

ORDINANCE NO. 2024-1517

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

**ORDINANCE AMENDING VARIOUS SECTIONS OF THE LAND USE ORDINANCE OF THE BOROUGH OF
TINTON FALLS, LOCATED IN CHAPTER XL OF THE BOROUGH CODE, TO IMPLEMENT THE
RECOMMENDATIONS OF THE PLANNING BOARD IN THE MASTER PLAN REEXAMINATION REPORT
DATED MARCH 2024**

WHEREAS, the Borough Planning Board issued a Master Plan Reexamination Report, dated March 2024, which was the subject of a hearing before the Planning Board on March 27, 2024; and

WHEREAS, the Planning Board recommended several changes to current zoning ordinances to clarify and amend the land use regulations of the Borough; and

WHEREAS, the Borough Council desires to implement the recommendations of the Planning Board and to clarify and amend the land use regulations of the Borough;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey that the following sections of Chapter XL of the Borough Code, Land Use, shall be amended and supplemented as indicated, with deletions indicated by ~~strikethroughs~~ and additions indicated in underline:

SECTION 1. Section 40-3 of the Borough Code, entitled "Definitions and Word Usages," shall be amended and supplemented as indicated below:

40-3 DEFINITIONS AND WORD USAGES:

ACCESSORY BUILDING OR STRUCTURE

A building or structure, the use of which is customarily incidental and subordinate to that of the principal building located on the same lot. When an accessory building is attached in a substantial manner by a wall or roof to a principal building or structure, it shall be considered a part thereof. **For purposes of this Chapter, retaining walls and drainage basins shall not be considered an accessory structure.**

DWELLING

A structure or portion thereof that is used exclusively for human habitation. Dwellings may include but are not limited to the following types:

A. DETACHED SINGLE-FAMILY

A single dwelling unit for one family that is not attached to any other dwelling by any means.

B. ATTACHED SINGLE-FAMILY/TOWNHOUSE

A single one-family dwelling unit in a row of three or more such attached units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

C. DUPLEX

A building containing two dwelling units attached side-by-side along a common fire-resistant wall.

D. APARTMENT

A dwelling unit in a building having two or more dwelling units where entranceways, hallways, basements, attics, storage areas, heating systems, yards and similar services in the building may be shared in common, singly or in combination.

E. GARDEN APARTMENT

A two-story apartment building containing four or more dwelling units, consisting of units on the first and second floor with common open space.

DWELLING UNIT

One or more rooms designed, occupied or intended for occupancy as separate living quarters with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single-family maintaining a household, excluding a boat, trailer or other vehicle of any type or temporary shelter such as a tent. **Only one kitchen (stove/range, refrigerator, and sink) is permitted per dwelling unit.**

FLEX SPACE

~~A building used for nonresidential purposes of a light industrial type and designed so the interior walls may be relocated to accommodate different and/or changing needs of occupants.~~ **A building, or parts of a building, suitable for or capable of being changed to accommodate a variety of permitted uses and designed to be used on a short or long-term basis. Flex spaces may be occupied by one or more uses permitted in the zone and/or one or more of the following uses: contractor's offices and shops; establishments for production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, or repair of materials, goods or products, provided such activities or materials create no hazard from fire or explosion, or produce toxic or corrosive fumes, gas, smoke, obnoxious dust or vapor, offensive noise or vibration, glare, flashes, or objectionable effluent; and offices. Flex space shall not include warehouse or distribution center uses.**

LOT COVERAGE

That part of one lot or more than one lot which is improved or is proposed to be improved with buildings and/or other structures, including but not limited to principal buildings, accessory buildings, driveways, parking lots, pedestrian walkways, stone areas, signs and other man-made improvements on the ground surface, but excluding the water surface of any swimming pool, hot tub or spa. For purposes of this chapter, neither **the** water surface area of any swimming pool, ~~hot tub or spa~~ nor the area of balconies without stairs shall be counted as lot coverage.

