

LAND DEVELOPMENT ORDINANCE

BOROUGH OF FLEMINGTON

Hunterdon County, New Jersey

September 9, 1999, as amended

Revised to February 2007

TABLE OF CONTENTS

CHAPTER XII

DEFINITIONS

§1200 INTENT	1
§1201 WORDS AND TERMS DEFINED.....	2

CHAPTER XIV

PLANNING BOARD AND HISTORIC PRESERVATION COMMISSION

§1400 ESTABLISHMENT OF THE PLANNING BOARD	1
§1401 POWERS AND JURISDICTION OF THE PLANNING BOARD.....	4
§1402 ADDITIONAL POWERS AND AUTHORITY OF THE PLANNING BOARD	7
§1403 ADDITIONAL POWERS OF THE PLANNING BOARD	7
§1404 ESTABLISHMENT OF THE HISTORIC PRESERVATION COMMISSION.....	9
§1405 POWERS AND RESPONSIBILITIES OF THE HISTORIC PRESERVATION COMMISSION	12
§1406 DIVISION OF JURISDICTION IN DEVELOPMENT APPLICATIONS	12
§1407 PROVISIONS APPLICABLE TO THE PLANNING BOARD	13
§1408 PUBLIC HEARINGS	14
§1409 DECISIONS	15
§1410 PUBLIC NOTICE OF A HEARING	16
§1411 STANDARDS FOR GRANT OF VARIANCE.....	19
§1412 APPEALS AND APPLICATIONS TO THE PLANNING BOARD.....	19
§ 1413 NOTICE OF DECISIONS	20
§1414 EXCEPTIONS, WAIVERS, AND SPECIAL AREA STANDARDS FOR THE RESIDENTIAL SITE IMPROVEMENT STANDARDS	20

CHAPTER XV
DEVELOPMENT REVIEW PROCEDURES AND PLAT DETAILS

§1500	COMPLETE APPLICATION AND COMMENCING APPLICABLE TIME PERIODS	1
§1501	PROVISIONS REQUIRED FOR ALL SUBMISSIONS	2
§1502	PERMISSIBLE DEVISION OF RESPONSIBILITY FOR PLAN PREPARATION	5
§1503	CORPORATE OWNERS AND PARTNERSHIP DISCLOSURES.....	5
§1504	STANDARDS FOR REVIEW OF APPLICATIONS	5
§1505	INFORMAL REVIEW/CONCEPT PLAN	9
§1506	MINOR SUBDIVISION AND MINOR SITE PLAN APPROVAL	10
§1507	PRELIMINARY MAJOR SUBDIVISION PLATS AND PRELIMINARY MAJOR SITE PLANS	11
§1508	PRELIMINARY APPROVAL: MAJOR SITE PLANS AND MAJOR SUBDIVISIONS.....	12
§1509	FINAL MAJOR SUBDIVISION PLATS AND FINAL MAJOR SITE PLANS.....	14
§1510	CONDITIONAL USES, VARIANCES, AND OTHER DEVELOPMENT REGULATION APPROVAL	20
§1511	TIME FOR DECISION	20
§1512	PLAT DESIGN STANDARDS AND ACCOMPANYING INFORMATION	21
§1513	ADDITIONAL REQUIREMENTS	27
§1514	ENVIRONMENTAL IMPACT STATEMENT.....	27
§1515	TRAFFIC IMPACT STATEMENT	33
§1516	SUBMISSION CHECKLIST	34

CHAPTER XVI
DESIGN AND PERFORMANCE STANDARDS

§1600 SCOPE AND APPLICABILITY	1
§1601 RESERVED	
§1602 RESERVED	
§1603 RESERVED	
§1604 RESERVED	
§1605 RESERVED	
§1606 RESERVED	
§1607 RESERVED	
§1608 RESERVED	
§1609 RESERVED	
§1610 RESERVED	
§1611 RESERVED	
§1612 RESERVED	
§1613 RESERVED	
§1614 RESERVED	
§1615 RESERVED	
§1616 RESERVED	
§1617 RESERVED	
§1618 RESERVED	
§1619 RESERVED	
§1620 RESERVED	
§1621 RESERVED	
§1622 RESERVED	
§1623 RESERVED	
§1624 RESERVED	
§1625 RESERVED	
§1626 RESERVED	

§1627 RESERVED	
§1628 RESERVED	
§1629 RESERVED	
§1630 RESERVED	
§1631 HISTORIC DISTRICT AND LANDMARK REVIEW	1
§1632 LANDSCAPE STANDARDS.....	6
§1633 LIGHTING	22

CHAPTER XXVI

ZONING

§2600 SHORT TITLE.....	1
§2601 PURPOSES	1
§2602 INTERPRETATION OF STANDARDS	4
§2603 PROHIBITED USES	4
§2604 TIME OF COMPLIANCE.....	4
§2605 DATE OF APPROVAL	4
§2606 GENERAL PROVISIONS.....	4
§2607 EXCEPTIONS AND PERMITTED MODIFICATIONS.....	5
§2608 EXISTING AND NON-CONFORMING USES, STRUCTURES OR LOTS	10
§2609 ACCESSORY BUILDINGS, STRUCTURE OR USE	12
§2610 ZONING DISTRICTS.....	13
§2611 ZONING MAP.....	13
§2612 INTERPRETATION OF ZONING MAP.....	13
§2613 SINGLE FAMILY RESIDENTIAL (SF) DISTRICT	14
§2614 TRANSITION RESIDENTIAL (TR) DISTRICT	19
§2615 TOWNHOUSE (TH) RESIDENTIAL DISTRICT.....	24
§2616 GARDEN APARTMENT (GA) DISTRICT	27
§2617 SENIOR CITIZEN RESIDENTIAL (SC) DISTRICT	29
§2618 TRANSITION COMMERCIAL (TC) DISTRICT	31

§2619 COMMUNITY BUSINESS (CB) DISTRICT	37
§2620 DOWNTOWN BUSINESS (DB) DISTRICT	42
§2621 DOWNTOWN II BUSINESS (DBII) DISTRICT	49
§2622 PROFESSIONAL OFFICE	56
§2623 VILLAGE SHOPPING (VS) DISTRICT	57
§2624 HIGHWAY RETAIL (HR) DISTRICT	64
§2625 PUBLIC SCHOOL AND PARKS (PS/P)	71
§2626 SUPER SHOPPING (SS) OVERLAY DISTRICT	72
§2627 ADDITIONAL STANDARDS APPLYING TO ALL DISTRICTS	74
§2628 BUS STOPS.....	82
§2629 PARKING: NUMBER OF SPACES.....	82
§2630 OFF STREET LOADING.....	85
§2631 SIGNS.....	86
§2632 AFFORDABLE HOUSING PROCEDURAL REQUIREMENTS.....	94
§2633 AFFORDABLE HOUSING AFFIRMATIVE MARKETING PROCEDURES.....	99

CHAPTER XXVIII

FEES, GUARANTEES, INSPECTIONS AND OFF-TRACT IMPROVEMENTS

§2800 APPLICATION AND ESCROW FEES	1
§2801 GUARANTEES AND INSPECTIONS.....	4
§2802 INCONSISTENT ORDINANCES REPEALED	11
§2803 INTERPRETATION	12
§2804 PERMITS.....	13
§2805 VALIDITY	15
§2806 VIOLATIONS AND PENALTIES.....	15
§2807 SUBDIVISION REVIEW AND APPROVAL	16
§2808 SITE PLAN REVIEW.....	16

§ 2610 ZONING DISTRICTS.

For the purposes of this Ordinance, the Borough of Flemington is hereby divided into the following districts:

<u>Zoning District</u>	<u>Zoning Symbol</u>
Single Family Residential	SF
Transition Residential	TR
Townhouse Residential	TH
Garden Apartment Residential	GA
Senior Citizen Residential	SC
Transition Commercial	TC
Community Business	CB
Downtown Business	DB
Downtown II Business	DBII
Professional Office	PO
Village Shopping	VS
Highway Retail	HR
Super Shopping Overlay	O/SS
Public School and Parks	PS/P

§ 2611 ZONING MAP.

The zoning map entitled "Zoning Map, Flemington Borough, Hunterdon County, New Jersey," dated August, 1999 is hereby adopted and made a part of this Ordinance.

§ 2612 INTERPRETATION OF ZONING MAP.

- A. Interpretation of Boundaries and Property Lines. Zoning district boundary lines are intended to follow street centerlines, railroad rights-of-way, streams and lot or property lines as they exist on lots of record at the time of enactment of this Ordinance unless otherwise indicated by dimensions on the zoning map. Any dimensions shown shall be in feet and measured horizontally and, when measured from a street, shall be measured from the street right-of-way line even if the centerline of that street is used for the location of a zoning district line. The exact location of any disputed zoning district boundary line shall be determined by the Planning Board pursuant to N.J.S.A. 40:55D-70b.

- B. Construction. Where boundaries are not fixed by dimensions and where they approximately follow lot lines and where they do not scale more than 20 feet distant therefrom, the street centerlines, railroad rights-of-way, streams and lot lines shall be construed to be such boundaries.
- C. Use of Scale. Where a zoning district boundary divides a lot, the location of the boundary, unless indicated by dimensions on the zoning map, shall be determined by use of the stated scale on the map.
- D. Applicability Within Each District. The zoning standards, controls and designations apply to every structure, lot and use within each district and the district line extends vertically in both directions, i.e. above and below grade.

§ 2613 SINGLE FAMILY RESIDENTIAL (SF) DISTRICT.

- A. Purpose. The purpose of the Single Family Residential (SF) District is to provide locations for detached dwellings occupied by one household generally located in the outer ring of development in the Borough. It is the lowest density residential district in the Borough. In addition to single family uses, governmental and institutional uses are permitted.
- B. Permitted Principal Uses. In the Single Family Residential zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:
 - 1. Single family detached dwelling.
 - 2. Place of Worship.
 - 3. ECHO Housing.
 - a. The ECHO Housing unit shall be located to the rear of the principal residence, but shall not be located in the side or rear setbacks. The Zoning Officer may require a landscaped buffer of evergreen trees and shrubs to minimize visual impact on neighboring properties.
 - b. The ECHO unit shall be separated from the principal dwelling by a minimum of five feet.

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- c. The ECHO housing unit shall comply with the minimum unit size requirements for Neighborhood Preservation Balanced Housing Program (*N.J.A.C. 5.14-1 et seq.*) as follows:
 - (1) Efficiency - 500 sq. ft.
 - (2) 1 bedroom - 600 sq. ft
 - (3) 2 bedroom - 750 sq. ft.
 - d. No ECHO housing unit shall exceed 900 square feet in area.
 - e. The exterior of ECHO housing units shall be covered with a material and color that is complementary with the facade of the primary residence on the property.
 - f. The unit shall be removed from the premises within six months of the end of the term of occupancy of the approved applicant and the lot restored to its status prior to the installation of the unit. The Zoning Officer may extend the time period for removal up to an additional three months upon adequate documentation of marketing efforts to sell the unit during the initial six month period.
- 4. Cemetery.
 - 5. Municipal use, including parks and recreation.
- C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a permitted principal use:
- 1. Single family detached dwellings:
 - A. Private garage.
 - B. Private swimming pool and other outdoor recreation.
 - C. Storage shed.
 - D. Home occupation in accordance with §2625.
 - E. Deck, gazebo and cabana.

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2. Place of Worship:
 - A. Rectory or parish house.
 - B. Maintenance shed or garage.
 - C. Child care center and senior care center.
 - D. Social hall primarily for the use of members.
 3. Cemetery:
 - A. Grounds keepers house.
 - B. Office.
 - C. Mausoleum, columbarium or other funerary structure excepting funeral homes or crematoria.
 - D. Maintenance building or structure.
 4. Signs, §2631.
 5. Off-street parking.
 6. Fences and walls.
- D. Conditional Uses Permitted. The following uses may be permitted when authorized as a conditional use by the Planning Board:
1. Accessory apartment meeting the following criteria:
 - A. No more than one accessory apartment per lot shall be permitted.
 - B. The accessory apartment shall be used only for one family.
 - C. The owner of the lot must reside in the primary dwelling.
 - D. The accessory apartment shall be created within the existing square footage of the primary dwelling and any required access and egress shall be created within the existing structure.

- E. Any exterior entrance to the accessory apartment shall not be located on the same facade of the building as the primary dwelling.
- F. The accessory apartment must contain at least 500 square feet in gross floor area, but must not constitute more than 35% of the gross floor area of the principal building.
- G. At least one additional off-street parking space shall be provided for the use of the accessory apartment occupants.
- H. The accessory apartment structure and lot shall be in full compliance with all applicable health and construction codes.
- I. The owner of the accessory apartment must submit an affidavit of continuing use every two (2) years.
- J. Flemington Borough acknowledges the need to provide its fair share of housing for low and moderate income households. Any property owner applying for an accessory apartment under this section must affirmatively demonstrate that the accessory apartment is to be rented to and occupied by a household meeting the affordable housing criteria of the NJ Council on Affordable Housing (COAH) and the Affordable Housing Procedural Requirements of Section 2632.
- K. Accessory apartments shall be affirmatively marketed to the housing region and shall be administered by an experienced administrative entity as further described in Section 2633.
- L. Recognizing that Flemington Borough is meeting its unmet need with accessory apartments for low and moderate income households, the Borough has not been required to bond to fund the creation of accessory apartments. However, in the event that development fee revenue is available, the Borough will provide at least \$10,000 to subsidize the physical creation of an accessory apartment conforming to the requirements of this section.
- M. The maximum number of accessory apartments permitted under this section shall be the number that the municipality is permitted to apply toward its unmet fair share obligation of low and moderate income housing in accordance with the

- applicable regulations of COAH that exist at the time of application.
- N. The accessory apartment shall be rented only to a household which is either a low or moderate income household at the time of initial occupancy of the unit.
 - O. Ten (10) year affordability controls shall be imposed via a deed restriction or other instrument acceptable to the Borough Attorney and COAH.
 - P. Rents of accessory apartments shall be affordable to low or moderate income households as per COAH regulations and shall include a utility allowance.
2. Public and private non-profit day school meeting the following criteria:
- A. The minimum lot size shall be 3 acres.
 - B. The minimum lot frontage shall be 150 feet.
 - C. No building shall be located within 50 feet of a lot line.
 - D. Parking lots shall be properly screened and shall be a minimum of 25 feet from surrounding properties and public roads.
 - E. Outdoor athletic fields shall be oriented to minimize adverse impacts on neighboring residential uses from noise, lighting, and vehicular and pedestrian access.
3. Any other requirement not herein modified shall apply to any conditional use.

