Third Street, as used in Section 185-162, Schedule I, to identify certain streets in Business Districts B-1 and B-2.

SIDEWALK — Any portion of a street or highway and the adjacent property line intended for the use of the public.

SITE PLAN — A development plan of one or more lots on which is shown the existing and proposed conditions of the lot, including but not necessarily limited to soils, topography, vegetation, surface drainage, underground watercourses, floodplains, marshes and waterways, the location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities and inverts, utility services, easements, landscaping, structures and signs, lighting and screening devices, fire zones and any other information that may be reasonably required in order to make an informed determination as to approval of the plan by the Planning Board pursuant to this chapter.

SITE PLAN REVIEW — See Part 4 of this chapter.

SKETCH PLAT — The sketch map of subdivision to be used for the purpose of

discussion and classification and meeting the requirements of Part 8 of this chapter.

SPECIAL PERMIT — A permit directed to be issued pursuant to N.J.S.A. 40:55D-76 for a building or structure in the bed of a mapped street or public drainageway or flood-control basin or public area.

SPECIAL PROFESSIONAL OFFICE — A room or suite of rooms in which the business of a physician, dentist, lawyer, engineer, architect and other professional person is carried on.

STORAGE SHED — An accessory building used for the storage of items such as, but not limited to, tools, lawn, garden, and pool equipment and furniture and similar items of personal property belonging to the occupant of the principal structure.

STORMWATER DRAINAGE SYSTEM DETENTION OR CONTAINMENT BASIN, POND, CHAMBER, DEVICE OR STRUCTURE — Any structure located on or below the surface of a lot for the sole purpose of collecting and channeling or retarding and detaining stormwater runoff from land, buildings and other improvements on the lot or from the natural drainage tributary area of the lot.

STORY — That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that that topmost story shall be that habitable portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

STORY, FIRST — The lowermost story entirely above grade.

STORY, HALF — That part of a building located above a story and under a sloping roof that meets at least two opposite exterior walls not more than 12 inches above the plate of the story below and providing habitable space, as defined by the Building Code, with a floor area of not more than 50% of the floor area of the story below.

STREET — Includes highways, roads, avenues, boulevards, thoroughfares, courts, public lanes, sidewalks and all other public highways for vehicular or pedestrian travel.

STREET LOT LINE — The lot line dividing a lot line from a street or other public space.

STREET RIGHT-OF-WAY LINE — The dividing line which separates private and public properties.

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, intended for permanent or near permanent installation.

SUBDIVISION — The division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale or development. The following shall not be considered subdivisions within the meaning of this chapter if no new streets are created: divisions of land found by the Planning Board or the Subdivision Committee thereof appointed by the Chairman to be for agricultural purposes where all resulting parcels are five acres or larger in size; divisions of property by testamentary or intestate

provisions; divisions of property upon court order, including but not limited to judgments of foreclosure; consolidation of existing lots by deed or other recorded instrument; and the conveyance of one or more adjoining lots, tracts or parcels of land owned by the same person or persons and all of which are found and certified by the administrative officer to conform to the requirements of the municipal development regulations and are shown and designated as separate lots, tracts or parcels on the Tax Map or Atlas of the municipality. The term "subdivision" shall also include the term "resubdivision."

SUBDIVISION, MAJOR — Any subdivision not classified as a minor subdivision.

SUBSTANTIVE CERTIFICATION — A determination by COAH approving a municipality's housing element and fair share plan in accordance with the provisions of the Fair Housing Act⁴ and the rules and criteria as set forth herein. A grant of substantive certification shall be valid for a period of six years in accordance with the terms and conditions therein.

TATTOO or TATTOOING — To mark or color the skin by pricking in by subcutaneous introduction nontoxic dyes or pigments so as to form indelible marks or figures or by production of scars.

TATTOO PARLOR — A facility whose principal purpose is to offer permanent physical body adornment to individuals, including, but not limited to, body piercing, tattooing and permanent cosmetics.

TEMPORARY GARAGE — An accessory structure with a framing of wood, fiberglass, plastic or metal poles, with or without a foundation or footings, clad in fabric, vinyl or other such material intended for the storage of motor vehicles, recreational vehicles, and any household, commercial, or other goods.