LOT LINE, FRONT

The lot line separating a lot from a street right-of-way, also referred to as a "street line." **For non-residential uses, the front lot line shall only be the lot line(s) which provide direct driveway access to the lot and shall not include lot lines adjacent to State highways or the Garden State Parkway where no access is provided.**

PATIO

A surface structure affixed to the ground throughout its area (such as poured concrete, brick, gravel, stone, or flagstone) and having no portion supported by piers, columns, or posts and having no portion used for a parking space. A structure that is supported by piers, columns, or posts in any manner shall be considered a "deck". Patios may abut a building or may be located separate from a building. Patios shall meet the setback requirements of an accessory building indicated in Section 40-33.D.2, even if attached to the principal building, except if a patio abutting a principal building has a roof, railing, or other structural elements above the finished grade of the patio, it shall meet the setback requirements for the principal building.

SECTION 2. Section 40-7 of the Borough Code, entitled "Fees," shall be amended and supplemented as indicated below:

40-7 FEES

Any applicant to the Planning Board or the Zoning Board of Adjustment shall pay the following to the Borough of Tinton Falls at the time of application.

A. Fee Categories

1. An initial application fee to defray the administrative costs of the Planning and Zoning Offices. (See Schedule F G — Borough of Tinton Falls Planning and Zoning Board Fee Schedule.)
2. Escrow moneys to be deposited to pay the cost of any professional fees incurred for the review of a submission for development. Said escrow moneys shall be placed in an escrow account pursuant to Section 40-8, Escrow Deposits. Additional deposits will be required to be paid into the escrow account in order to cover additional professional review and services in the event the initial escrow deposit has been reduced to an insufficient amount to cover anticipated costs. (See Schedule F G — Borough of Tinton Falls Planning and Zoning Board Fee Schedule).

- ##### B. Amount of Application Fees.
- No application shall be deemed complete or proceed before the Board, or receive final action on the application, until all fees are paid and the required escrow deposits (see Section 40-8) are received by the Borough and posted with the Department of Finance. With any application fee amounts over \$5,000, the Borough reserves the right to retain 33 1/3% of the interest accrued for administrative costs; the balance of the interest shall be paid to the applicant. Escrow moneys that are not allocated for the above will be returned as soon as possible after completion of the application upon written request by the applicant and after payment of all final bills for professional services rendered. See Schedule F G - Borough of Tinton Falls Planning and Zoning Board Fee Schedule for all application fees.

C. Calculation of fees.

1. Submissions involving more than one use shall pay a fee equaling the sum of the fees for the component elements of the plan.

- ~~2.~~ Submissions involving a combination of approvals filed concurrently including but not limited to subdivision, site plan and/or variance shall pay the highest fee in full, plus 1/2 of each other fee applicable for each additional approval required.
- ~~32.~~ Submissions involving a combination of approvals, **shall pay a fee equaling the sum of the fees for the various application types.** ~~not filed concurrently shall pay the full fee as imposed herein.~~
- ~~43.~~ Where a submission involves part of unit of measure on which a fee is based, said unit of measure shall be rounded upward to the next whole unit.

SECTION 3. Section 40-9 of the Borough Code, entitled “Permits,” shall be amended and supplemented as indicated below:

40-9 PERMITS

- D. Each request for a zoning permit **shall be accompanied by the necessary payment in accordance with Schedule G – Land Use Fee Schedule** and a certificate of occupancy shall be accompanied by a certified check or bank money order payable to the Borough of Tinton Falls in the amount of \$10 for a zoning permit plus an additional \$13, \$10 of which is for G.I.S. and \$3 to be placed in a separate escrow account to be utilized for a computerized document management system; and \$15 per dwelling unit for a certificate of occupancy plus an additional \$13, \$10 of which is for G.I.S. and \$3 to be placed in a separate escrow account to be utilized for a computerized document management system and \$50 for each 1,000 square feet of gross floor area of nonresidential use for a certificate of occupancy.