E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all SF districts:

Principal Use	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height	Max. Imperv. Surface Ratio	Max. Building Coverage
Single Family Detached <i>Accessory Building</i> ⁽²⁾	11,250 sf	75'	150'	25' NP	10' 5'	35' 5'	35' ⁽¹⁾ 18'	.50	.25
Place of Worship <i>Accessory Building</i> ⁽²⁾	43,560 sf	100'	200'	25' NP	25' 15'	35' 15'	80' ⁽³⁾ 28'	.50	.25
Cemetery ⁽⁴⁾ <i>Accessory Building</i> ^(2,5)	5 acres	200'	400'	50' 35'	10' 15'	10' 15'	N/A 25'	.25	.10
Municipal	2,000 sf	45'	50'	25'	10'	10'	45'	.75	.50
Public and Private School <i>Accessory Building</i> ⁽²⁾	3 acres	150'	350'	50' NP	25' 15'	50' 30'	45' 25'	.75	.50

NP = Not Permitted.

N/A = Not Applicable.

(1) - Or 2½ stories, whichever is less.

(2) - No more than two (2) accessory structures for lots < 15,000 sf.; no more than three (3) accessory structures for lots 15,000 sf.

(3) - The ridgeline of the main roof shall not exceed 45 feet in height.

(4) - Setbacks apply to graves and monuments or other markers.

(5) - Applies to any accessory structure in a cemetery excluding uses in note No. 3.

§ 2614 TRANSITION RESIDENTIAL (TR) DISTRICT.

A. Purpose. The purpose of the Transition Residential (TR) District is to provide for a medium density residential district of single family detached and two-family dwellings located between primarily commercial districts and single family zones. Certain governmental and institutional uses would also be permitted.

- B. Permitted Principal Uses. In the Transition Residential zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:
1. Single family detached dwelling.
 2. Two-family dwelling.
 3. Place of Worship.
 4. ECHO Housing.
 - a. The ECHO Housing unit shall be located behind the rear of the principal residence, but shall not be located in the side or rear setbacks. The Zoning Officer may require a landscaped buffer of evergreen trees and shrubs to minimize visual impact on neighboring properties.
 - b. The ECHO unit shall be separated from the principal dwelling a minimum of five feet.
 - c. Each ECHO housing unit shall comply with the minimum unit size requirements for Neighborhood Preservation Balanced Housing Program (*N.J.A.C. 5.14-1 et seq.*) as follows:
 - (1) Efficiency - 500 sq. ft.
 - (2) 1 bedroom - 600 sq. ft.
 - (3) 2 bedroom - 750 sq. ft.
 - d. No ECHO housing unit shall exceed 900 square feet in area.
 - e. The exterior of ECHO housing units shall be covered with a material and color that compliments the facade of the primary residence on the property.
 - f. The unit shall be removed from the premises within six months of the end of the term of occupancy of the approved applicant and the lot restored to its status prior to the installation of the unit. The Zoning Officer may extend the time period for removal up to an additional three months upon adequate documentation of marketing efforts to see the unit during the initial six month period.

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5. Municipal use, including parks and recreation.
- C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a permitted principal use:
1. Single family detached and two-family dwellings:
 - A. Private garage.
 - B. Private swimming pool and other outdoor recreation.
 - C. Storage shed.
 - D. Home occupation.
 - E. Deck, gazebo and cabana.
 2. Place of Worship:
 - A. Rectory or parish house.
 - B. Maintenance shed or garage.
 - C. Child care center.
 - D. Social hall primarily for the use of members.
 3. Signs, §2631.
 4. Off-street parking.
- D. Conditional Uses Permitted. The following uses may be permitted when authorized as a conditional use by the Planning Board:
1. Conversion of single family detached dwelling to a two family dwelling meeting the following criteria:
 - A. The existing dwelling may be expanded and shall meet the minimum gross floor area requirements for the conversion.
 - B. Each dwelling unit shall have individual kitchen and bathroom facilities.

- C. Each dwelling unit created by such conversion shall have a minimum gross floor area of 600 square feet plus 120 square feet per bedroom.
 - D. No dwelling unit or portion thereof created by conversion shall be permitted below grade.
 - E. No conversion shall be permitted under the provisions of this section which would result in the creation of more than two dwelling units in a structure or on a lot.
2. Bed and breakfast accommodation conforming to the following criteria:
- A. No more than six guest rooms or suites shall be permitted.
 - B. No expansion of the existing dwelling shall be permitted.
 - C. Off-street parking space equal to one for each guest room or suite shall be required. Off-street parking may be accommodated off-site provided that the location is within 600 feet of the subject site and an adequate guaranty subject to the approval of the Approving Authority's Attorney that establishes a right to the use of the off-tract parking is secured.
 - D. No parking shall be permitted in the front yard.
 - E. Only guests of the facility and their invitees shall be served food and drink on the premises.
 - F. No cooking facilities shall be permitted in guest rooms or suites.
 - G. There shall be a maximum residency limitation on all guests of 30 days.
3. Public and private non-profit day school meeting the following criteria:
- A. The minimum lot size shall be 3 acres.
 - B. The minimum lot frontage shall be 150 feet.

- C. No building shall be located within 50 feet of a lot line.
- D. Parking lots shall be properly screened and shall be a minimum of 25 feet from surrounding properties and public roads.
- E. Outdoor athletic fields shall be oriented to minimize adverse impacts on neighboring residential uses from noise, lighting, and entrances.
4. Any other requirement not herein modified shall apply to any conditional use.
- E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all TR districts:

Principal Use	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height	Max. Imperv. Surface Ratio
Single Family Detached <i>Accessory Building</i>	9,000 sf	50'	125'	25' NP	8' 5'	25' 5'	35' ⁽¹⁾ 18'	.50
Two Family Dwelling <i>Accessory Building</i>	7,500 sf/ dwelling; 15,000 sf total	75'	125'	25' NP	8' ⁽²⁾ 5'	25' 5'	35' ⁽¹⁾ 18'	.50
Place of Worship <i>Accessory Building</i>	43,560 sf	100'	200'	25' NP	25' 15'	35' 15'	80' ⁽³⁾ 28'	.60
Governmental	2,000 sf	20'	50'	5'	5'	5'	45'	.75
Public and Private School <i>Accessory Building</i>	3 acres	150'	350'	50' NP	25' 15'	50' 30'	45' 25'	.75

NP = Not Permitted.

N/A = Not Applicable.

(1) - Or 2½ stories, whichever is less.

(2) - Where two existing units, each on a separate lot, join each other by a common vertical wall from foundation to roof, the side yard between the existing two units shall be 0 feet.

(3) - The ridgeline of the main roof shall not exceed 45 feet in height.

§ 2615 TOWNHOUSE (TH) RESIDENTIAL DISTRICT.

- A. Purpose. The purpose of the Townhouse (TH) Residential District is for townhouse dwellings at a density of six units per acre with common open space and amenities in a planned environment. Additionally, municipal and certain institutional uses are permitted.
- B. Permitted Principal Uses. In the Townhouse Residential zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:
 - 1. Townhouse dwelling.
 - 2. Municipal use, including parks and recreation.
- C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a permitted principal use:
 - 1. Townhouse use:
 - A. Common elements for the use of all residents:
 - (1) Community center.
 - (2) Outdoor recreational facilities, including swimming pool, tennis court or other court sports.
 - (3) Off-street parking and car sheds.
 - (4) Fences, walls, gazebos, mail kiosks and other street furniture.
 - B. For individual uses:
 - (1) Home occupation in accordance with this Ordinance.
 - (2) Private garages.
 - (3) Decks for fee simple townhouses after initial construction.
 - 2. Signs, §2631.

3. Maintenance building, not to exceed 1,500 square feet in gross floor area.

D. Conditional Uses Permitted. Public and private non-profit day schools may be permitted when authorized as a conditional use by the Planning Board meeting the following criteria:

1. The minimum lot size shall be 3 acres.
2. The minimum lot frontage shall be 150 feet.
3. No building shall be located within 50 feet of a lot line.
4. Parking lots shall be properly screened and shall be a minimum of 25 feet from surrounding properties and public roads.
5. Outdoor athletic fields shall be oriented to minimize adverse impacts on neighboring residential uses from noise, lighting, and entrances.
6. Any other requirement not herein modified shall apply to any conditional use.

E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all TH districts:

Principal Use	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height	Max. Imprev. Surface Ratio
Townhouse: Tract Lot (Fee Simple) <i>Accessory Building</i>	2½ acres 2,000 sf	200' 22'	200' 80'	60' 22' NP	30' 22' 30'	50' 22' 30'	38 ⁽¹⁾ 18'	.70 .10
Municipal	2,000 sf	20'	50'	25'	10'	10'	35'	.75
Public and Private School <i>Accessory Building</i>	3 acres	150'	350'	50' NP	25' 15'	50' 30'	45' 25'	.70 .05

NP = Not Permitted.

N/A = Not Applicable.

(1) - Or 3 stories, whichever is less.

Principal Use	Minimum Front Yard Area	Minimum Rear Yard Area	Min. Unit Width	Max. Gross Density	Min. Open Space	Min. Distance Between Buildings	Min. Distance Between Buildings and Accessory Uses
Townhouse	500 sf	500 sf	22'	6 units per acre	20% of Tract	25'	15'

F. Additional Regulations for Townhouse Development.

1. The minimum number of dwellings in each structure shall be four and the maximum twelve.
2. The establishment of an organization for the ownership and maintenance of all common elements shall be required, the form and substance of which shall be approved by the Board of Jurisdiction with the advice of the Board Attorney.
3. Each dwelling unit shall have at least two exterior exposures with at least one window in each exposure.
4. Exterior television reception shall be limited to one master antenna for the entire development.
5. Air conditioning units in windows or through exterior walls shall not extend more than six inches from the exterior surface.
6. A swimming pool and/or recreation complex for the use of all residents shall be permitted in a suitable location a minimum of 25 feet from any dwelling. Such complexes shall be sited so as to minimize adverse effects from noise, lighting, and entrances.
7. Fences, walls and landscaping shall be used to delineate yard areas for the private use of residents and screen mechanical equipment.
8. A comprehensive pedestrian system linking common amenities to each townhouse structure shall be established with a minimum width of eight feet.

§ 2616 GARDEN APARTMENT (GA) DISTRICT.

- A. Purpose. The purpose of the Garden Apartment (GA) District is to provide for multi-family housing in a garden apartment configuration at a density not to exceed 24 units per acre. Municipal use, including public recreation, is also permitted.
- B. Permitted Principal Uses. In the Garden Apartment zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:
 - 1. Multi-family dwelling.
 - 2. Municipal use, including parks and recreation.
- C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a permitted principal use:
 - 1. Multi-family Dwelling:
 - A. Community center for the common use of residents.
 - B. Outdoor recreational facilities, including swimming pool, tennis court or other court sports.
 - C. Off-street parking, private garages and car sheds.
 - D. Fences, walls, gazebos, mail kiosks and other street furniture.
 - 2. Signs, §2631.
 - 3. Maintenance building, not to exceed 1,500 square feet in gross floor area.
- D. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all GA districts:

Principal Use	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height	Max. Lot Coverage
Garden Apartment Tract Requirements <i>Accessory Building</i>	7 acres	200'	200'	60' NP	30' 30'	50' 30'	32' ⁽¹⁾ 18'	.60
Municipal	2,000 sf	20'	50'	5'	5'	5'	45'	.75

NP = Not Permitted.

(1) - Or 2 stories, whichever is less.

Principal Use	Maximum Dwellings per Building	Maximum Floor Area per Floor	Max.. Bldg. Length	Max. Gross Density	Min. Open Space	Min. Distance Between Buildings	Min. Distance Between Buildings and Accessory Uses
Garden Apart- ment Bldg.	16	10,000 sf	200'	24 units per acre	40% of Tract	25'	15'

E. Additional Regulations for Garden Apartment Development.

1. The establishment of an organization for the ownership and maintenance of all common elements shall be required where no rental units are proposed, the form and substance of which shall be approved by the Board with the advice of the Board Attorney.
2. Each dwelling unit shall have at least one exterior exposure with at least one window.
3. Exterior television reception shall be limited to one master antenna for the entire development.
4. Air conditioning units in windows or through exterior walls shall not extend more than six inches from the exterior surface.
5. A swimming pool and/or recreation complex for the use of all residents shall be permitted in a suitable location a minimum of 25 feet from any dwelling. Such complexes shall be sited so as to minimize adverse effects from noise, lighting, and entrances.

6. Fences, walls and landscaping shall be used to screen mechanical equipment.
7. A comprehensive pedestrian system linking common amenities to each garden apartment building shall be established with a minimum width of eight feet.

§ 2617 SENIOR CITIZEN RESIDENTIAL(SC) DISTRICT.