TEMPORARY STRUCTURE — A combination of materials to form a construction for occupancy, use or ornamentation, not intended for permanent or near permanent installation. Temporary structures include, but are not limited to, portable storage units, portable garbage bins, portable sanitation facilities, storage sheds and tents.

TENT — A portable shelter, as of canvas, plastic, vinyl, or other pliable material, stretched over a supporting framework of poles or affixed to an adjacent structure or temporary structure.

TOWNHOUSE — A one-family dwelling in a row of at least two such units in which each unit has its direct means of access to the outside and is attached to no more than two other units.

TOWNHOUSE ROW — A group of two or more attached townhouses.

TRANSCRIPT — A typed or printed verbatim record of the proceedings or reproduction thereof.

4. Editor's Note: See N.J.S.A. 52:27D-301 et seq.

VAPE LOUNGE – A facility whose principal use is the sale or provision of electronic cigarettes, e-liquids, and/or hookahs, primarily for on-site use.

VARIANCE — Permission to depart from the literal requirements of a zoning ordinance pursuant to Section 47 and Subsections 29.2b, 57c and 57d of Chapter 291 of the Laws of New Jersey 1975.⁵

VILLAGE — The Township of South Orange Village.

VILLAGE DEVELOPMENT APPLICATION OFFICIAL — An official of the Township of South Orange Village who shall have as his duties and functions the receipt and review of all applications for development which are filed with the Township of South Orange Village pursuant to the provisions of the Municipal Land Use Law and the provisions of this chapter of the Code of the Township of South Orange Village. This official shall not be charged with the duties of Zoning Officer or administrative official of the Township of South Orange Village.

WAIVER — A release from the obligation to comply with one or more of the information requirements of the ordinances upon a showing, by the applicant, that the literal enforcement of one or more of the information requirement review provisions is impractical or will result in an unnecessary hardship, which for the purposes of this chapter shall not mean mere inconvenience. An application for a waiver shall be made in writing to the approving authority.

WELLNESS PROGRAMS AND CLASSES –

A facility whose primary purpose is to offer wellness programs and classes, including but not limited to, diet programs, nutrition programs and other personal care programs.

YARDS, FRONT, SIDE AND REAR

- (1) FRONT YARD — The area within and extending the full width of the lot between the street line or its vertical projection and the part of the building nearest thereto and its extensions to the side lot lines.
- (2) SIDE YARD — The area within the lot between the side lot line or its vertical projection and the part of the building nearest thereto. The side yard extends from the front yard to the rear yard.
- (3) WIDTH OF A SIDE YARD — The minimum distance between the side lot line or its vertical projection and the part of the building nearest thereto, excluding permissible projections.
- (4) REAR YARD — The area within and extending the full width of the lot between the rear lot line or its vertical projection and the part of the building nearest thereto and its extensions to the side lot lines.
- (5) DEPTH OF A REAR YARD — The minimum distance from the rear lot line or

5. Editor's Note: See N.J.S.A. 40:55D-60, 40:55D-40b and 40:55D-70c and d, respectively.

its vertical projection to the part of the building that is nearest thereto, excluding permissible projections.

YOGA STUDIO – A facility whose primary purpose is to provide classes and training by a certified yoga instructor in one or more of the various types of yoga for a fee.

ZONING MAP — The Zoning Map for the Village, together with all amendments subsequently adopted.

- B. Use of terms. Certain words in this chapter are defined, for the purpose hereof, as follows: Words used in the present tense include the future; the singular number includes the plural, and the plural the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "occupy" includes the words "designed or intended to be occupied"; the word "used" includes the words "arranged, designed or intended to be used"; the word "shall" is always mandatory.

Section 2.

Chapter 185, Section 185-163 is hereby amended and restated as follows:

§ 185-163. Supplemental use regulations.