SECTION 4. Section 40-24 of the Borough Code, entitled “Checklists and Applications,” shall be amended and supplemented as indicated below:

40-24 CHECKLISTS AND APPLICATIONS

No application for development shall be deemed complete unless the items, information and documentation listed in the applicable application form and checklist are submitted to the Board. If any required item is not submitted, the applicant must request in writing a waiver and state the reasons supporting each such request.

DEVELOPMENT APPLICATION FORMS, See Schedule C (**Planning Board**) and Schedule D (**Zoning Board**).

DEVELOPMENT APPLICATION CHECKLIST, See Schedule ~~D~~ **E**.

General Requirements	
1.	The completed Application Form (original and 20 14 photocopies). If any item is not applicable to the applicant, it should so be indicated on the application form.

General Requirements

2. The completed Application Checklist (original and ~~20~~ **14** photocopies). If any item is deemed not applicable by the applicant, it should so be indicated on the application checklist and a waiver request should be made.
3. All listed Application Checklist items as required.
4. Statement as to any requirements for which waiver is sought, together with a statement of reasons why waivers should be granted (original and ~~20~~ **14** photocopies).
5. Ownership Disclosure Affidavit (original and ~~4~~ **14** photocopies). If applicant is not the owner, the applicant's interest in the land; e.g., tenant, contract/purchaser, lien holder, etc. If a corporation or partnership, list the names and addresses of all stockholders or individual partners owning at least 10% of its stock of any class as required by N.J.S.A. 40:55D-48.1 et seq.
6. Contribution Disclosure Statement pursuant to Borough Ordinance No. 05-1153 (original and ~~4~~ **3** photocopies).
7. Tax Collector Certification (original and ~~4~~ **14** photocopies).
8. List of witnesses proposed to be presented and their expertise, if any (original and ~~4~~ **14** photocopies).
9. Minimum of 4 photographs of the site and buildings (original and ~~20~~ **14** photocopies). Original photos shall be either 3 1/2 inches by 5 inches or 4-inch by 6-inch individual prints and the ~~20~~ **14** photocopies shall be 4 photographs on a single 8 1/2 inch by 11-inch sheet. Photos shall be taken at various points on the site and show any areas subject to development.
10. ~~6~~ **5** copies of plans shall be a minimum of sheet size 22 inches by 34 inches for professional review. If more than 1 sheet is required to show the entire subdivision, a separate composite map shall be drawn showing the entire subdivision on 1 sheet and the sheets on which the various sections are shown.
11. ~~14~~ **11** copies of reduced sized plans shall be of sheet size 11 inches by 17 inches for Board review. Board review plans shall be scaled exactly 50% of those plans submitted for professional review to provide reliable scaling. A graphic scale must be included on every drawing. Reduced sized plans shall have a font size of no less than 8 point and all labels must be clearly legible. **These reduced plans shall not be submitted until the application has been deemed complete and the plans requested by the Board Secretary.**
12. 1 digital copy of **all application documents, including application, letters, reports, plans, etc. on a flash drive.** ~~final, approved plans submitted for Borough files.~~
- ~~13. 1 digital copy of plans shall be submitted as a PowerPoint slides on CD-ROM for Board hearing.~~
- ~~14. 1 digital copy of all other general requirements as PDF on CD-ROM.~~

SECTION 5. Section 40-26 of the Borough Code, entitled "Specific Design Standards," shall be amended and supplemented as indicated below:

40-26 SPECIFIC DESIGN STANDARDS

H. Easements

6. The removal of trees and ground cover shall be prohibited in a conservation easement or flood plains except for the following purposes: The removal of dead or diseased trees;

limited thinning of trees and growth to encourage the most desirable growth; and the removal of trees to allow for structures designed to impound water or areas to be flooded as a result of the creation of ponds or lakes. **Any trees removed shall be replaced in kind by either a 2.5-inch caliper deciduous tree or 6-foot evergreen tree. The construction of any manmade structure is prohibited in a conservation easement (fence, shed, patio, deck, pool, etc.).**