- A. Purpose. The purpose of the Senior Citizen Residential (SC) District is to provide a development zone in a limited area for the creation of age-restricted dwelling units to fulfill the needs of senior citizens by allowing them to remain in their community by reducing housing costs and maintenance responsibilities and to provide age-restricted housing affordable to senior citizen households of low and moderate income.
- B. Permitted Principal Uses. In the Senior Citizen Residential District, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except for dwelling units age-restricted to persons 55 years or older in accordance with the U.S. Fair Housing Amendments Act of 1988 as it may be amended or superseded."
- C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a permitted principal use:
 1. Community center for the common use of residents.
 2. Outdoor recreational facilities, including swimming pool, tennis court or other court sports.
 3. Off-street parking, private garages and car sheds.
 4. Fences, walls, gazebos, mail kiosks and other street furniture.
 5. Signs, §2631.
 6. Maintenance building, not to exceed 1,500 sq. ft. in gross floor area.

- D. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all SC districts:

Principal Use	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height	Max. Imperv. Surface Ratio	Min. Open Space
Senior Apartment Bldg. Tract Requirements <i>Accessory Building</i>	2 ac.	200'	200'	35' <i>NP</i>	30' 30'	50' 30'	32' ⁽¹⁾ 18'	.60	40%

Principal Use	Maximum Dwellings per Building	Maximum Floor Area per Floor	Maximum Building Length	Maximum Gross Density	Minimum Distance Between Buildings	Min. Distance Between Buildings and Accessory Uses
Senior Apartment Bldg.	24	10,000 sf	200'	10 units per acre	25'	15'

NP = Not Permitted.

(1) - Or 2 stories, whichever is less.

- E. Additional Regulations.

1. The establishment of an organization for the ownership and maintenance of all common elements shall be required where no rental units are proposed, the form and substance of which shall be approved by the Board with the advice of the Board Attorney.
2. Each dwelling unit shall have at least one exterior exposure with at least one window.
3. Exterior television reception shall be limited to one master antenna for the entire development.
4. Air conditioning units in windows or through exterior walls shall not extend more than six inches from the exterior surface.

5. A swimming pool and/or recreation complex for the use of all residents shall be permitted in a suitable location a minimum of 25 feet from any dwelling. Such complexes shall be sited so as to minimize adverse effects from noise, lighting, and entrances.
6. Fences, walls and landscaping shall be used to screen mechanical equipment.
7. A comprehensive pedestrian system linking common amenities to each garden apartment building shall be established with a minimum width of eight feet.
8. A Minimum of twenty percent (20%) of all residential units constructed pursuant to the Senior Citizen Residential District shall be affordable to households of low and moderate income pursuant to the applicable terms of the Ordinance.
9. The affordable units constructed pursuant to the Senior Citizen Residential District shall adhere to the affordable housing procedural regulations and affirmative marketing requirements in Sections 2632 and 2633 of this Chapter.

§ 2618 TRANSITION COMMERCIAL (TC) DISTRICT.

- A. Purpose. The purpose of the Transition Commercial (TC) District is to provide areas for more intensive commercial uses commonly with a wholesale component or outdoor storage which were developed in proximity to rail lines or highways.
- B. Permitted Principal Uses. In the Transition Commercial zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except as herein described. Uses shall be defined in accordance with their SIC Code number where shown with a number in parentheses (thus). The following establishments or uses shall be permitted:
 1. Plumbing, heating and air conditioning contracting (1711), however, no outside storage is permitted.
 2. Painting and paperhanging contracting (172).
 3. Electrical contracting (173).

4. Paint, glass and wallpaper sales and service (523).
5. Hardware store (525).
6. Lawn and garden center (5261).
7. Variety store (533).
8. General merchandise store (539).
9. Grocery store (541).
10. Meat and fish markets, including frozen food purveyors (542).
11. Fruit and vegetable market (543).
12. Candy, nut and confectionery store (544).
13. Dairy products sales (545).
14. Retail bakery (546).
15. Other food stores (549).
16. Apparel and accessories store (56).
17. Furniture and accessories store (57).
18. Restaurants, excluding fast food restaurants (581).
19. Drug and proprietary stores (591).
20. Second hand shops (593).
21. Jewelry, hobby, camera, gift, luggage, leather, dry goods, sewing, and similar shops (594).
22. Opticians and optical goods (5995).
23. Art and drafting supply, gallery, auction room, antique store, cosmetics, pets and pet supply store, picture framing, philatelist

- shop, awning shop, and other miscellaneous retail uses (5999).
24. Offices for finance, insurance, and real estate services (60-65, 67).
 25. Dry cleaners (7212), dry cleaning plant excepting rug cleaning (7216), laundry services excluding coin-operated services (7219).
 26. Photographic and portrait studio (7221).
 27. Beauty (7231) and barber (7241) shops.
 28. Shoe repair and shoeshine services (7251).
 29. Tax return preparation (7291), babysitting bureaus, bartering services, buyer's clubs, clothing and costume rental excluding industrial laundering and linen supply, vending machine operators, dating service, debt and diet counseling, hair replacement or removal, tanning salon, shopping services for individuals, locksmith, and other similar personal services (7299).
 30. Advertising, credit reporting, reproduction, computer programming, data processing, building services, and similar business services (73).
 31. Repair of appliances, electronic equipment, watches and jewelry, furniture and upholstery, antiques excluding automobiles, optical goods, cameras, precision instruments, leather goods including luggage and tack, musical instruments including tuning, office equipment and similar repair services but not to include automobile (motor vehicle) repair (7699).
 32. Physical Fitness Facility (7991).
 33. Legal services (8111).
 34. Child day care services (8351)
 35. Medical and dental offices (801, 802, 803, 804).
 36. Engineering, surveying, architectural, accounting, auditing, bookkeeping, research and development, management, public relations and similar services (87).

37. Municipal use.
38. Paperbound containers and boxes (265).
39. Miscellaneous Repair (762-764).
40. Dance Studios (791).
41. Metalworking Machinery (354).
42. Electrical Apparatus and Equipment (5063).
43. Florists (5992).
44. Optical Goods Stores (5995).
45. Individual and Family Services (8322).
46. Labor Organizations (8631).
47. Sales Offices Only for Wholesale Machinery.

C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a permitted principal use:

1. Outdoor dining.
2. Outdoor display.
3. Off-street parking.
4. Private garages for commercial vehicles used in conjunction with the principal use.
5. Fences and walls.
6. Signs, §2631.
7. Storage and maintenance buildings.

D. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all TC districts:

Principal Use	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height	Max. Imperv. Surface Ratio	Floor Area Ratio
Retail and Service Use <i>Accessory Building</i>	20,000 sf	100'	175'	25' NP	15' ⁽¹⁾ 15'	50' 30'	32' ⁽²⁾ 18'	.70 <i>inclusive</i>	.22
Municipal	2,000 sf	20'	50'	5'	5'	5'		35'	.25

NP = Not Permitted.

(1) - Minimum side yard shall increase to 35 feet where adjacent to a residential use.

(2) - Or 2 stories, whichever is less.

E. Additional Regulations for Retail and Service Uses.

1. Outdoor storage of materials shall be permitted in side or rear yards only. Such storage shall be screened from the view of adjacent uses and any public street by a combination of fencing, walls and landscaping in accordance with the standards of §1830.
2. All equipment stored on the site shall be placed within an enclosed building.
3. Outdoor dining. Outdoor dining shall conform to the following requirements:
 - A. The location of each outdoor dining area shall first be reviewed and approved by the Zoning Officer for conformance with the provisions of this section. Upon satisfactory review, a zoning permit or other suitable document shall be issued by the Zoning Officer for the outdoor dining area.
 - B. All outdoor dining areas shall allow at least eight feet of passage between tables and chairs and the curb.
 - C. All outdoor dining areas shall allow at least six feet of unobstructed access to building entrances and exits.

- D. No outdoor dining area shall be located in front of any driveway, parking lot entrance, alley, or other vehicular thoroughfare nor impede adequate sight distance for motorists.
 - E. Outdoor dining areas may only be located in front of the building in which the restaurant operates.
 - F. Food and drink served in outdoor dining areas shall be the same as served in the restaurant.
 - G. No food or drink shall be prepared in the outdoor dining area.
 - H. Tables and chairs shall be placed and maintained in an orderly fashion and shall not create a hazard.
 - I. Tables and chairs may be left out overnight, but other accessories shall be removed when the establishment is closed.
 - J. Nothing herein shall be construed to authorize outdoor dining areas for uses prohibited by the landowner or by this ordinance or other rule or regulation. Nothing herein shall be construed to vary, alter, or amend any rule or regulation relating to the sale and consumption of alcoholic beverages.
4. Outdoor display. Outdoor displays shall conform to the following requirements:
- A. The location of each display area shall first be reviewed and approved by the Zoning Officer for conformance with the provisions of this section. Upon satisfactory review, a zoning permit or other suitable document shall be issued by the Zoning Officer for the display area.
 - B. All displays shall allow at least five feet of passage between the display and the curb.
 - C. All displays shall allow at least six feet of unobstructed access to building entrances and exits.
 - D. No display shall be located in front of any driveway, parking lot entrance, alley, or other vehicular thoroughfare nor impede

adequate sight distance for motorists.

- E. Displays may only be located adjacent to or in front of the building in which the business displaying wares is located.
- F. Displays shall not extend more than four feet from the facade of the building.
- G. The only merchandise which may be displayed is the merchandise sold by the business.
- H. No display may exceed six feet in height.
- I. Displays shall be maintained in an orderly fashion and shall not create a hazard.
- J. Displays may only be shown during daylight hours and when the business is otherwise open to the public.
- K. Nothing herein shall be construed to authorize outdoor displays for uses prohibited by the landowner or by this ordinance or other rule or regulation.

§ 2619 COMMUNITY BUSINESS (CB) DISTRICT.

- A. Purpose. The purpose of the Community Business (CB) District is provide a mixed use zone combining a number of different residential housing types, retail sales and services limited to the everyday needs of residents and small scale office uses. This district is located at the southern end of the Borough around the Rt. 12 traffic circle where it functions as Flemington's southern gateway.
- B. Permitted Principal Uses. In the Community Business zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except as herein described. Commercial uses shall be defined in accordance with their SIC Code number where shown with a number in parentheses (thus). The following establishments or uses shall be permitted:
 - 1. Single family detached dwelling.
 - 2. Two-family dwelling.

3. Plumbing, heating and air conditioning contracting (1711).
4. Painting and paperhanging contracting (172).
5. Electrical contracting (173).
6. Meat and fish markets, including frozen food purveyors (542).
7. Fruit and vegetable market (543).
8. Candy, nut and confectionery store (544).
9. Dairy products sales (545).
10. Retail bakery (546).
11. Grocery stores (541) and other food stores (549).
12. Apparel and accessories store (56).
13. Drug and proprietary stores (591).
14. Opticians and optical goods (5995).
15. Art and drafting supply, gallery, auction room, antique store, cosmetics, pets and pet supply store, picture framing, philatelist shop, awning shop, and other miscellaneous retail uses (5999).
16. Garment pressing (7212).
17. Coin Operated Laundries (7215).
18. Offices for finance, insurance, and real estate services (60-65, 67).
19. Dry cleaning plant excepting rug cleaning (7216), laundry services excluding coin-operated services (7219).
20. Photographic and portrait studio (7221).
21. Beauty (7231) and barber (7241) shops.

22. Shoe repair and shoeshine services (7251).
 23. Tax return preparation (7291), babysitting bureaus, bartering services, buyer's clubs, clothing and costume rental excluding industrial laundering and linen supply, vending machine operators, dating service, debt and diet counseling, hair replacement or removal, tanning salon, shopping services for individuals, locksmith, and other similar personal services (7299).
 24. Advertising, credit reporting, reproduction, computer programming, data processing, building services, and similar business services (73).
 25. Engineering, surveying, architectural, accounting, auditing, bookkeeping, research and development, management, public relations and similar services (87).
 26. Legal services (8111).
 27. Medical and dental offices (801, 802, 803, 804).
 28. Municipal use.
 29. Miscellaneous Repair (762-764).
 30. Dance Studios (791).
 31. Optical Goods Stores (5995)
 32. Commercial Printing (275).
- C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a permitted principal use:
1. Single family detached dwellings:
 - A. Private garage.
 - B. Private swimming pool and other outdoor recreation.
 - C. Storage shed.
 - D. Home occupation in accordance with this Ordinance.

- E. Deck, gazebo and cabana.
- 2. Outdoor display.
- 3. Off-street parking.
- 4. Private garages for commercial vehicles used in conjunction with the principal use.
- 5. Fences and walls.
- 6. Signs, §2631.
- 7. Storage and maintenance buildings.
- D. Conditional Uses Permitted. The following uses may be permitted when authorized as a conditional use by the Planning Board:
 - 1. Conversion of single family detached or two-family dwelling to a bank, credit union, savings and loan association, or other retail financial service; or, office use meeting the following criteria:
 - A. The gross floor area shall not exceed 3,000 sf. or the size of the existing dwelling, whichever is greater.
 - B. Parking lots shall be oriented to the side and rear of the building line established by the front wall of the building.
 - C. Any applicable requirement of -D.2 below.
 - 2. Bank, credit union, savings and loan association, or other retail financial service meeting the following criteria:
 - A. Drive-thru facilities shall only be permitted on lots of 20,000 sf. or larger.
 - B. Parking lots shall be oriented to the side and rear of the building line established by the front wall of the building.
- E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all CB districts:

Principal Use	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height	Max. Imperv. Surface Ratio	Floor Area Ratio
Single Family Detached <i>Accessory Building</i>	4,000 sf	40'	90'	25' NP	8' 5'	25' 5'	35' ⁽¹⁾ 18'	.60	N/A
Two Family Dwelling <i>Accessory Building</i>	2,500 sf/ dwelling	75'	90'	25' NP	7' ⁽²⁾ 5'	25' 5'	35' ⁽¹⁾ 18'	.70	N/A
Commercial Use <i>Accessory Building</i>	4,000 sf	40'	100''	25' NP	10' ⁽²⁾ 15'	30'' 30'	35' ⁽¹⁾ 18'	.75	.20
Municipal	2,000 sf	20'	50'	5'	5'	5'	35'	.75	.25

NP = Not Permitted.