- A. Vending machines. Only vending machines designed and used for the sale of cigarettes, candy, soft drinks, milk, newspapers or other merchandise are permitted and only within the confines of a building and only in the nonresidential zones.
- C. Commercial vehicles. No commercial vehicle, trailer or boat, except as defined in Subsection F below, shall be parked in a residential zone or on residential property located in any business zone unless such vehicle is kept within a private residential garage.
- D. Recreational vehicles in residential zones. Camping and recreational equipment as defined in Subsection E below may be parked on private residential property, subject to the following conditions:
- (1) At no time shall such camping or recreational equipment be occupied or used for living, sleeping or housekeeping purposes.
 - (2) If the camping or recreational equipment is parked outside of a private residential garage, it shall be parked or stored to the rear of the front wall of the building line. On a corner lot, said equipment shall be parked to the rear of the building lines on each street.
 - (3) Notwithstanding the provisions of Subsection D(2) above, camping or recreational equipment may be parked anywhere on the premises during loading or unloading.

E. Camping and recreational equipment, for the purpose of this Part 13, shall be defined as follows:

PICKUP COACH or PICKUP CAMPER — A structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, camping, recreational and vacation uses, and which shall be eligible to be licensed, registered and insured for highway use.

TRAVEL TRAILER — A vehicular, portable or self-propelled structure building on a chassis, designed to be used as a temporary dwelling for travel, camping, recreational and vacation uses, and when equipped for the road shall have a body width not exceeding eight feet and which shall be eligible to be licensed, registered and insured for highway use.

F. Housing trailers.

- (1) Housing trailers may be installed on private property only in the event of fire or other casualty which partially or totally destroys a residence and may be permitted to remain thereon until the main residence is made habitable, but in no event shall the trailer be permitted to remain longer than 90 days, unless extended for good cause.
- (2) The property owner shall apply to the Construction Code Official for a certificate of use and shall not install the trailer until the Construction Code Official issues said certificate.
- (3) The trailer shall be placed to the rear of the property and shall not be located within six feet of any structure located on adjacent property and shall be so placed to permit full and complete access to the front and sides of the building under repair.
- (4) All trailers shall be inspected regularly for habitability under the standards set forth in the Housing and Maintenance Codes of the Township of South Orange Village,⁶ as well as such smoke detectors as the Fire Subcode Official shall determine.
- (5) A trailer may also be used for a temporary construction office located on a construction site. Prior to its use for a temporary purpose, a temporary permit must be obtained from the Construction Code Official.

G. Objectionable uses prohibited. No building or premises shall be used for any trade, industry or purpose that is noxious or offensive by reason of smoke, fumes, dust, gases, odors or other air pollutant, noise or vibration, fire and explosion hazards or other activity dangerous to public health or safety that would in any way violate the performance standards in § 185-129 that would in any way violate any applicable state or local health and safety regulations. No noisemaking devices

⁶. Editor's Note: See Ch. 237, Property Maintenance.

such as phonographs, loudspeakers, amplifiers, radios, television sets or similar devices shall be used or so situated so as to be heard beyond the limits of the property.

- H. Disabled and nonregistered vehicles. No disabled, nonregistered or noninspected motor vehicle shall be stored in any zone unless the same is kept within a garage.
- I. Swimming pools.
 - (1) No permit for a permanent swimming pool shall be issued by the Construction Official until the plans, specifications and plot plans have been approved by the Plumbing Subcode Official and the Health Officer of the Township of South Orange Village and such approval has been properly certified on the plans.
 - (2) Permitted size of swimming pool. No swimming pool and its accessory buildings shall cover more than 20% of the rear yard of the lot. The maximum height above the existing finished grade shall be five feet.
 - (3) Location. Such swimming pool shall not be located:
 - (a) Closer than 10 feet from the rear and side property lines of the property;
 - (b) Closer than 10 feet to the main building or an accessory structure; or
 - (c) Nearer to the street line on which said premises front than a line 10 feet to the rear of the building setback line.
 - (4) A permanent swimming pool shall not be constructed or installed on any property unless a residence building is also located on said premises or unless said premises are part of a residential curtilage.
 - (5) Illumination of the swimming pool and immediate area shall not be later than 11:00 p.m.
 - (6) Illumination of the swimming pool shall be of indirect lighting so as not to be a nuisance to the neighboring property.
 - (7) All water-filtering systems and other swimming pool appurtenances must be enclosed by an approved shelter and located not less than four feet from the rear and side lot lines nor within 20 feet of the main building.
 - (8) All water-filtering systems must be constructed and approved in accordance with the BOCA National Building Code and the New Jersey Standard Plumbing Code.
 - (9) Bathhouses, sun decks, buildings or structures to house mechanical equipment or for storage purposes shall be considered as accessory buildings and shall be located in accordance with the provisions of this Part 13 pertaining to such accessory buildings.