K. Garages

1. Any residential garage shall match the architectural design of the principal residential structure on the lot in terms of color, roof pitch, cladding material and other details.
- 2. The minimum interior dimensions for either an attached or detached garage shall be 10 feet wide by 20 feet deep.**

M. Landscaping/Shade Trees

3. All shade trees shall have a minimum diameter of three inches measured six inches above the ground and be of a species approved by the Shade Tree Commission **and/or Planning or Zoning Board Professionals.**

- ~~e. In the case of collector, two-lane arterial, or local streets, an~~ **An** exclusive shade tree easement (with the exceptions noted below) dedicated to the Borough shall be recorded on the subdivision deed and the final subdivision plat and/or the final site plan. The easement shall be ~~five~~ **fifteen** feet wide ~~for a collector street and a two-lane arterial street, and eight feet wide for a local street.~~ The deed or final plat shall contain a statement that provides for the planting of shade trees within the easement 40 feet apart along the right-of-way, ~~that the trees shall be the property of the Borough of Tinton Falls,~~ and **that** the property owner is prohibited from **removing,** relocating, or purposefully causing damage to, or trimming the trees other than routine maintenance. The statement shall further state that no other easement(s) shall be allowed in the same area except for sight triangle easements and utility easements which must cross the shade tree easement. The shade tree easement may also have improvements within the easement such as driveway crossings and utility services necessary to access and to serve the dwelling or building(s) contained on the lot.
- f. Route maintenance (**including removal of any dead or dying trees**) shall be the responsibility of the property owner and shall commence once the certificate of occupancy has been issued. **A tree removal permit shall be required in accordance with Chapter 17 for any trees to be removed.**

8. A landscape plan prepared by a certified landscape architect or Professional Engineer shall be submitted with every subdivision and site plan showing the proposed grading, plant material and other features such as, but not limited to, street furniture, walkway locations, pavement material, lighting, and any decorative improvements that are located outside parking and loading areas detailed above, including, but not limited to, stormwater management facilities, street trees, park and recreation areas, the yard areas of buildings, and building foundation plantings.

9. A Tree Preservation and Removal Plan in accordance with §17-5 shall be submitted with every subdivision and site plan for any non-single-family property greater than one acre in size.

Q. Off-Street Parking

2. Off-street parking and loading areas shall be coordinated with the public street system serving the area in order to avoid conflicts with through traffic, obstruction to pedestrian walkways and vehicular thoroughfares. Shared parking among mixed uses shall be encouraged.

- p. There shall be a minimum setback of 5 feet from the property line ~~or to~~ driveways in single-family residential zones. In nonresidential zones, the minimum parking setback shall be 10 feet.

R. Off-Street Loading

3. ~~Standard institutional and light industrial/w~~ Warehouse loading spaces shall measure at least ~~15~~ **12** feet wide by 60 feet long, with a height clearance of not less than ~~20~~ **15** feet. All other loading spaces shall measure at least 12 feet wide by ~~45~~ **30** feet long, with a height clearance of not less than 15 feet.

V. Storage and Disposal of Waste – Nonresidential and Multifamily Development.

1. Outdoor refuse and recycling containers shall be visually screened within a durable enclosure **constructed of split-face masonry block or similar durable material. Fencing is not permitted for enclosures.**

W. Streets

9. ~~No local street shall be part of a four way intersection.~~

22. Streets shall be constructed in accordance with the standard specifications of the New Jersey Department of Transportation.

a. Pavement thickness shall not be less than the following:

(1) Arterial and collector streets: bituminous stabilized base course, six inches compacted thickness; FABC, ~~two~~ surface course, two inches compacted thickness.