(1) - Or 2½ stories, whichever is less.

(2) - Minimum side yard shall increase to 15 feet where adjacent to a residential use.

F. Additional Regulations for Commercial Uses.

1. Maximum building size shall not exceed 5,000 sf or 3,000 sf on any one level. An existing building shall not be demolished in order to utilize this provision.
2. Outdoor display. Outdoor displays shall conform to the following requirements:
 - A. All displays shall allow at least eight feet of passage between the display and the curb.
 - B. All displays shall allow at least six feet of unobstructed access to building entrances and exits.
 - C. No display shall be located in front of any driveway, parking lot entrance, alley, or other vehicular thoroughfare nor impede adequate sight distance for motorists.
 - D. Displays may only be located adjacent to or in front of the building in which the business displaying wares is located.
 - E. Displays shall not extend more than four feet from the facade

of the building.

- F. The only merchandise which may be displayed is the merchandise sold by the business.
- G. No display may exceed six feet in height.
- H. Displays shall be maintained in an orderly fashion and shall not create a hazard.
- I. Displays may only be shown during daylight hours and when the business is otherwise open to the public.
- J. The location of each display area shall first be reviewed and approved by the Zoning Officer for conformance with the provisions of this section. Upon satisfactory review, a zoning permit or other suitable document shall be issued by the Zoning Officer for the display area.
- K. Nothing herein shall be construed to authorize outdoor displays for uses prohibited by the landowner or by this ordinance or other rule or regulation.

§ 2620 DOWNTOWN BUSINESS (DB) DISTRICT.

- A. Purpose. The purpose of the Downtown Business (DB) District is to provide for mixed uses in the traditional business and governmental center of the Borough and is a transitional area between the Downtown Business (DB) zone and the Village Shops (VS) zone.
- B. Permitted Principal Uses. In the Downtown Business II zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except as herein described. Commercial uses shall be defined in accordance with their SIC Code number where shown with a number in parentheses (thus). The following establishments or uses shall be permitted:
 - 1. Apartment(s) on second and upper floors of principal structures.
 - 2. Paint, glass and wallpaper sales and service (523).
 - 3. Hardware store (525).

4. Lawn and garden center (5261).
5. Variety store (533).
6. General merchandise store (539).
7. Grocery store (541).
8. Meat and fish markets, including frozen food purveyors (542).
9. Fruit and vegetable market (543).
10. Candy, nut and confectionery store (544).
11. Dairy products sales (545).
12. Retail bakery (546).
13. Other food stores (549).
14. Apparel and accessories store (56).
15. Furniture and accessories store (57).
16. Restaurants, excluding fast food restaurants (581).
17. Drug and proprietary stores (591).
18. Second hand shops (593).
19. Jewelry, hobby, camera, gift, luggage, leather, dry goods, sewing, and similar shops (594).
20. Opticians and optical goods (5995).
21. Art and drafting supply, gallery, auction room, antique store, cosmetics, pets and pet supply store, picture framing, philatelist shop, awning shop, and other miscellaneous retail uses (5999).
22. Offices for finance, insurance, and real estate services (60-65, 67).

23. Photographic and portrait studio (7221).
24. Beauty (7231) and barber (7241) shops.
25. Advertising, credit reporting, reproduction, computer programming, data processing, building services, and similar business services (73).
26. Engineering, surveying, architectural, accounting, auditing, bookkeeping, research and development, management, public relations and similar services (87).
27. Legal services (8111).
28. Repair of appliances, electronic equipment, watches and jewelry, furniture and upholstery, antiques excluding automobiles, optical goods, cameras, precision instruments, leather goods including luggage and tack, musical instruments including tuning, office equipment and similar repair services but not to include automobile repair (7699).
29. Medical and dental offices (801, 802, 803, 804).
30. Municipal use.
31. Coin Operated Laundries, etc. (7215).
32. Miscellaneous Repair (762-764).
33. Dance Studios (791).
34. Travel Agencies (4724).
35. Florists (5992).
36. Optical Goods Stores (5995).
37. Individual and Family Services (8322).

C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a permitted principal use:

1. Outdoor dining.

2. Outdoor display.
3. Off-street parking.
4. Private garages used in conjunction with the principal use(s).
5. Fences and walls.
6. Signs, §2631.
7. Storage and maintenance buildings.

D. Conditional Uses Permitted. The following uses may be permitted when authorized as a conditional use by the Planning Board:

1. Bed and breakfast accommodation conforming to the following criteria:
 - A. No more than six guest rooms or suites shall be permitted.
 - B. No expansion of the existing dwelling shall be permitted.
 - C. Off-street parking equal to one for each guest room or suite shall be required. Off-street parking may be accommodated off-site provided that the location is within 600 feet of the subject site and an adequate guaranty subject to the approval of the Board Attorney that establishes a right to the use of the off-tract parking is secured.
 - D. No parking shall be permitted in the front yard.
 - E. Only guests of the facility and their invitees shall be served food and drink on the premises.
 - F. No cooking facilities shall be permitted in guest rooms or suites.
 - G. There shall be a maximum residency limitation on all guests of 30 days.
2. Public and private non-profit day school meeting the following criteria:

- A. The minimum lot size shall be 3 acres.
 - B. The minimum lot frontage shall be 150 feet.
 - C. No building shall be located within 50 feet of a lot line.
 - D. Parking lots shall be properly screened and shall be a minimum of 25 feet from surrounding properties and public roads.
 - E. Outdoor athletic fields shall be oriented to minimize adverse impacts on neighboring residential uses from noise, lighting, and entrances.
3. Any other area, yard, height, and building coverage requirement not herein modified shall apply to any conditional use.

- E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all DB districts:

Principal Use	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height	Max. Impervious Surface Ratio
Non-Municipal Use <i>Accessory Building</i>	7,000 sf	45'	100'	25' ⁽¹⁾ NP	0' 15'	50' 30'	40' ⁽²⁾ 18'	.75
Municipal	2,000 sf	20'	50'	5'	5'	5'	45'	.80

NP = Not Permitted.

- (1) - The front yard depth may be reduced to the average of the setbacks from the streetline of existing buildings on both sides of the proposed building. In the event an adjacent lot is vacant, the average shall be calculated using the required setback for the vacant lot.
- (2) - Or 3 stories, whichever is less.

- F. Additional Regulations for Retail and Service Uses.

1. All equipment stored on the site shall be placed within an enclosed building.
2. Outdoor dining. Outdoor dining shall conform to the following requirements:

- A. The location of each outdoor dining area shall first be reviewed and approved by the Zoning Officer for conformance with the provisions of this section. Upon satisfactory review, a zoning permit or other suitable document shall be issued by the Zoning Officer for the outdoor dining area.
 - B. All outdoor dining areas shall allow at least eight feet of passage between tables and chairs and the curb.
 - C. All outdoor dining areas shall allow at least six feet of unobstructed access to building entrances and exits.
 - D. No outdoor dining area shall be located in front of any driveway, parking lot entrance, alley, or other vehicular thoroughfare nor impede adequate sight distance for motorists.
 - E. Outdoor dining areas may only be located in front of the building in which the restaurant operates.
 - F. Food and drink served in outdoor dining areas shall be the same as served in the restaurant.
 - G. No food or drink shall be prepared in the outdoor dining area.
 - H. Tables and chairs shall be placed and maintained in an orderly fashion and shall not create a hazard.
 - I. Tables and chairs may be left out overnight, but other accessories shall be removed when the establishment is closed.
 - J. Nothing herein shall be construed to authorize outdoor dining areas for uses prohibited by the landowner or by this ordinance or other rule or regulation. Nothing herein shall be construed to vary, alter, or amend any rule or regulation relating to the sale and consumption of alcoholic beverages.
3. Outdoor display. Outdoor displays shall conform to the following requirements:

- A. The location of each display area shall first be reviewed and approved by the Zoning Officer for conformance with the provisions of this section. Upon satisfactory review, a zoning permit or other suitable document shall be issued by the Zoning Officer for the display area.
 - B. All displays shall allow at least five feet of passage between the display and the curb.
 - C. All displays shall allow at least six feet of unobstructed access to building entrances and exits.
 - D. No display shall be located in front of any driveway, parking lot entrance, alley, or other vehicular thoroughfare nor impede adequate sight distance for motorists.
 - E. Displays may only be located adjacent to or in front of the building in which the business displaying wares is located.
 - F. Displays shall not extend more than four feet from the facade of the building.
 - G. The only merchandise which may be displayed is the merchandise sold by the business.
 - H. No display may exceed six feet in height.
 - I. Displays shall be maintained in an orderly fashion and shall not create a hazard.
 - J. Displays may only be shown during daylight hours and when the business is otherwise open to the public.
 - K. Nothing herein shall be construed to authorize outdoor displays for uses prohibited by the landowner or by this ordinance or other rule or regulation.
4. There shall be no retail sales activities open to the public for the purpose of selling any goods or services in any basement, cellar, or attic, provided that nothing in this section shall be construed to prohibit the use of such areas for storage or the basement or cellar for public restrooms.

5. There shall be no drive-in or drive-thru facilities allowed for any purpose.

§ 2621 DOWNTOWN II BUSINESS (DBII) DISTRICT.

- A. Purpose. The purpose of the Downtown Business II (DBII) District is to provide for mixed uses in the traditional business and governmental center of the Borough and is a transitional area between the Downtown Business (DB) zone and the Village Shops (VS) zone.
- B. Permitted Principal Uses. In the Downtown Business II zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except as herein described. Commercial uses shall be defined in accordance with their SIC Code number where shown with a number in parentheses (thus). The following establishments or uses shall be permitted:
 1. Apartment(s) on second and upper floors of principal structures.
 2. Paint, glass and wallpaper sales and service (523).
 3. Hardware store (525).
 4. Lawn and garden center (5261).
 5. Variety store (533).
 6. General merchandise store (539).
 7. Grocery store (541).
 8. Meat and fish markets, including frozen food purveyors (542).
 9. Fruit and vegetable market (543).
 10. Candy, nut and confectionery store (544).
 11. Dairy products sales (545).
 12. Retail bakery (546).
 13. Other food stores (549).

14. Apparel and accessories store (56).
15. Furniture and accessories store (57).
16. Restaurants, excluding fast food restaurants (581).
17. Drug and proprietary stores (591).
18. Second hand shops (593).
19. Jewelry, hobby, camera, gift, luggage, leather, dry goods, sewing, and similar shops (594).
20. Opticians and optical goods (5995).
21. Art and drafting supply, gallery, auction room, antique store, cosmetics, pets and pet supply store, picture framing, philatelist shop, awning shop, and other miscellaneous retail uses (5999).
22. Offices for finance, insurance, and real estate services (60-65, 67).
23. Photographic and portrait studio (7221).
24. Beauty (7231) and barber (7241) shops.
25. Advertising, credit reporting, reproduction, computer programming, data processing, building services, and similar business services (73).
26. Engineering, surveying, architectural, accounting, auditing, bookkeeping, research and development, management, public relations and similar services (87).
27. Legal services (8111).
28. Repair of appliances, electronic equipment, watches and jewelry, furniture and upholstery, antiques excluding automobiles, optical goods, cameras, precision instruments, leather goods including luggage and tack, musical instruments including tuning, office equipment and similar repair services but not to include automobile repair (7699).

29. Medical and dental offices (801, 802, 803, 804).
30. Municipal use.
31. Coin Operated Laundries, etc. (7215).
32. Miscellaneous Repair (762-764).
33. Dance Studios (791).
34. Travel Agencies (4724).
35. Florists (5992).
36. Optical Goods Stores (5995).
37. Individual and Family Services (8322).
38. Funeral home and crematorium (7261) with a minimum lot area of one (1) acre.

C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a permitted principal use:

1. Outdoor dining.
2. Outdoor display.
3. Off-street parking.
4. Private garages used in conjunction with the principal use(s).
5. Fences and walls.
6. Signs, §2631.
7. Storage and maintenance buildings.

D. Conditional Uses Permitted. The following uses may be permitted when authorized as a conditional use by the Planning Board:

1. Bed and breakfast accommodation conforming to the following criteria:
 - A. No more than six guest rooms or suites shall be permitted.
 - B. No expansion of the existing dwelling shall be permitted.
 - C. Off-street parking equal to one for each guest room or suite shall be required. Off-street parking may be accommodated off-site provided that the location is within 600 feet of the subject site and an adequate guaranty subject to the approval of the Board Attorney that establishes a right to the use of the off-tract parking is secured.
 - D. No parking shall be permitted in the front yard.
 - E. Only guests of the facility and their invitees shall be served food and drink on the premises.
 - F. No cooking facilities shall be permitted in guest rooms or suites.
 - G. There shall be a maximum residency limitation on all guests of 30 days.
2. Public and private non-profit day school meeting the following criteria:
 - A. The minimum lot size shall be 3 acres.
 - B. The minimum lot frontage shall be 150 feet.
 - C. No building shall be located within 50 feet of a lot line.
 - D. Parking lots shall be properly screened and shall be a minimum of 25 feet from surrounding properties and public roads.