- J. Affordable housing regulations. The affordable housing regulations set forth in Article XXXIII of this chapter shall apply to the following uses within the Village:
- (1) All townhouse and multifamily uses in the Residence PRD Planned Residential Development Zone.
 - (2) All permitted principal uses in the Planned Residential Cluster B Zone.
 - (3) All new residential development or mixed commercial/residential development producing five or more units in the RC-1, R-TH, B-1, B-2 and B-3 Zones.
- K. Temporary structures on private property.
- (1) Temporary structures are permitted accessory uses in all zones on private property.
 - (2) Specifically excluded from these provisions are:
 - (a) Accessory buildings as provided for in Subsection I(9) and/or § 185-167, such as storage sheds or pump houses;
 - (b) Temporary structures required for religious observances erected within the setbacks required for accessory structures; and
 - (c) Small tents on residential properties, erected within the setbacks required for accessory structures. These excluded tents shall not exceed 12 feet in length by 12 feet in width or alternatively shall not exceed 150 square feet of coverage and shall be erected for not more than 90 days.
 - (3) No temporary garage or similar structure shall be permitted.
 - (4) No portable storage unit shall be parked in or on any lawn area within the front yard of any dwelling or in the public right-of-way or public street abutting any dwelling. Parking of portable storage units shall be confined to a driveway or other approved parking area and shall not interfere with any required parking stall. In no circumstance shall a permit for a portable storage unit be granted in excess of 120 days.
 - (5) Temporary structures shall meet the rear yard setback requirements for accessory structures. Temporary structures, in residential zones or on single-family residential properties, except portable storage units, are not permitted in the front yard. In commercial zones or on multifamily residential properties, temporary structures shall not be placed so as to obstruct driveways or drive aisles or be placed within 10 feet of adjacent residential properties.
 - (6) Those temporary structures incidental to construction activities subject to site plan approval, such as construction trailers, portable garbage bins, portable sanitation facilities, etc., are permitted and not subject to temporary structure permit fees. Temporary structures that require certificates of occupancy shall

have their locations identified on an approved site plan, and all temporary structures shall be removed upon the issuance of a temporary or final certificate of occupancy, whichever is first, or abandonment of the work.

- (7) Nothing contained in this section is intended to exempt temporary structures from the requirements of any element of the New Jersey Uniform Construction Code, as same may be amended from time to time.
- (8) Temporary structures shall not be erected unless pursuant to a permit issued by the Building Department and the payment of a fee as set forth in Chapter 143, Fees, of this Code.
- (9) Unless a waiver is granted pursuant to Subsection M, temporary structures may not be permitted for more than 180 days unless a variance is granted by the Planning Board or the Board of Adjustment.

L. Temporary structures in the public right-of-way.

- (1) Portable garbage bins may be placed in a public street with a permit issued by a Construction Official with the approval of the Police Chief or his designee and shall be equipped with suitable reflectors or other warning devices as may be required by the Construction Official.
- (2) Such reflectors shall meet the requirements of N.J.S.A. 27:51-1 and include the mounting of yellow reflective diamond-shaped markers/panels with a minimum size of 18 inches by 18 inches on both ends of containers nearest the path facing oncoming traffic, at a minimum height of three feet from the roadway surface.
- (3) A permit for such placement of portable garbage bins shall only be issued after a finding by the Construction Official that there is no feasible alternative for placement of the portable garbage bin on the applicant's property pursuant to Subsection K.
- (4) After the issuance of a permit, such portable garbage bins shall be placed at the curb in front of property owned by the applicant under such permit and at a location where vehicular parking otherwise would be permitted.
- (5) Thirty-day permits may be issued upon the payment of a fee as set forth in Chapter 143, Fees, of this Code. Such permits may be renewed upon application to the Construction Official and payment of a renewal fee as set forth in Chapter 143, Fees, of this Code.