(2) Local Streets: bituminous stabilized base course ~~five~~ **four** inches compacted thickness; FABC, ~~one~~ surface course, ~~1 1/2~~ **two** inches compacted thickness.

b. **All streets shall be excavated to a depth of six inches below the proposed base course and filled with a dense graded aggregate or other suitable subbase material as determined by the Board Engineer.** ~~Where subbase conditions are wet, springy or of such nature that surfacing would be inadvisable without first treating the subbase, these areas shall be excavated to a depth of at least six inches to 12 inches below the proposed subgrade and filled with a suitable subbase material as determined by the Borough Engineer. Where required by the Engineer, a system of porous pipe, subsurface drains shall be constructed beneath the surface of the paving and connected to a suitable drain. After the subbase material has been properly placed and compacted, the surfacing material shall be applied.~~

SECTION 6. Section 40-28 of the Borough Code, entitled "Zoning Districts," shall be amended and supplemented as indicated below:

40-28 ZONING DISTRICTS

A. Establishment of Zones. For the purposes of this Article, the Borough is hereby divided into districts, as follows:

RA	Residential Agricultural
R-1	Single-Family Residential
R-2	Single-Family Residential
R-3	Residential
R-3-I	Residential Inclusionary
R-4	Residential
R-4-I R-4-A	Residential Inclusionary
AR	Age Restricted Housing
CCRC/ AH	Continuing Care Retirement Community with Affordable Housing
AH	Affordable Housing (Including Age Restricted)

NC	Neighborhood Commercial
HCC	Highway/Community Commercial
IOP	Industrial Office Park
MFG	Manufacturing
MFG2	Manufacturing 2
OS/GU	Open Space/Government Use
RET	Large Scale Planned Retail Overlay Zone in Rehabilitation/Planned Development
Overlay Area	{Requires certain requirements be met}
Route 66	<u>Route 66</u> Redevelopment Area
CECOM	<u>CECOM</u> Redevelopment Area
TR	Transportation Corridor
<u>FMRA</u>	<u>Fort Monmouth Redevelopment Area</u>

B. Zoning Map

The location and boundaries of the above districts are hereby established on the Zoning Map of the Borough of Tinton Falls in Monmouth County dated ~~September 2008~~, **August 27, 2024**, which is filed in the office of the Borough Clerk. Said map or maps and all notations, references and designations shown thereon shall be part of this Article as if the same were all fully described and set forth therein.

SECTION 7. Section 40-29 of the Borough Code, entitled “General Regulations,” shall be amended and supplemented as indicated below:

40-29 GENERAL REGULATIONS

D. Critical Environmental Areas

- ~~Critical environmental areas shall be preserved and not built upon.~~ Where a property containing critical environmental areas is proposed for development or other improvements, no proposed structures or fill shall be located within the critical environmental areas, **unless appropriate Watershed and Land Management permits have been approved by the New Jersey Department of Environmental Protection.**

- ~~Nonresidential Development. Any and all buffer requirements for principal structures, accessory structures, parking spaces and drive aisles shall be measured from critical environmental areas.~~

E. Conservation Easements.

1. The removal of trees and ground cover shall be prohibited in a conservation easement or flood plains except for the following purposes: The removal of dead or diseased trees; limited thinning of trees and growth to encourage the most desirable growth; and the removal of trees to allow for structures designed to impound water or areas to be flooded as a result of the creation of ponds or lakes. Any changes, additions or removals of any materials within a conservation easement shall be subject of a permit from the Administrative Officer or his/her designee. **Any trees removed shall be replaced in kind by either a 2.5-inch caliper deciduous tree or 6-foot evergreen tree. The construction of any manmade structure is prohibited in a conservation easement (fence, shed, patio, deck, pool, etc.).**

SECTION 8. Section 40-31 of the Borough Code, entitled "Principal Buildings and Principal Uses," shall be amended and supplemented as indicated below:

40-31 PRINCIPAL BUILDINGS AND PRINCIPAL USES

- A. Only one principal use may be present on a lot, except for related uses forming one principal use in accordance with an approved plan, and limited to the following:
 1. Public or institutional building complexes.
 2. Office complexes or retail shopping centers.
 3. Continuing care retirement communities.
 4. **Flex space and warehouse type buildings with multiple permitted uses, only when the site has sufficient parking for all proposed uses in accordance with Parking Schedule 1 and when proposed combination of uses does not pose a safety hazard due to conflicting types of work, equipment, vehicles, etc.**

A mix of permitted uses and their permitted accessory uses shall not be considered a single principal use, with the exception of those uses enumerated above.