E. Outdoor athletic fields shall be oriented to minimize adverse impacts on neighboring residential uses from noise, lighting, and entrances.

3. Any other area, yard, height, and building coverage requirement not herein modified shall apply to any conditional use.

E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all DB II districts:

Principal Use	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height	Max. Impervious Surface Ratio
Non-Municipal Use <i>Accessory Building</i>	7,000 sf	45'	100'	25' ⁽¹⁾ NP	0' 15'	50' 30'	40' ⁽²⁾ 18'	.75
Municipal	2,000 sf	20'	50'	5'	5'	5'	45'	.80

NP = Not Permitted.

- (1) - The front yard depth may be reduced to the average of the setbacks from the streetline of existing buildings on both sides of the proposed building. In the event an adjacent lot is vacant, the average shall be calculated using the required setback for the vacant lot.
- (2) - Or 3 stories, whichever is less.

F. Additional Regulations for Retail and Service Uses.

1. All equipment stored on the site shall be placed within an enclosed building.
2. Outdoor dining. Outdoor dining shall conform to the following requirements:
 - A. The location of each outdoor dining area shall first be reviewed and approved by the Zoning Officer for conformance with the provisions of this section. Upon satisfactory review, a zoning permit or other suitable document shall be issued by the Zoning Officer for the outdoor dining area.
 - B. All outdoor dining areas shall allow at least four feet of passage between tables and chairs and the curb.

- C. All outdoor dining areas shall allow at least four feet of unobstructed access to building entrances and exits.
 - D. No outdoor dining area shall be located in front of any driveway, parking lot entrance, alley, or other vehicular thoroughfare nor impede adequate sight distance for motorists.
 - E. Outdoor dining areas may only be located in front of the building in which the restaurant operates.
 - F. Food and drink served in outdoor dining areas shall be the same as served in the restaurant.
 - G. No food or drink shall be prepared in the outdoor dining area.
 - H. Tables and chairs shall be placed and maintained in an orderly fashion and shall not create a hazard.
 - I. Tables and chairs may be left out overnight, but other accessories shall be removed when the establishment is closed.
 - J. Nothing herein shall be construed to authorize outdoor dining areas for uses prohibited by the landowner or by this ordinance or other rule or regulation. Nothing herein shall be construed to vary, alter, or amend any rule or regulation relating to the sale and consumption of alcoholic beverages.
3. Outdoor display. Outdoor displays shall conform to the following requirements:
- A. The location of each display area shall first be reviewed and approved by the Zoning Officer for conformance with the provisions of this section. Upon satisfactory review, a zoning permit or other suitable document shall be issued by the Zoning Officer for the display area.
 - B. All displays shall allow at least five feet of passage between the display and the curb.
 - C. All displays shall allow at least six feet of unobstructed access to building entrances and exits.

- D. No display shall be located in front of any driveway, parking lot entrance, alley, or other vehicular thoroughfare nor impede adequate sight distance for motorists.
 - E. Displays may only be located adjacent to or in front of the building in which the business displaying wares is located.
 - F. Displays shall not extend more than four feet from the facade of the building.
 - G. The only merchandise which may be displayed is the merchandise sold by the business.
 - H. No display may exceed six feet in height.
 - I. Displays shall be maintained in an orderly fashion and shall not create a hazard.
 - J. Displays may only be shown during daylight hours and when the business is otherwise open to the public.
 - K. Nothing herein shall be construed to authorize outdoor displays for uses prohibited by the landowner or by this ordinance or other rule or regulation.
- 4. There shall be no retail sales activities open to the public for the purpose of selling any goods or services in any basement, cellar, or attic, provided that nothing in this section shall be construed to prohibit the use of such areas for storage or the basement or cellar for public restrooms.
 - 5. There shall be no drive-in or drive-thru facilities allowed for any purpose.

§ 2622 PROFESSIONAL OFFICE.

- A. Purpose. The purpose of the Professional Office (PO) District is to provide an area in close proximity to the county courts and administration offices. The Professional Office district would provide an area for law, title, paralegal, and similar offices as the need grows with an expanding county population.
- B. Permitted Principal Uses. In the Professional Office zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except as herein described. Commercial uses shall be defined in accordance with their SIC Code number where shown with a number in parentheses (thus). The following establishments or uses shall be permitted:
1. Offices for finance, insurance, and real estate services (60-65, 67).
 2. Engineering, surveying, architectural, accounting, auditing, bookkeeping, research and development, management, public relations and similar services (87), excepting research and development uses (873).
 3. Legal services (8111).
 4. Governmental use.
 5. Child Care Center (8351).
 6. Beauty Shops (7231).
 7. Barber Shops (7241).
 8. Individual and Family Services (8322).
 9. Photographic Studios, Portrait (7221).
 10. Shoe Repair Shops and Shoeshine Parlors (7251).
 11. Miscellaneous Personal Services (7299).
 12. Medical and Dental Offices.

- C. Conditional Use. Public and private non-profit day school.
- D. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a permitted principal use:
1. Off-street parking.
 2. Private garages for commercial vehicles used in conjunction with the principal use, excepting public works garages or yards.
 3. Fences and walls.
 4. Signs, §2631.
 5. Storage and maintenance buildings.
- E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all PO districts:

Principal Use	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height	Max. Imperv. Surface Ratio	Floor Area Ratio
Office <i>Accessory Building</i>	9,000 sf	50'	100'	25' NP	10' 15'	50' 30'	35' ⁽¹⁾ 18'	.75	.22
Municipal	2,000 sf	20'	50'	25'	5'	10'	45'	.80	.25
Other Governmental	10,000 sf	60'	100'	25'	10'	50'	45'	.80	.25

NP = Not Permitted.

(1) - Or 2½ stories, whichever is less.

§ 2623 VILLAGE SHOPPING (VS) DISTRICT.

- A. Purpose. The purpose of the Village Shopping (VS) District is to include the majority of the destination oriented retail outlet shopping in Flemington. This district is highway oriented but is designed to encourage walking from store to store once the destination has been reached. It contrasts with the more pedestrian oriented outlet shopping in the Downtown Business district and the more highway oriented shopping in the Highway Retail zone. An overall site plan may be submitted for a village shopping center, indicating

buildings, driveways, loading and parking areas, lighting, landscape, provisions for storm drainage and signs. Once approved, modification may be made to the plan as a minor site plan to the Planning Board, if there is no effect on external circulation, lighting, drainage, landscaping or signs.

B. Permitted Principal Uses. In the Village Shopping zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except as herein described. Commercial uses shall be defined in accordance with their SIC Code number where shown with a number in parentheses (thus). The following establishments or uses shall be permitted:

1. Paint, glass and wallpaper sales and service (523).
2. Hardware store (525).
3. Lawn and garden center (5261).
4. Variety store (533).
5. General merchandise store (539).
6. Grocery store (541).
7. Meat and fish markets, including frozen food purveyors (542).
8. Fruit and vegetable market (543).
9. Candy, nut and confectionery store (544).
10. Dairy products sales (545).
11. Retail bakery (546).
12. Other food stores (549).
13. Department Stores (531).
14. Apparel and accessories store (56).
15. Furniture and accessories store (57).
16. Restaurants (581).

17. Drug and proprietary stores (591).
18. Second hand shops (593).
19. Jewelry, hobby, camera, gift, luggage, leather, dry goods, sewing, and similar shops (594).
20. Opticians and optical goods (5995).
21. Art and drafting supply, gallery, auction room, antique store, cosmetics, pets and pet supply store, picture framing, philatelist shop, awning shop, and other miscellaneous retail uses (5999).
22. Repair of appliances, electronic equipment, watches and jewelry, furniture and upholstery, antiques excluding automobiles, optical goods, cameras, precision instruments, leather goods including luggage and tack, musical instruments including tuning, office equipment and similar repair services but not to include automobile repair (7699).
23. Physical fitness centers (7991).
24. Municipal use.
25. Places of worship.
26. Child Day Care Services (8351).
27. Miscellaneous Repair (762-764).
28. Dance Studios (791).
29. Wood Kitchen Cabinets (2434).
30. Jewelry Manufacturing (3911).
31. Optical Goods Stores (5995).
32. Plumbing, heating and air conditioning contracting (1711), however, no outside storage is permitted.
33. Finance, Insurance, etc. (60-65, 67)

34. Photographic Studios, Beauty and Barber Shops (7221, 7231, 7241, 7251).

C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a permitted principal use:

1. Outdoor dining.
2. Outdoor display.
3. Off-street parking.
4. Private garages for commercial vehicles used in conjunction with the principal use, excepting public works garages or yards.
5. Fences and walls.
6. Signs, §2631.
7. Storage and maintenance buildings.
8. Kiosks, if located surrounded by building of the village stores and not visible to any residential stores.

D. Conditional Use Permitted. Bed and breakfast accommodation may be permitted when authorized as a conditional use by the Planning Board conforming to the following criteria:

1. No more than six guest rooms or suites shall be permitted.
2. No expansion of the existing dwelling shall be permitted.
3. Off-street parking equal to one for each guest room or suite shall be required. Off-street parking may be accommodated off-site provided that the location is within 600 feet of the subject site and an adequate guaranty subject to the approval of the Board Attorney that establishes a right to the use of the off-tract parking is secured.
4. No parking shall be permitted in the front yard.

5. Only guests of the facility and their invitees shall be served food and drink on the premises.
6. No cooking facilities shall be permitted in guest rooms or suites.
7. There shall be a maximum residency limitation on all guests of 30 days.

E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all VS districts:

Principal Use	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height	Max. Imperv. Surface Ratio	Floor Area Ratio
Retail and Service Uses <i>Accessory Building</i>	65,000sf	150'	200'	35' NP	15' 15'	50' 30'	35' ⁽¹⁾ 18'	.80 ⁽²⁾	.22
Municipal	2,000 sf	20'	50'	25'	5'	10'	45'	.80	.25

NP = Not Permitted.

- (1) - Or 2½ stories, whichever is less. The height may be increased to 50 feet or 4 stories, whichever is less, when the building is greater than 200 feet from a residential district.
- (2) - Maximum lot coverage may be increased to .82 if additional landscaped areas are provided with trees, shrubs and proper ground cover treatment.

F. Additional Regulations for Retail and Service Uses.

1. All equipment stored on the site shall be placed within an enclosed building.
2. Outdoor dining. Outdoor dining shall conform to the following requirements:
 - A. The location of each outdoor dining area shall first be reviewed and approved by the Zoning Officer for conformance with the provisions of this section. Upon satisfactory review, a zoning permit or other suitable document shall be issued by the Zoning Officer for the outdoor dining area.
 - B. All outdoor dining areas shall allow at least eight feet of passage between tables and chairs and the curb.

- C. All outdoor dining areas shall allow at least six feet of unobstructed access to building entrances and exits.
 - D. No outdoor dining area shall be located in front of any driveway, parking lot entrance, alley, or other vehicular thoroughfare nor impede adequate sight distance for motorists.
 - E. Outdoor dining areas may only be located in front of the building in which the restaurant operates.
 - F. Food and drink served in outdoor dining areas shall be the same as served in the restaurant.
 - G. No food or drink shall be prepared in the outdoor dining area.
 - H. Tables and chairs shall be placed and maintained in an orderly fashion and shall not create a hazard.
 - I. Tables and chairs may be left out overnight, but other accessories shall be removed when the establishment is closed.
 - J. Nothing herein shall be construed to authorize outdoor dining areas for uses prohibited by the landowner or by this ordinance or other rule or regulation. Nothing herein shall be construed to vary, alter, or amend any rule or regulation relating to the sale and consumption of alcoholic beverages.
3. Outdoor display. Outdoor displays shall conform to the following requirements:
- A. The location of each display area shall first be reviewed and approved by the Zoning Officer for conformance with the provisions of this section. Upon satisfactory review, a zoning permit or other suitable document shall be issued by the Zoning Officer for the display area.
 - B. All displays shall allow at least five feet of passage between the display and the curb.

- C. All displays shall allow at least six feet of unobstructed access to building entrances and exits.
 - D. No display shall be located in front of any driveway, parking lot entrance, alley, or other vehicular thoroughfare nor impede adequate sight distance for motorists.
 - E. Displays may only be located adjacent to or in front of the building in which the business displaying wares is located.
 - F. Displays shall not extend more than four feet from the facade of the building.
 - G. The only merchandise which may be displayed is the merchandise sold by the business.
 - H. No display may exceed six feet in height.
 - I. Displays shall be maintained in an orderly fashion and shall not create a hazard.
 - J. Displays may only be shown during daylight hours and when the business is otherwise open to the public.
 - K. Nothing herein shall be construed to authorize outdoor displays for uses prohibited by the landowner or by this ordinance or other rule or regulation.
4. There shall be no retail sales activities open to the public for the purpose of selling any goods or services in any basement, cellar, or attic, provided that nothing in this section shall be construed to prohibit the use of such areas for storage or the basement or cellar for public restrooms.

§ 2624 HIGHWAY RETAIL (HR) DISTRICT.

- A. Purpose. The purpose of the Highway Retail (HR) District is to encompass existing highway oriented retail development concentrated around Rt. 31 and Rt. 202. This district contrasts with the more pedestrian- and destination-oriented shopping of the Downtown Business and Village Shopping zones. The district is also intended to include more intensive office uses than permitted by the Professional Office zone.
- B. Permitted Principal Uses. In the Highway Retail zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except as herein described. Commercial uses shall be defined in accordance with their SIC Code number where shown with a number in parentheses (thus). The following establishments or uses shall be permitted:
1. Plumbing, heating and air conditioning contracting (1711), however, no outside storage is permitted.
 2. Paint, glass and wallpaper sales and service (523).
 3. Hardware store (525).
 4. Lawn and garden center (5261).
 5. Department Stores (531).
 6. Variety store (533).
 7. General merchandise store (539).
 8. Grocery (541) and convenience (5411) stores.
 9. Meat and fish markets, including frozen food purveyors (542).
 10. Fruit and vegetable market (543).
 11. Candy, nut and confectionery store (544).
 12. Dairy products sales (545).
 13. Retail bakery (546).