M. The Village Administrator may grant a temporary waiver of the requirements of Subsections K and L to address an emergent condition not to exceed 30 days should such temporary waiver become necessary.

Section 3.

Chapter 185, Section 185-164 is hereby amended and restated as follows:

§ 185-164. Prohibited uses.

Any use not specifically permitted in any zoning district established by this chapter is hereby expressly prohibited from that district. Furthermore, the following uses are expressly prohibited from all zoning districts within the Township of South Orange Village:

- A. A check cashing service as a primary or accessory use.
- B. Pawnshops.
- C. Boardinghouses and rooming houses.

Section 4

Chapter 185, Schedule I is hereby amended and restated as follows:

**Township of South Orange Village
Schedule 1
District Use Regulations**

District	Permitted Principal Uses	Permitted Accessory Uses	Permitted Conditional Uses
Residence A Single-Family: All Districts	<ol style="list-style-type: none"> 1. Single-family detached dwelling. 2. Public schools and public buildings and uses owned or operated by the municipality or its agent or by the Board of Education. 	<ol style="list-style-type: none"> 1. Off-street parking. 2. Signs. 3. Accessory buildings and structures normally incident and subordinate to the principal use, including private garages, property maintenance storage buildings, private swimming pools and cabanas and similar utility or recreational buildings and structures. 4. Greenhouses not operated for profit, provided that there is no display of product other than in growth and further provided that there is no power plant and that any heating plant is at least 200 feet from any lot line. 5. Industrial feeding establishments and private, public and nonprofit organizations, institutions and groups preparing, storing or serving food. 6. Home-based businesses. 	<ol style="list-style-type: none"> 1. Residential cluster developments, Type A and Type B, but only at special locations. 2. Professional offices in residence. 3. The erection of any building resembling, similar to or having a shape commonly known and referred to as a "geodesic dome." 4. Community residences for the developmentally disabled and community shelters for victims of domestic violence. 5. Lodges, fraternal organizations and associations. 6. Churches, synagogues and other religious and nonprofit schools for day students only.

District	Permitted Principal Uses	Permitted Accessory Uses	Permitted Conditional Uses
Residence B: Two-Family	<ol style="list-style-type: none"> Any principal use permitted in Residence A Districts. Two-family detached dwellings. 	<ol style="list-style-type: none"> Any accessory use permitted in Residence A Districts. Industrial feeding establishments and private, public and nonprofit organizations, institutions and groups preparing, storing or serving food. Home-based businesses. 	<ol style="list-style-type: none"> Any conditional use permitted in Residence A Districts, with exception of residential cluster developments. Churches, synagogues and other religious and nonprofit schools for day students only. Churches, synagogues and other religious and nonprofit schools for day students only. Boardinghouses and rooming houses.
Residence PRD: Planned Residential Development	<ol style="list-style-type: none"> Any principal use permitted in the Residence B District. Townhouses. Multifamily apartments. 	<ol style="list-style-type: none"> Any accessory use permitted in Residence A Districts, except greenhouses. Industrial feeding establishments and private, public and nonprofit organizations, institutions and groups preparing, storing or serving food. Home-based businesses. 	<ol style="list-style-type: none"> Professional offices in residence. Community residences for the developmentally disabled and community shelters for victims of domestic violence. Churches, synagogues and other religious and nonprofit schools for day students only.
Residence C-1: Multifamily Office	<ol style="list-style-type: none"> Multifamily apartments, including housing for senior citizens. Townhouses. Professional office buildings. Public schools and public buildings and uses owned or operated by the municipality or its agents or by the Board of Education. Executive offices. 	<ol style="list-style-type: none"> Senior citizen housing. Industrial feeding establishments and private, public and nonprofit organizations, institutions and groups preparing, storing or serving food. Home-based businesses. 	<ol style="list-style-type: none"> Any conditional use permitted in Residence B Zones. Churches, synagogues and other religious and nonprofit schools for day students only. Boardinghouses and rooming houses.