- B. Only one principal building may be erected on a lot except for related buildings forming one principal use in accordance with an approved plan, and limited to the following:
 1. Public or institutional building complexes.
 2. Office complexes or retail shopping centers.
 3. Multi-family dwelling complexes.
 4. Continuing care requirement communities. ~~Developments with multiple buildings and uses as enumerated above may be approved on one lot provided each principal building and its accessory buildings are designed and spaced on the tract so they are spaced to allow a conforming subdivision at some future date by having the required street frontage, not exceeding the applicable floor area ratio, and meeting minimum lot size, lot dimensions, yards, parking, lot coverage, building coverage, and similar zoning and bulk requirements.~~
 5. **Warehousing, light industrial, flex space or self-storage complexes.**

SECTION 9. Section 40-32 of the Borough Code, entitled “Prohibited Uses,” shall be amended and supplemented as indicated below:

40-32 PROHIBITED USES

- F. No portable storage unit (shipping container, trailer, POD, etc.) shall be parked in or on any grassy area that constitutes the front yard of any dwelling within the Borough of Tinton Falls. Parking of the above-mentioned classes of storage units shall be confined to a driveway ~~for no longer than 30 days~~ or other approved parking area **for no longer than 30 days** and shall not interfere with any required parking stall. The use of any class of storage unit shall be subject to the appropriate permitting requirements of the Borough.

- J. ~~All classes of cannabis licenses as said terms are defined in section 3 of P.L. 2021, c. 16, are prohibited from operating anywhere in the Borough of Tinton Falls but not the delivery of cannabis items and related supplies by a delivery service not subject to local jurisdiction.~~

SECTION 10. Section 40-33 of the Borough Code, entitled “Accessory Structures and Uses,” shall be amended and supplemented as indicated below:

40-33 ACCESSORY STRUCTURES AND USES

- B. The following requirements shall be complied with in all residential zones:
 - 1. No accessory building or structure shall be used for human habitation.
 - 2. Except as specifically permitted elsewhere in this article, no accessory building or structure shall exceed 15 feet in height **as measured to the peak of the roof.**

- 7. An accessory building or structure ~~less than 10 feet in height~~ shall not be closer than five (5) feet to a side lot line or three (3) feet from a rear lot line and shall only be permitted to the rear of the principal building.

 - 8. ~~An accessory building or structure greater than 10 feet in height shall not be closer than the height of the building to a side or rear lot line and shall only be permitted to the side or rear of the principal structure.~~
- C. The following requirements shall be complied with in all nonresidential zones:

- 6. Up to two accessory buildings or structures are permitted on a lot. **Trash enclosures shall not be included in this limit on the number of accessory buildings or structures.**

D. Requirements – Specific Accessory Structures and Uses. Requirements for specific accessory structures and uses.

1. Outdoor Storage

- a. **Where permitted below**, outdoor storage, except for the outdoor storage and display of retail goods and merchandise within designated areas as permitted herein, is prohibited within the front yard or in a side yard adjoining a street.
- b. The outdoor storage of any items, materials, and equipment, other than those customarily placed in courtyards and yards, incidental to authorized residential use and occupancy, is prohibited in all residential zones.
- c. No flammable or explosive liquids, solids or gases shall be stored above ground unless as otherwise required by applicable federal, state, or local regulations. Tanks or drums of fuel directly connecting with heating devices or appliances located on the same premises as the tanks or drums of fuel are excluded from this provision.
- d. No materials or wastes shall be stored on any premises in such form or manner that they may be transferred off such premises by natural causes or forces such as wind or water.
- e. All materials or wastes which might cause fumes or dust or which constitute a fire hazard, or which may be edible by or otherwise attractive to rodents or insects, shall be stored outdoors only in closed containers.
- f. Commercial Outdoor Storage. **Outdoor display or storage of any materials are prohibited, with the exception of the following.**