14. Other food stores (549).
15. New car and automotive dealers (55), including sales of parts related to motor vehicles.
16. Motor Vehicle Supplies and New Parts (5013).
17. Apparel and accessories store (56).
18. Furniture and accessories store (57).
19. Restaurants (581).
20. Drug and proprietary stores (591).
21. Liquor stores (592)
22. Second hand shops (593).
23. Jewelry, hobby, camera, gift, luggage, leather, dry goods, sewing, and similar shops (594).
24. Opticians and optical goods (5995).
25. Art and drafting supply, gallery, auction room, antique store, cosmetics, pets and pet supply store, picture framing, philatelist shop, awning shop, and other miscellaneous retail uses (5999).
26. Offices for finance, insurance, and real estate services (60-65, 67).
27. Dry cleaners and coin-operated laundry services (7219).
28. Photographic and portrait studio (7221).
29. Beauty (7231) and barber (7241) shops.
30. Shoe repair and shoeshine services (7251).
31. Funeral home and crematorium (7261).

32. Tax return preparation (7291), babysitting bureaus, bartering services, buyer's clubs, clothing and costume rental excluding industrial laundering and linen supply, vending machine operators, dating service, debt and diet counseling, hair replacement or removal, tanning salon, shopping services for individuals, locksmith, and other similar personal services (7299).
33. Advertising, credit reporting, reproduction, computer programming, data processing, building services, and similar business services (73).
34. Engineering, surveying, architectural, accounting, auditing, bookkeeping, research and development, management, public relations and similar services (87).
35. Legal services (8111).
36. Repair of appliances, electronic equipment, watches and jewelry, furniture and upholstery, antiques including automobiles, optical goods, cameras, precision instruments, leather goods including luggage and tack, musical instruments including tuning, office equipment and similar repair services but not to include automobile repair (7699).
37. Bowling alleys (793)
38. Physical fitness centers (7991).
39. Medical and dental offices (801, 802, 803, 804).
40. Shopping centers incorporating any preceding use.
41. Municipal use.
41. Painting and Paper Hanging (172).
42. Electrical Work (173).
43. Garment Pressing & Agents (7212).
44. Coin Operated Laundries, etc. (7215).
45. Miscellaneous Repair (75).

46. Dance Studios (791).
 47. General Contractors (15).
 48. Motor Vehicle Supplies and New Parts (5013).
 49. Optical Goods Stores (5995).
 50. Senior Citizens
- C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a permitted principal use:
1. Off-street parking.
 2. Drive-thru and drive-in facilities.
 3. Private garages for commercial vehicles used in conjunction with the principal use.
 4. Fences and walls.
 5. Signs, §2631.
 6. Storage and maintenance buildings.
- D. Conditional Uses Permitted. The following uses may be permitted when authorized as a conditional use by the Planning Board:
1. Service stations (5541) conforming to the following criteria:
 - A. Service stations shall be permitted only two entrances and exits on one street frontage and three per lot.
 - B. All equipment, work pits, storage areas and trash facilities other than gasoline filling pumps or air pumps shall be within a building or roofed structure.
 - C. Fuel pumps and air pumps shall be no closer than 25 feet to any existing or future street line and 50 feet from a rear

property line. Fuel pumps shall not be located closer than 25 feet from a side property line.

- D. All lubrication, repair or similar activities shall be performed in a fully enclosed building and no dismantled parts shall be displayed outside of an enclosed building.
 - E. No junked motor vehicle or part thereof, or such vehicles incapable of normal operation upon the highway, shall be permitted on the premises of the repair garage, except as noted herein. A maximum of 11 vehicles shall be permitted to await repair or disposition at the repair garage, with no more than 3 inoperable vehicles permitted in an enclosed building and no more than 8 inoperable vehicles permitted outside the building. If more than 8 such vehicles on the property are awaiting repairs, they shall be enclosed in a fenced area, screened from view from adjacent properties and public streets.
 - F. In addition to landscaping that is otherwise required pursuant to the provisions of this Ordinance, a minimum of 25% of the front yard shall consist of landscape screening of the building and front yard parking.
 - G. No exterior display of motor vehicles, recreational vehicles, boats, other forms of transportation, or equipment for sale shall be permitted.
2. Hotels and motels (701) subject to the following criteria:
- A. Any such use shall contain a minimum of at least 20 units of accommodation not including any on-site superintendent's living quarters. The minimum number of units of accommodation in any single building shall be 10.
 - B. Each unit of accommodation shall contain a minimum floor area of 250 square feet. Ceilings shall be a minimum of 8 feet in height.
 - C. There shall be a residency limitation on all guests of 30 days maximum. The residency limitation shall not apply to an employee living on the premises.

3. Automotive body repair (7532) subject to the following criteria:
 - A. Such uses shall only be in conjunction with a automobile dealership selling new cars.
 - B. Body panels and parts shall be stored in a completely enclosed building.
 - C. No repair work shall take place out-of-doors.
4. Communication Towers (4812) subject to the following criteria:
 - A. The applicant shall first demonstrate that no other existing tower or structure may be used for the subject application. Such demonstration may include but not be limited to expert reports and responses to bona fide inquiries to existing tower owners concerning the availability of space.
 - B. The height of the tower shall be the lowest feasible for the intended purpose.
 - C. The free-standing tower shall be set back from any property line a minimum of 110% of the tower's height.
 - D. Towers shall be of monopole construction if less than 250 feet in height.
 - E. Any communications tower shall comply with the promulgated radiation emissions standards of the Federal Communications Commission.
 - F. A landscape buffer visually impervious after five (5) years of maturity shall be installed to screen the base of the tower, equipment building and parking. The minimum height of buffer materials shall be six (6) feet at the time of installation.
 - G. At least two and no more than five (5) parking spaces for maintenance use shall be provided.
 - H. Accessory buildings for communications/electronic equipment not exceeding 1,000 square feet in area nor one-story or 15 feet in height, whichever is less, shall be permitted.

- I. Any approval shall be so conditioned as to allow additional communications operators to lease space on the subject tower.
- J. To the extent feasible, communications towers shall be painted or disguised to minimize contrast with the natural environment.
- K. Notwithstanding any other provision to the contrary, no communications tower shall be located in an historic district as designated in the Historic Preservation Element of the Master Plan.

5. All other parts of this Ordinance not modified herein shall apply.

E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all HR districts:

Principal Use	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height	Max. Imperv. Surface Ratio	Floor Area Ratio
Retail and Service Uses <i>Accessory Building</i>	65,000 sf	150'	200'	35' NP	25' 15'	50' 30'	35' ⁽¹⁾ 18'	.70	.20
Office <i>Accessory Building</i>	30,000 sf	100'	200'	35' NP	25' 15'	35' 30'	35' ⁽²⁾ 18'	.70	.25
Hotel and Motel	2 acres	200'	200'	50'	35'	50'	35' ⁽³⁾	.60	.22
Shopping Center <i>Accessory Building</i>	3 acres	300'	200'	75' NP	50' 25'	50' 30'	25' ⁽¹⁾ 18'	.70	.20
Senior Citizen Housing	2 acres	200'	200'	35'	25'	50'	48' ⁽⁴⁾	.70	NA

NP = Not Permitted.

(1) - Or 2 stories, whichever is less.

(2) - Or 2½ stories, whichever is less.

(3) - The height may be increased to 45 feet or 4 stories, whichever is less, when the building is greater than 200 feet from a residential district.

(4) - or 3 stories Not to exceed (3) three stories

F. Additional Regulations for Retail and Service Uses.

1. All equipment stored on the site shall be placed within an enclosed building.
2. There shall be no retail sales activities open to the public for the purpose of selling any goods or services in any basement, cellar, or attic, provided that nothing in this section shall be construed to prohibit the use of such areas for storage or the basement or cellar for public restrooms.
3. Minimum buffer with residential uses or zones is 75 feet.

§ 2625 PUBLIC SCHOOL AND PARKS (PS/P).

- A. Purpose. The zone is established to recognize two areas in the Borough used for public purpose. These include the Reading-Fleming Middle School, Tuccamirgan Park, Green Acres Park, and the Flemington Swim Club, and Memorial Park on the east side of town.
- B. Permitted Principal Uses. In the PS/P zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:
 1. Public Schools.
 2. Government use, including parks and recreation.
 3. Private swim clubs.
- C. Accessory Uses Permitted.
 1. Storage sheds.
 2. Signs, §2631.
 3. Off-street parking.
- D. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all PS/P districts

Principal Use	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Mn. Front Yard	Min. Side Yard	Min. Rear Yard	Max Height	Max. Imperv. Surface Ratio	Max building Coverage
Parks & Community Pools	43,560 sf	100'	200'	25' <i>NP</i>	25' 15'	35' 15'	80' ⁽¹⁾ 28'	.50	.25
Public School <i>Accessory Building</i> ⁽²⁾	3 acres	150'	350'	50' <i>NP</i>	25' 15'	50' 30'	45' 25'	.75	.50

NP = Not permitted.

(1) - The ridgeline of the main roof shall not exceed 45 feet in height.

(2) - No more than two (2) accessory structures for lots , 15,000 sf; no more than three (3) accessory structures for lots \geq 15,000 sf.

§ 2626 SUPER SHOPPING (SS) OVERLAY DISTRICT.

- A. Purpose. The purpose of the Super Shopping (SS) Overlay District is to provide for the redevelopment of a portion of the Highway Retail zone that is characterized by small lots or abandoned and vacant land. The overlay district provides an optional set of development regulations that permits an added intensity of development as an incentive to assemble substandard lots.
- B. Permitted Principal Uses. In the Super Shopping Overlay zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except for a shopping center incorporating any permitted use in the Highway Retail district.
- C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a permitted principal use:
 1. Off-street parking.
 2. Drive-thru and drive-in facilities.
 3. Private garages for commercial vehicles used in conjunction with the principal use.

4. Fences and walls.
 5. Signs, §2631.
 6. Storage and maintenance buildings.
- D. Conditional Uses Permitted. The following uses may be permitted when authorized as a conditional use by the Planning Board:
1. Hotels and motels (701) subject to the following criteria:
 - a. Any such use shall contain a minimum of at least 20 units of accommodation not including any on-site superintendent's living quarters. The minimum number of units of accommodation in any single building shall be 10.
 - b. Each unit of accommodation shall contain a minimum floor area of 250 square feet. Ceilings shall be a minimum of 8 feet in height.
 - c. There shall be a residency limitation on all guests of 30 days maximum. The residency limitation shall not apply to an employee living on the premises.
- E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all SS districts:

Principal Use	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height	Max. Imperv. Surface Ratio	Floor Area Ratio
Shopping Center: Tract Lot ⁽²⁾ <i>Accessory Building</i>	15 acres 1½ acres	500' 100'	500' 200'	150' 75' NP	50' N/A 25'	25' 50' 30'	32' ⁽¹⁾ 30' ⁽³⁾ 18'	.75	.22
Hotel and Motel	2 acres	200'	200'	50'	35'	50'	45' ⁽⁴⁾	.60	.25

NP = Not Permitted.

- (1) - Or 3 stories, whichever is less, however, the maximum height for 33% of the front facade may be 36' if used to accommodate a front elevation with a pediment or similar structure.
- (2) - These regulations only pertain to lots within the overall tract area and is intended for use with pad sites approved as part of the shopping center plan.

- (3) - Or 1½ stories, whichever is less.
- (4) - Or 4 stories, whichever is less.
- (5) - Roof mounted appurtenances such as heating and air conditioners (HVAC), communications antennae and other equipment shall be concealed by a parapet wall from surrounding land uses. The parapet wall cannot exceed the allowable height.

F. Additional Regulations for Retail and Service Uses.

- 1. All equipment stored on the site shall be placed within an enclosed building.
- 2. There shall be no retail sales activities open to the public for the purpose of selling any goods or services in any basement, cellar, or attic, provided that nothing in this section shall be construed to prohibit the use of such areas for storage or the basement or cellar for public restrooms.
- 3. Minimum buffer with residential uses or zones is 75 feet.

§ 2627 ADDITIONAL STANDARDS APPLYING TO ALL DISTRICTS.

- A. Community Shelters. Community residences for the developmentally disabled, community shelters for victims of domestic violence, and community residences for persons with head injuries shall be allowed in any residential district permitting single family detached housing, provided that:
 - 1. No more than 15 persons, excluding resident staff, shall occupy the premises except as permitted herein.
 - 2. The facility is duly licensed pursuant to *N.J.S.A. 30:11B-1 et seq.* for community residences for the developmentally disabled, *N.J.S.A. 30:14-1 et seq.* for community shelters for victims of domestic violence, and *N.J.S.A. 30:11B-1 et seq.* for community residences for persons with head injuries.
 - 3. The residential character of the building shall remain unchanged.
 - 4. All other applicable regulations of this Ordinance shall apply.
- B. Decks. Decks shall not be attached to any floor higher than the second floor of a dwelling. Decks for which railings are required shall be located no

closer to a side or rear lot line than permitted by the principal building setback requirement. Lower decks may be located to within the required setbacks for accessory buildings but in no instance closer than five (5) feet to a property line, excepting fee simple townhouses. Decks for which railings are required shall not be permitted in the front yard. Decks attached to fee simple townhouses may be located on a side property line provided the townhouse is attached to another townhouse along such property line. Fee simple townhouse decks closer than five (5) feet to the side property line shall have a decorative screen at least 60% visually opaque attached to its side edge and six (6) feet tall measured from the deck surface.