District	Permitted Principal Uses	Permitted Accessory Uses	Permitted Conditional Uses
Business B-1: Primary Business	<ol style="list-style-type: none"> Stores and shops for the conduct of retail trade or service use, limited to stores whose primary business is selling merchandise for purchase by the consumer, such as food, furniture, home furnishings and accessories, magazines and newspapers, household appliances, radios, televisions and computers, pharmaceuticals, art, stationary, clothing and apparel and accessories, plants and flowers. Adult entertainment/retail establishments are prohibited. Services are limited to travel agents; barber, beauty and nails services; shoe repair; tailor and cleaners; appliance and computer repair; video rental and sales; photo studios and processing; locksmith; and retail printing. Banks and financial institutions. Central telephone exchanges. Executive offices, professional offices and showrooms, on the second or higher floors only, except real estate offices, which shall be permitted on any floor. Public restaurants and taverns, but not including drive-in restaurants or restaurant stands where food, drink or confections are served outside the building or where food is intended to be consumed in cars parked on the premises. This provision shall not be deemed to exclude seasonal outdoor or sidewalk cafes as part of a restaurant intended primarily for indoor service of customers. Adult entertainment/retail establishments are prohibited. Funeral homes and parlors. Vocational schools or studios for the instruction of the arts, dancing, music, languages or photography, on the second or higher floors only. 	<ol style="list-style-type: none"> Off-street parking. Signs. Accessory buildings and structures normally incident and subordinate to the principal use. As subordinate to the principal use, the process of manufacture, assembly, treatment or conversion of a product or service intended to be sold or provided directly to the ultimate consumer, provided that not more than 5 mechanics or production workers are involved in any such process. Parks, plazas and open space and open or enclosed walkways or malls. Industrial feeding establishments and private, public and nonprofit organizations, institutions and groups preparing, storing or serving food. 	<ol style="list-style-type: none"> Gasoline service stations. The erection of any building resembling, similar to or having a shape commonly known and referred to as a "geodesic dome." Lodges, fraternal organizations and associations on the second or higher floors only. Churches, synagogues and other religious and nonprofit schools for day students only. Public garages. Fast-food restaurants.

District	Permitted Principal Uses	Permitted Accessory Uses	Permitted Conditional Uses
	<p>8. Public buildings and uses owned or operated by the Village or its agent.</p> <p>9. Apartment buildings and apartment units above the first floor of business buildings.</p> <p>10. Indoor theaters, motion picture housing, cultural and educational facilities and other places of public assembly. Adult entertainment/retail establishments are prohibited.</p> <p>11. Off-street parking facilities.</p> <p>12. Restaurants, convenience stores, retail markets and catering kitchens.</p> <p>13. Retail Showroom</p> <p>14. Kitchen Used Primarily for Cooking Classes</p> <p>15. Tattoo Parlor</p> <p>16. Arcade</p> <p>17. Paint and Sip Studio</p> <p>18. Gym</p> <p>19. Children's Gym</p> <p>20. Children's Play Space</p> <p>21. Yoga Studio</p> <p>22. Realtor Office</p> <p>23. Party/Wedding Planner Office</p> <p>24. Knitting Room</p> <p>Permitted Uses Except on First Floors on Main Streets and District Corridors:</p> <p>25. Catering Kitchen/Food Production</p> <p>26. Event Space</p> <p>27. Creative Studio</p> <p>Permitted Use on Second Floors and Above:</p> <p>28. Commercial or Industrial Showroom</p> <p>Permitted Use Except on First Floor on Main Streets and Side Streets:</p> <p>29. Community Development Office</p>		