~~(1) All commercial outdoor storage, except for the outdoor storage and display of retail goods and merchandise within designated areas as permitted herein, shall be set back from a school or recreation area at least 300 feet and set back from any residential property line at least 100 feet.~~

~~(2) All commercial outdoor storage, except for the outdoor storage and display of retail goods and merchandise within designated areas as permitted herein, shall be in the rear or side yard and screened from view of all public streets by buildings and/or a fifty-foot buffer of dense evergreen plant material and/or fences as deemed necessary by the Board to achieve the intended buffer.~~

~~(1)(3)~~ Retail Wholesale Stores. Outdoor storage and display of lumber, building supplies, nursery stock, and garden supplies shall be permitted provided the material is limited to a single area of the site and this area does not exceed 10% of the lot area.

~~(2)(4)~~ Landscaping, Construction, Demolition or other such Contractors. Outdoor equipment storage such as construction equipment, trucks, chippers, mulch piles and stockpiles of clean materials shall be permitted, provided the equipment and

materials are limited to a single area of the site and this area does not exceed 50% of the lot area, **with the exception of the MFG-2 Zone where this area shall not exceed 75%**. Under no circumstances shall any stored material leave the site by natural causes or forces such as wind or water.

~~(3)~~(5) Concrete and Asphalt Manufacturing Plants. Outdoor equipment storage such as loaders, trucks, and other such equipment and stockpiles of aggregate materials shall be permitted provided the equipment and materials are limited to a single area of the site and this area does not exceed 10% of the lot area. Aggregate materials must be stored in designated bins or other such constructions. Under no circumstances shall any stored material leave the site by natural causes or forces such as wind or water.

~~(4)~~(6) Outdoor Storage and Display of Retail Goods and Merchandise. The outdoor storage and display of retail goods and merchandise shall be permitted provided that the storage and display of such goods and merchandise takes place within designated areas approved by the Planning Board, Board of Adjustment, or Administrative Officer. The outdoor storage and display of retail goods and merchandise shall take place in an orderly manner and shall not create a junk like condition that results in a negative visual impact when viewed from a public street, right-of-way, or an adjacent property, nor shall such storage and display of retail goods and merchandise encroach upon any required yard setback. Each designated storage and display area shall be screened from all public rights-of-way and adjacent properties through a combination of fencing and landscaping. Fencing shall be provided in accordance with the provisions of § 40-33.D.5. Landscaping shall be provided around the outside of the fenced outdoor storage and display area in accordance with § 40-25.D and § 40-25.E.

~~(7) All Other Commercial Uses. Outdoor display or storage of any materials are prohibited.~~

~~(5)~~(8) Resource recycling facilities are governed by separate ordinance section.

~~(6)~~(9) Single Stream Recycling Facilities. Outdoor equipment storage such as construction equipment, loaders, trucks and other such equipment, outdoor storage of Class A, Class B and Class C recyclable materials (excepting they're from source separated food waste), and outdoor processing of Class B and Class C recyclable materials (excepting they're from source separated food waste) and scrap metal shall be permitted provided the equipment, processing and materials are limited to a single area of the site and this area does not exceed 65% of the lot area. Pre- and post-processed recyclable materials must be stored in designated bins or similar

enclosures. Under no circumstances shall any material stored outdoors leave the site by routinely occurring natural causes or forces such as wind or water.

(7) All commercial outdoor storage, except for the outdoor storage and display of retail goods and merchandise within designated areas as permitted herein, shall be set back from a school or recreation area at least 300 feet and set back from any residential property line at least 100 feet.