- C. Exterior Equipment. All ground-based utility meters or boxes, air compressors, heat pumps, or other exterior equipment shall be located at the side or rear of buildings and shall be screened by architectural elements or landscape plantings. Roof-based equipment shall be screened by architectural elements.
- D. Family Day Care. Family day care shall be allowed as a home occupation, as regulated in this ordinance, in any residential district, provided that no operator shall provide child care for more than five (5) children at any one time not including children legally related to the care provider nor children being cared for under a cooperative agreement with their parents for which no payment is received. In age-restricted developments, deed restrictions or bylaws may prohibit family day care homes from being a permitted use. All other applicable regulations of this Ordinance shall apply.
- E. Fences and Walls. The following regulations shall apply to fences and walls:
 - 1. Fences and walls may be placed with the finished side (without supports) located on the property line. All permitted fences shall be situated on a lot in such a manner that the finished side shall face adjacent properties.
 - 2. No fence shall be erected of barbed wire, topped with metal spikes, broken bottles and glass, nor constructed of any material or in any manner which may be dangerous to persons or animals.
 - 3. On any lot in any district, no wall or fence shall be erected or altered so that said wall or fence shall be over four (4) feet in height in front yard areas and six (6) feet in height in side and rear yard areas except:
 - a. A dog run or privacy area may have fencing a maximum of 7

(seven) feet in height provided such area is located in rear yard areas only and is set back from any lot line at least 15 feet.

- b. A tennis court area, located in rear yard areas only, may be surrounded by a fence a maximum of 15 feet in height; said fence to be set back from any lot line the distances required for accessory buildings in the zoning district as stipulated in this Article.
 - c. No fence shall exceed five (5) feet in height in a rear yard of a reverse frontage lot.
 - d. On corner lots, no fences or walls may be placed within the sight triangle. Fences or walls shall not exceed two (2) feet in height on corner lots in the front yard setback.
- 4. A private residential swimming pool area shall be surrounded by a fence at least four (4) feet, but no more than six (6) feet, in height.
 - 5. Non-residential uses may be permitted a fence of up to eight (8) feet in height when located behind the front yard provided the specific size, type, and location is approved by the Planning Board. Deviations from this subsection shall be considered as waivers from the Ordinance standards.

F. Garage Sales. Garage sales shall be subject to the following regulations:

- 1. *License Regulated*. It shall be unlawful for any person to conduct a garage sale in the Borough of Flemington without first filing with the clerk the information hereinafter specified and obtaining from said clerk a license to do so, to be known as a "garage sale license". Any bona fide charitable, non-profit, educational, cultural or governmental institution or organization shall be required to obtain a license. The burden of establishing the exemption from the payment of a license fee shall be on the organization or institution claiming such fee exemption.

A license shall be issued for each lot as shown on the official Borough of Flemington tax map only twice within a 12-month period. No license shall be issued for more than two consecutive calendar days. Under special circumstances, and for special reasons, more than two

licenses may be issued in connection with each parcel of property with the approval of the common council. Each license issued under this section shall be prominently displayed on the premises upon which the garage sale is conducted throughout the entire period of the licensed sale.

2. *License Information To Be Filed.* The information to be filed with the borough clerk, pursuant to this section shall be as follows:
 - a. Name of the person, firm, group, corporation, association , or organization conducting the sale.
 - b. Name of the owner of the property on which the sale is to be conducted, and consent of owner if applicant is other than the owner.
 - c. Location at which the sale is to be conducted.
 - d. Number of days of the sale.
 - e. Date, nature of any past sale.
 - f. Relationship or connection applicant may have had with any other person, conducting a sale and the date or dates of such sale.
 - g. Whether or not applicant has been issued any other vendor's license by any local, state, or federal agency.
 - h. Sworn statement or affirmation by the person signing that the information therein given is full and true.
3. *Hours of Sale.* All garage sales shall be conducted between the hours of 9:00 a.m. and 6:00 p.m. only, and no sale shall be conducted on a Sunday.
4. *Signs.* No person shall make, cause to be made or erected signs other than those signs provided by the borough. These signs shall be made available by the borough and shall be a uniform size and form (12" x 12") and must be purchased from the borough. The signs shall have a space allotted to place the name and address of the person running the sale and the signs shall be removed within 48 hours after the

completion of the sale.

5. *Persons and Sales Excepted.* The provisions of this section shall not apply to or affect the following persons or sales:
 - a. Persons selling goods pursuant to an order or process of a court of competent jurisdiction.
 - b. Persons acting in accordance with their powers and duties as public officials.
 - c. Any person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed five in number.
 - d. Any publisher of a newspaper, magazine or other publication or other communication media who publishes or broadcasts in good faith without knowledge of its false, deceptive, or misleading character or without knowledge that the provisions of this section have not been complied with.
 6. *Conduct of Sale.* The person to whom such license is issued and the owner or tenant of the premises on which the sale or activity is conducted shall be responsible for the maintenance of good order and decorum on the premises during all hours of the sale or activity. Not person shall permit any loud or boisterous conduct on the premises nor permit vehicles to impede the passage of traffic on any roads or streets in the area of the premises.
- G. Home Occupations. Home occupations shall be subject to the following regulations:
1. The use is limited solely to office use;
 2. The uses is operated by or employs in the residence only a resident or residents who are permanent full-time residents of the dwelling unit, and no other persons;
 3. No non-resident employees, customers, or business invitees or guests shall visit the dwelling unit for business purposes;

4. The use shall be located in only one room of the dwelling unit, which shall not be served by an entrance separate from the household;
 5. Interior storage of materials shall consists only of office supplies;
 6. There shall be no change to the exterior of buildings or structures because of the use, and no outside appearance of a business use, including, but not limited to, parking, storage, signs, or lights;
 7. The use operates no equipment or process that creates noise, vibration, glare, fumes, odors, or electrical or electronic interferences, including interference with telephone, radio or television reception, detectable by neighboring residents;
 8. The use does not require any increased or enhanced electrical or water supply;
 9. The quantity and type of solid waste disposal is the same as other residential uses in the zone district;
 10. The capacity and quality of effluent is typical of normal residential use, and creates no potential or actual detriment to the sanitary sewer system or its components;
 11. Delivery trucks shall be limited to U.S. Postal Service, United Parcel Service, Federal Express, and other delivery services providing regular service to residential uses in the zone district;
 12. All vehicular traffic to and from the home office use shall be limited in volume, type and frequency to what is normally associated with other residential uses in the zone district.
- H. Off-Street Parking and Private Garages. Off-street parking and private garages for residential districts shall conform to the following requirements:
1. Garages shall conform to the setback requirements as otherwise established in this Ordinance.
 2. No driveway shall be located closer than five (5) feet in the front setback area to a side or rear property line, except for the driveway access, which can be on the line.

3. That portion of a driveway from the street to a parking apron located directly in front of the dwelling shall not exceed 12 feet in width.
4. No curb cut to a single family or two-family dwelling shall exceed 22 feet in width.
5. No parking shall be permitted in the front yard.
6. Commercial vehicles cannot be parked or stored on any site in any residential zone district.

Deviations from subsections -F.2-4 shall be considered as waivers from the Ordinance standards.

I. Recreational Vehicle Storage. The following requirements apply to recreational vehicle storage:

1. Trailers, boats or boat trailers which are twenty-one (21) feet or more in length as measured from outside dimensions, shall be parked or stored inside the confines of a building only.
2. All trailers, boats or boat trailers shall be stored in side or rear yard areas only; no trailer, boat, or boat trailer shall be parked or stored in the front yard area of a lot.
3. Each occupied single-family residential property may have outside parking or storage upon it for two recreational vehicles or trailers, in safe and effective operating condition. All recreational vehicles and trailers shall display thereon a current State license and/or registration. No self-propelled recreational vehicle stored on the property shall exceed 40 feet in length unless within the confines of a building.
4. At no time shall any recreational vehicle parked or stored on any lot be used for living or housekeeping purposes.

J. Residential Swimming Pools and Cabanas. The following requirements, after application for a permit, apply to private residential swimming pools, hot tubs, and pool cabanas:

1. No private residential swimming pool shall be constructed or installed on any lot unless the lot contains a residential building.

Pools shall be considered impervious surface, which shall not exceed the impervious surface ratio of the zone when included with other impervious surfaces. Pools shall be located in rear or side yard areas only. No swimming pool or elevated pool deck shall be closer than ten (10) feet to any lot line. No pool apron shall be located closer than five (5) feet to any lot line.

2. Cabanas shall not exceed 150 square feet in area and fifteen (15) feet in height. Any cabana shall be located no closer than ten (10) feet to any lot line unless a greater setback for an accessory structure is otherwise required.

K. Residential Shed. Private residential sheds shall comply with the following regulations:

1. No shed shall exceed 160 square feet in floor area.
2. No shed shall exceed 12 feet in height.

L. Satellite Dish and Television Antennae. Satellite dish and television antennae in single and two-family districts shall conform to the following requirements:

1. To the greatest extent feasible, consistent with the unimpeded reception of broadcasts, antennae are to be located in a rear yard or the rear slope of a roof.
2. An antenna that is in excess of one meter (39.37 inches) but no larger than two meters (78.74 inches) in diameter shall conform to the setback requirements for accessory uses and structures in the zoning district in which it is located.
3. An antenna that is in excess of two meters (78.74 inches) shall conform to the rear yard setback requirements for accessory uses and structures in the zoning district in which it is located.
4. The Administrative Officer shall have the power to waive the enforcement of this subsection upon certification from a qualified installer that conformance with these requirements will materially limit the reception of broadcasts from communications satellites.

§2628 BUS STOPS

Bus Stops are conditional uses, subject to Planning Board approval including site plan approval and subject to the following requirements:

1. Adequate circulation and stopping/drop off/and pickup area for the bus shall be provided. Turning radius for a AASHTO B-40 design vehicle shall be provided where necessary.
2. The bus drop/off pickup area ("bus area") shall utilize an existing parking area in a commercial zone containing at least 100 parking spaces. The use of the existing parking area is not to be a deduction from parking presently credited to the principal use.
3. The bus area shall be a minimum of seventy five (75) feet from any adjoining residential use or zone.
4. A bus shelter, not exceeding 250 square feet, may be permitted if it is a roofed structure without heat or air conditioning.
5. In cases where the bus area or associated automobile parking abuts a residential property or zone, there shall be a landscaped buffer strip along the perimeter of the property or zone. Such buffer strip shall be at least eight feet in width or depth measured from the residential property line. The five feet of such buffer strip nearest the residential property line shall be used as a planting strip on which shall be placed a fence or plant material, trees, shrubs, plants or both, the minimum height being six feet. Such fence or planting strip shall be of sufficient density to provide adequate screening during all seasons of the year.

§2629 PARKING: NUMBER OF SPACES (N.J.A.C. 5:21-4.14)

- A. An adequate number of on-street and off-street parking spaces shall be required in all developments to accommodate residents and visitors. For projects containing dwelling units required by the New Jersey Uniform Construction Code's Barrier Free Subcode (N.J.A.C. 5:23-7) to be accessible, accessible parking spaces for people with disabilities shall be provided in accordance with the requirements of the Barrier Free Subcode and shall be considered part of the total number of required spaces.

- B. For residential developments, off-street parking space shall be provided, as set forth in Table 26.1 below. If applicant does not specify the number of bedrooms per unit, note "3" for each category in Table 26.1 shall apply for the parking requirement.
- C. For non-residential developments, off street parking space shall be provided. See Chapter XVI.
- D. Alternative parking standards to those shown in Table 26.1 shall be accepted if the applicant demonstrates these standards better reflect local conditions. Factors affecting minimum number of parking spaces include household characteristics, availability of mass transit, urban versus suburban location, and available off-site parking resources.

Table 26.1 Parking Requirements for Residential Land Uses ⁽¹⁾

Housing Unit Type/size ⁽²⁾	Parking Space Requirement
SINGLE-FAMILY DETACHED	
2 Bedroom	1.5
3 Bedroom	2.0
4 Bedroom	2.5 ⁽³⁾
5 Bedroom	3.0

All other housing unit parking space requirements shall comply with the requirements of the Residential Site Improvement Standards (NJAC 5:21).

Notes, Table 26.1:

- 1) When determination of the required number of parking spaces results in a fractional space for the entire development, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.
- 2) Requirements for attached units (apartment/condominium/ townhouse) include provisions for guest parking. Guest parking shall not be concentrated in any one parking area but shall be distributed so as to provide easy access to the affordable rental residences.
- 3) If applicant does not specify the number of bedrooms per unit, this off-street parking requirement shall apply.

SOURCE: Modified and adapted from U.S. Department of Commerce, Bureau of the Census, Public Use File--New Jersey (cross-tabulation of vehicles by housing unit for units constructed 1975 to 1980).