<p>Business B-2: Secondary Business</p>	<p>Permitted Use Except on First Floor on Main Streets:</p> <p>30. Co-Working Space 31. Wellness Programs and Classes 32. Medtail</p>	<p>1. Any use permitted in the Business B-1 District. 2. Public garages. 3. A commercial garage limited to a structure that encloses an automobile showroom and sales area and associated offices. 4. Public utility electric substation. 5. General offices. 6. Off-street parking facilities. 7. Retail stores and services not permitted in the B-1 Zone. Adult entertainment/retail establishments are prohibited. 8. Vocational schools or studios for the instruction of the arts, dancing, music, language or photography. 9. Professional offices. 10. Restaurants, convenience stores, retail markets and catering kitchens.</p>	<p>1. Any accessory use permitted in the Business B-1 District. 2. Industrial feeding establishments and private, public and nonprofit organizations, institutions and groups preparing, storing or serving food.</p>	<p>1. Gasoline service stations. 2. The erection of any building resembling, similar to or having a shape commonly known and referred to as "geodesic dome." 3. Lodges, fraternal organizations and associations. 4. Churches, synagogues and other religious and nonprofit schools for day students only. 5. Fast-food restaurants.</p>
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District	Permitted Principal Uses	Permitted Accessory Uses	Permitted Conditional Uses
Business B-3: General Business	<ol style="list-style-type: none"> 1. Any use permitted in the B-2 Secondary Business District. 2. Research, testing and experimental laboratories. 3. Light manufacturing, fabrication and assembly operations. 4. Warehousing and storage of nonflammable liquids or nonexplosive materials. 5. Express carting or hauling offices and stations, but not including trucking terminals. 6. Equipment storage. 7. Newspaper or job printing. 8. The sale and storage of lumber, fuel and building materials. 9. Wholesale storage and display. 10. Bowling alleys, swimming pools, sports arenas and gymnasiums. 11. Off-street parking facilities. 12. Restaurants, convenience stores, retail markets and catering kitchens. 13. Co-Working Space 14. Community Development Office 15. Wellness Programs and Classes 16. Medtail 	<ol style="list-style-type: none"> 1. Any accessory use permitted in the Business B-1 District. 2. Outdoor storage subject to § 185-127. 3. Industrial feeding establishments and private, public and nonprofit organizations, institutions and groups preparing, storing or serving food. 	<ol style="list-style-type: none"> 1. Any conditional use permitted in the Business B-2 Districts. 2. Churches, synagogues and other religious and nonprofit schools for day students only. 3. Fast-food restaurants. 4. Any accessory use permitted in the Business B-1 District. 5. Outdoor storage subject to § 185-127. 6. Adult entertainment/retail establishments (subject to the requirements of § 185-191). 8. Telephone time sales services.

District	Permitted Principal Uses	Permitted Accessory Uses	Permitted Conditional Uses
Business B-4: Supplemental Business ¹	<ol style="list-style-type: none"> 1. Retail sales and service, but excluding sale of building materials, motor vehicles, boats and swimming pools. 2. Banks and financial institutions, excluding drive through facilities. 3. Offices above the first floor, except medical offices, which front on Vose Avenue, shall be permitted on the first floor. 4. Restaurants and taverns, but not including drive-in restaurants or restaurant stands where food, drink or confections are principally served outside the building, or where food is intended to be consumed in cars parked on the premises. Outdoor dining is permitted if a license is issued by the Building Department. 5. Public buildings and uses owned and operated by the Village or its agent and other governmental entities. 6. Residential units above the first floor. 7. Indoor theaters, cultural, recreational and educational facilities and other places of public assembly. 8. Parking lots or parking decks owned by a public and/or governmental entity. 9. Hotels. 10. Essential services such as underground, surface or overhead electrical, gas, telephone, water and/or sewerage, which are reasonably necessary to provide an adequate level of service to the district. 11. Child-care facilities. 12. Commercial recreation facilities, which may be private, semipublic or public. 13. Lodges and fraternal organizations. 	<ol style="list-style-type: none"> 1. Uses customary, incidental and accessory to the principal use such as off-street parking, structured parking and signs. 	<ol style="list-style-type: none"> 1. Boardinghouses and rooming houses.