Table 26.2 Off-Street Parking Space Requirements for Nonresidential Land Uses

Nonresidential Land Principal Use	Required Off-Street Parking Spaces Per Indicated Area
Taverns/Bar	1 per 2 seats
House of Worship	1 per 3 seats
Bed and Breakfast	1 per guest bedroom, and 1 per employee
Banks	1 per 300 sf GFA
Hotels	1 per room plus 1 per employee (maximum shift)
Library	1 per 300 sf GFA
Health or Athletic Club	1 per 100 GFA
Manufacturing	1 per 1000 sf GFA
Fire & Rescue	1/300 sf GFA
Medical & Dental Office	1 per 150 sf GFA
Convenience Store	6 per 1000 GFA
Shopping center	1 per 200 sf GFA
Offices	3.5 per 1,000 sf GFA
Mortuary	10 per viewing room/chapel
Research	1 per 1,000 sf GFA
Restaurant	1 per 3 seats
Retail use	1 per 250 sf GFA (4 per 1,000 GFA)
Schools: Elementary	2 per classroom; but not less than 1 per teacher & staff
Intermediate	1.5 per classroom; but not less than 1 per teacher & staff
Secondary	2.5 per classroom; but not less than 1 per teacher & staff
Service station	4 per bay & work area
Theater	1 per 3 seats

Notes: GFA = Gross floor area
GLA = Gross leasable area

- E. A one-car garage and driveway combination shall count as 2.0 off-street parking spaces, provided the driveway measures a minimum of 18 feet in length between the face of the garage door and the right-of-way. A two-car garage and driveway combination shall count as 3.5 off-street parking spaces, provided a minimum parking area width of 20 feet is provided for a minimum length of 18 feet as specified for a one-car garage and driveway combination.
- F. When housing is included in mixed-use development, a shared parking approach to the provision of parking shall be permitted, provided however the applicant demonstrates the adequacy of parking for the development in accordance with best design practice.
- G. When, in the judgment of the local approving authority, on-street parking is available, then only that proportion of the parking requirement which is not available on the street shall be provided in off-street parking facilities. A length of 23 feet per on-street parking space shall be used in calculating the number of available on-street parking spaces.

§2630 OFF-STREET LOADING

- A. Off-street loading shall be required for every retail, industrial, institutional and governmental use for the loading and unloading of material or merchandise. Office uses in excess of 20,000 gross square feet in either a single building or in a combination of buildings as part of an office park shall also be required to provide off-street loading. Off-street loading shall be as required:
 - 1. Retail uses of 5,000 sf. or less shall provide one loading space 12' x 35'. Retail uses singularly or in combination shall provide one loading space 15' x 60' for each 25,000 sf. up to 100,000 sf., plus one space for each additional 100,000 sf. up to 500,000 sf., plus one additional space for each 250,000 sf. thereafter.
 - 2. Industrial uses shall provide one loading space 15' x 60' for each 20,000 sf. or part thereof.
 - 3. Institutional uses shall provide one loading space 15' x 60' for each 50,000 sf. or part thereof.

4. Governmental uses shall provide one loading space 12' x 35' for each 100,000 sf. or part thereof.
 5. Office uses greater than 20,000 sf. shall provide one loading space 12' x 35' for each 50,000 square feet or part thereof.
- B. Additional loading spaces may be necessary and required dependent upon the specific activity.

§2631 SIGNS

- A. Accessory signs--Permitted in all districts
1. The following accessory signs are permitted in all districts in the borough:
 - a. A non-illuminated nameplate, with the name of the principal occupant and the street number and name of a private dwelling or both, with an area of not more than one hundred forty-four (144) square inches.
 - b. A sign, illuminated or not, for a church, educational institution or public or quasi-public building or use, with an area of not more than sixteen square feet.
 - c. The following non-illuminated temporary signs:
 - I. A single sign pertaining to the lease or sale of the premises upon which it is placed, with an area of not more than eight square feet; provided, that such sign shall be removed within seven days after the consummation of a lease or sale of the premises.
 - ii. Signs for a building, premises or part thereof, under construction or renovation, with the street number of a building and the name of the architect, engineer, landscaper, the general contractor and subcontractors, and the project title during construction on the premises. Such signs shall be located at the principal entrance and within the street line and lot lines of the

premises and shall be removed within seven days after the completion of the construction work. The total area of such signs on a lot shall not exceed eight square feet.

- iii. Signs announcing or advertising any political, educational, religious or like campaign, drive or event; provided that the total area of all such signs on a lot shall not exceed eight square feet.
- iv. Temporary banner signs are permitted when approved by the Borough Council, subject to time limitations and conditions set by Borough Council as to size, colors, public safety and visible impact.

d. Directional signs, not to exceed two (2) square feet.

B. Permitted signs in business districts

- 1. The following business signs are permitted for each business building in the CB, TC, DB, PO, VS, and HR/OSS districts:

a. Facade (Wall) Signs

- (1) A facade sign shall be located on the wall surface of the principal frontage or facade of the area occupied by such business and extending not more than four (4) inches from such wall, a minimum of two (2) inches. Such business use, if located on a corner lot, may have a second sign located on the wall facing the other street. The total area of such sign (or signs) shall not exceed fifty square feet except for the HR/OSS District, which sign(s) shall not exceed one hundred (100) square feet, and shall in no event exceed fifty percent (50%) of the front wall surface, including window and door area, attributable to such business (demising wall to demising wall). See chart for additional standards.
- (2) Business uses located in the rear or on the upper floors may have one non-illuminated business sign to be shared by all such uses on the premises. It shall be located on a wall surface immediately adjacent to the main entrance to such uses and may extend not more

than four inches from such wall. The total area of such sign shall not exceed eight (8) square feet. It may not include more than one set of graphics for each use, such as an identification sign and inclusion of the use in a directory sign. Such uses may, in addition, have one painted sign to be shared by all such uses, on the glass or partially glass door serving as the main entrance to such uses. The total area of such painted sign shall not exceed two (2) square feet.

- (3) Interior signs in the VS zone, not facing a public street or residential use or zone, shall not be subject to site plan review.

b. Free-Standing Signs

- (1) Free-standing signs, where permitted, shall be located between the principal structure and the public street and may be located in the front yard setback. The business use, if located on a corner lot, may have a second sign located between the second side of the building facing a public street and the street.
- (2) Each business located at the basement level of any building may have one main business sign, located on the wall surface of the principal frontage or facade of the area occupied by such business, and extending not more than four inches from such wall. The total area of such sign shall not exceed seventy two (72) square inches.
- (3) Businesses with a minimum of five hundred (500) feet on a State highway may have up to two signs on such frontage.
- (1) Monument signs are considered free-standing signs for purposes of determining the number or quantity permitted.
- (2) See chart for setback requirements.

c. Projecting Signs

A projecting sign or a sign on a canopy shall be permitted in addition to a facade sign.

d. Miscellaneous Signs

(1) Signs on windows, doors, and awnings. Each business located at the street level may have the following signs, for the name, street, number or type of business or any combination thereof:

(a) Two signs, with a total area not to exceed six (6) square feet, painted on the windows or doors, or both, but with not more than one such sign on any window or door; except that an establishment serving food may post its menu and hours or service on the first floor facade in reasonable proximity to the front entry. Such menu sign may be no more than six (6) square feet and may be in addition to the two signs permitted herein.

(b) One sign on the valance of an awning, which shall be considered a projecting sign.

(2) A-frame sign. An A-frame sign for retail establishments in the DB and DB II zones conforming to the following:

- (a) The sign may be displayed only during business hours.
- (b) Each side of the sign may not exceed 6 square feet.
- (c) The sign shall consist of a framed chalkboard or tack board for the listing of daily specials and hours of operation, only. Permanent lettering, excepting the name of the establishment, shall not be permitted.
- (d) The location of the sign shall interfere with pedestrian or vehicular traffic.

e. Directory Signs

- (1) Directory signs are permitted in the CB, TC, PO, VS and in certain cases, in the HR/OSS zones only.
- (2) A directory sign for any business building; provided, that a direction sign is set back at the existing building but no closer than the front yard setback of such premises. Each side of a directory such sign may have the names of all principal tenants of the building. The area of a directory sign devoted to each tenant shall not exceed seventy-two (72) square inches. For the total area of such sign, see the chart for additional requirements.
- (3) Menu Board Signs, not to exceed twenty (20) square feet, located adjacent to the building drive-through lane. It shall not be visible from a public street. It may be internally illuminated but shall not be visible from a public street.

f. Each business use located in the rear or on the upper floor may have one non-illuminated sign, with an area not exceeding seventy-two (72) square inches, at a side or rear entrance serving such business.

g. Special signs

- (1) Special signs serving the public convenience, such as "Notary Public", "Public Telephones", "Public Rest Rooms" or words or directions of similar import. The area of such sign shall not exceed seventy-two (72) square inches. Only one sign of each type shall be displayed.
- (2) A temporary free-standing advertisement or menu sign ("A" frame sign or "sandwich-board" sign) announcing any special sale or event for a consecutive period not to exceed fourteen days, may be displayed during hours of operation, provided only one such sign be installed per street level business establishment not to exceed six (6) square feet in size per side. Such sign shall be placed so

that, a minimum of five (5) feet of an unobstructed sidewalk area, measured from sign to curb, is maintained.

- (3) Public business signs may be permitted in the CB, DB, DBII, TC, PO, VS and HR/OSS Districts. The signs shall be temporary "A" frame or "sandwich-board" signs providing direction to various business, with names and directional arrows only.

h. Temporary paper signs

Temporary signs placed on glass which are made out of paper or similar material and containing extraordinary information pertaining to matters of limited duration, such as sales, product promotion, community, cultural, or other public events, and employment opportunities. Such signs shall not have an area exceeding ten percent of the total square footage of the glass frontage of the establishment.

I. Parking rate sign

Operators of parking garages and open lots shall post a sign setting forth all pertinent rate information. Such information shall be readily visible to potential patrons before they pull into the entryway. Such rate sign may be no more than ten (10) square feet and may be in addition to such other signage as is permitted herein.

- j. All signs in the DB zone shall be considered "c" variances, unless a variance for height, which shall be a "d" variance. The applications shall be heard by the SRC, §1401.

2. Prohibited signs

- a. The following signs or artificial lighting are prohibited:

- (1) Billboards, unless previously approved or constructed prior to the adoption of this ordinance, however, they shall not be increased in size.

- (2) Flashing signs or moving signs, including any sign or device or which the artificial light is not maintained stationary and constant in intensity and color at all times when in use.
- (3) Neon signs.
- (4) Signs which compete for attention with, or may be mistaken for, a traffic signal.

3. Location

- (a) Except as otherwise provided in the article, no sign shall project into a required yard or beyond the lot or street line.
- (b) No sign shall be placed, inscribed or supported upon the roof, or upon any structure which extends above the roof, of any building, except such directional devices as may be required by federal or state aeronautical authorities.
- (c) No sign shall be so placed as to interfere with the opening of an exit door or to obstruct any window opening of a room which is used for dwelling purposes.
- (d) No part of any business sign shall project above the top or beyond the ends of the wall surface upon which it is placed.

4. Lighting

Permitted lighting for illuminated signs shall be limited to that concentrated upon the face of the sign. If any such sign is situated within twenty feet of a street, the direct source of light shall not be visible from the street or any neighboring lots or uses.

Flemington Borough - Summary of Sign Regulations

Zone	Façade (Wall Signs)			Projecting Signs (In lieu of façade signs)			Freestanding Signs***					Monument Signs****			Directory Signs***		Other Deisgn Requirements
	Number of Signs	Maximum Size or Percent of Linear Frontage**	Max. Height	Min. Ht. Above Ground	Maximum Projection	Max. Height	No. of Signs>	Maximum Size of Sign	Max. Ht. Of Sign	Min. Height Above Ground	Sign Set Back from Right of Way	No. of Signs	Max. Size of Sign	Max. Height from Ground	No. of Signs	Max. Size of Sign	
CB	1/street frontage*; not to exceed 2 per business	50 sf or 50% whichever is smaller	2'	8'	4.5' (54")	1'(12")	1	20 sf, monument sign only	3'	0	10'	1	20 sf	Inc. Base No.	1/site	12 sf	
TC	1/street frontage*; not to exceed 2 per business	50 sf or 50% whichever is smaller	2'	8'	4.5' (54")	1' (12")	1	30 sf. 50 sf. on Rt. 31	22	8	10'	1****	50 sf		1/site	16 sf.	
DB & DBII	1/street frontage*; not to exceed 2 per business	50 sf or 50% whichever is smaller	2'	8'	4.5' (54")	1'(12") Wooded Signs)	1	20 sf.	6'	0	10'	NA	NA	NA	NA	NA	Signs to be reviewed by Planning Board as minor site plan. Freestanding sign can be located at one-half setback of building, but no less than ten feet (10') from curbline.
PO	1/street frontage*; not to exceed 2 per business	50 sf or 50% whichever is smaller	2'	8'	4.5' (54")	1' (12")	1	20 sf.	6'	0	10'	NA	NA	NA	1/site	16 sf.	Height of freestanding sign shall be set at the elevation of the existing grade.
VS	1/street frontage*; not to exceed 2 per business	50 sf or 50% whichever is smaller	2'	8'	6 sf.	3'	1	60 sf./100,000sf. center	22	8	10'	1****	60 sf	8'	NA	NA	
HR, OSS	1/street frontage*; not to exceed 2 per business	100 sf or 50%, whichever is smaller	4'	8'	4.5' (54")	1' (12")	1 1 1	35 sf - Church Street 50 SF - Rts. 12 & 31, Reaville Ave. 90 sf - Rt. 202	16' 16' 20'	8' 0' 8'	 20'	1**** 1****	50 sf 50 sf	8' 8'	NA NA 1/site	NA NA 16 sf.	

NA - Not applicable

* Street frontage shall mean vehicular access to a public street where the building fronts, or to a parking lot which serves the building and which directly connects to a public street.

** Linear frontage to be measured from demissing wall to demising wall, below soffit of the roof.

*** Maximum size for directory sign located at the setback of the existing building, but no closer than the required frontyard setback.

> Two freestanding signs may be permitted if the business use fronts on more than one street.

In all zones, one identification sign not exceeding 72 sq. inches shall be permitted at the entrance to the business.

****Monument Signs are allowed in TC, VS and HR on Rt. 12 and 31.

Monument Signs shall be no more than eight feet (8') in height including the base.

Either a Monument Sign or a free standing sign shall be permitted as shown but not both.