District	Permitted Principal Uses	Permitted Accessory Uses	Permitted Conditional Uses
PRC A Planned Residential Cluster A	<ol style="list-style-type: none"> Single-family dwellings. Townhouses. Flats 	<ol style="list-style-type: none"> Accessory buildings and structures normally incident and subordinate to the principal use, limited to property maintenance sheds, patios and decks. Home-based businesses 	<ol style="list-style-type: none"> Essential services. Churches, synagogues and other religious and nonprofit schools for day students only.
PRC B Planned Residential Cluster B	<ol style="list-style-type: none"> Single-family dwellings. Townhouses. Flats Public parks, playgrounds and conservation areas. Common open space. Private recreation facilities. 	<ol style="list-style-type: none"> Private and personal recreation facilities. Accessory buildings and structures. Off-street parking and private garages. Fences. Signs. Industrial feeding establishments and private, public and nonprofit organizations, institutions and groups preparing, storing or serving food. 	<ol style="list-style-type: none"> Essential services.
U: University	<ol style="list-style-type: none"> Resident colleges and universities, including buildings, structures, uses and activities normally associated with institutions of higher learning, such as classroom and laboratory buildings, dormitories, libraries, student centers, multiunit faculty residence buildings, auditoriums, gymnasiums and athletic facilities. 	<ol style="list-style-type: none"> Necessary supporting accessory buildings, including maintenance equipment storage buildings, garages, parking structures and utility buildings, except that in Special District A, parking garages and refuse collection units shall not be permitted accessory uses. Industrial feeding establishments and private, public and nonprofit organizations, institutions and groups preparing, storing or serving food. 	<ol style="list-style-type: none"> The erection of any building resembling, similar to or having a shape commonly known and referred to as a "geodesic dome." Churches, synagogues and other religious and nonprofit schools for day students only.

District	Permitted Principal Uses	Permitted Accessory Uses	Permitted Conditional Uses
Residence TH Townhouse	<ol style="list-style-type: none"> 1. Single-family dwellings. 2. Two-family dwellings. 3. Townhouses. 4. Public parks, playgrounds and conservation areas. 5. Common open space. 	<ol style="list-style-type: none"> 1. Private and personal recreation facilities. 2. Accessory buildings and structures. 3. Off-street parking and private garages. 4. Fences. 5. Signs. 6. Industrial feeding establishments and private, public and nonprofit organizations, institutions and groups preparing, storing or serving food. 	<ol style="list-style-type: none"> 1. Essential services. 2. Churches, synagogues and other religious and nonprofit schools for day students only. 3. Lodges, fraternal organizations and associations. 4. Community residences for the developmentally disabled and community shelters for victims of domestic violence. 5. Professional offices in residence. 6. The erection of any building resembling, similar to or having a shape commonly known and referred to as a "geodesic dome." 7. Boardinghouses and rooming houses.
OS/PU Open Space/Public Use	<ol style="list-style-type: none"> 1. Public parks, playgrounds and conservation areas. 2. Essential services. 3. Public schools and public buildings and uses owned or operated by the Village or its agent or by the Board of Education. 4. Quasi-public institutions. 	<ol style="list-style-type: none"> 1. Off-street parking. 2. Signs. 3. Accessory buildings and structures normally incident and subordinate to the principal use. 	None
Redevelopment area – Railroad Property	See § 185-152		
Redevelopment area – Central Business District and Planned Residential Development District	See § 185-153		
Redevelopment Area – Church Street Area	See § 185-154		

NOTES:

¹ Editor's Note: Ordinance No. 04-10 provided that the Business B-4, Supplemental Business District, is limited to Block 1900, Lot 1, as identified on the Zoning Map.

Section 5.

Repealer.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 6.

This ordinance shall take effect after final passage and publication as required by law.

Section 7.

On passage this ordinance shall be codified.

Trustee Member	Motion	Second	Ayes	Nays	Abstain	Absent
Clarke			X			
Davis Ford			X			
Hartshorn Hilton			X			
Levison			X			
Rosner		X	X			
Schnall	X		X			

CERTIFICATION

I, Kevin D. Harris, Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was introduced on first reading by the Board of Trustees at their regular meeting held on June 11, 2018.

Kevin D. Harris
Village Clerk

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Trustee Member	Motion	Second	Ayes	Nays	Abstain	Absent
President Collum			X			
Clarke			X			
Davis Ford				X		
Hartshorn Hilton				X		
Levison		X	X			
Rosner				X		
Schnall	X		X			

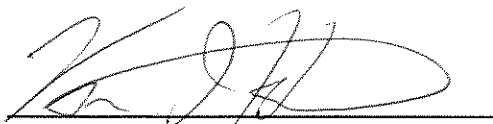
CERTIFICATION

I, Kevin D. Harris, Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was adopted on second reading by the Board of Trustees at their meeting held on August 13, 2018.



Kevin D. Harris
Village Clerk

Attest:



Kevin D. Harris, Village Clerk



Sheena C. Collum, Village President