(8) All commercial outdoor storage, except for the outdoor storage and display of retail goods and merchandise within designated areas as permitted herein, shall be in the rear or side yard and screened from view of all public streets by buildings and/or a fifty-foot buffer of dense evergreen plant material and/or fences as deemed necessary by the Board to achieve the intended buffer.

2. Decks and Patios.

- c. Second story decks shall be permitted if accessed from the building interior only, **with the exception of bi-level houses, which are permitted to have a second story deck with stairs to the yard if the kitchen is located on the second floor. In no instance shall a second story deck lead to an additional dwelling unit.** No second floor decks shall be permitted on accessory buildings.

3. Swimming Pools/Hot Tubs/Spas.

- c. The water surface of any swimming pool, ~~hot tub or spa~~ shall not be included in the calculation of lot coverage.
- d. ~~Fencing in the front yard shall not be located closer than the front building line or 20 feet from the front property line, whichever is greater.~~ **Fencing shall be in accordance with Section 40-33.D.5.** Safety fencing height shall be four feet.

5. Fences and Walls.

- i. Fences in the front yard shall not exceed four feet in height (except on farm qualified properties), shall be set back at least ~~10~~ **5** feet from the edge of the front property line.
- j. Walls in the front yard shall not exceed two feet in height and shall be set back at least ~~10~~ **5** feet from the edge of the front property line.

- n. For corner lots or lots with multiple frontages, fences in a front yard that is not the front yard as determined by street address shall not exceed six feet in height and may be of solid construction if the fence conforms to the front yard setback requirements and is screened by landscaping in compliance with this chapter. **The landscape screening shall be a continuous row of evergreen trees or shrubs. The plantings shall be a minimum of four feet high at planting and have a mature height of at least six feet.**
- o. For through lots abutting Heritage Boulevard and another street, six-foot-high solid fences are permitted to be set back no less than five feet and no greater than a distance of 10 feet from the Heritage Boulevard right-of-way, and shall meet all other requirements of this section. ~~For any six-foot-high fence along Heritage Boulevard, an evergreen landscaped buffer no less than three feet in width shall be provided between the fence and Heritage Boulevard.~~ **Any six foot high fence along Heritage Boulevard shall be screened by landscaping. The landscape screening shall be a continuous row of evergreen trees or shrubs. The plantings shall be a minimum of four feet high at planting and have a mature height of at least six feet.**

- 9. Commercial Vehicle Parking. Any vehicle used for commercial purposes shall not be parked, stored or maintained on any lot in a residential zone except:
 - a. No more than two motorized vehicles (maximum two vehicles) used for commercial purposes may be parked, stored or maintained on any lot in a residential zone, but only if any such vehicle (i) has a height of eight feet or less (excluding antennas and exhaust stacks), and (ii) has a length of 20 feet or less which length shall be measured as the total overall length but not including removable accessories.
 - (1) Any vehicle bearing a commercial, tractor, livery, school bus or omnibus motor vehicle registration shall be presumed to be used for commercial purposes.
 - (2) Notwithstanding any provision in this Chapter to the contrary, garbage trucks, tanker trucks, waste disposal vehicles, buses, tractor trailers, **construction or landscaping trailers**, or motorized construction vehicles/equipment are expressly prohibited from being parked, stored or maintained in any residential zone.
 - (3) The owner/operator of any commercial vehicle(s) shall reside on the property on which the vehicle is parked.
- 10. Recreational Vehicles. The parking of recreational vehicles less than ~~six~~ **ten** feet in height **and 28 feet in length** shall be confined to the rear yard on a prepared surface, not unlike a driveway, and shall be 15 feet from any property line. All other recreational vehicles shall not be parked, stored, or maintained on any lot. One vehicle as described in the definition of recreational vehicles is permitted. **Any such vehicles stored in accordance with this section shall not be occupied and shall not be provided with utility connections.**
- 16. Permanent Emergency Generators.
 - a. Only one generator with a maximum output of 48 kilowatts shall be permitted per **residential** unit. **Commercial units shall not be limited by kilowatt size.**

- h. **All** generators shall be appropriately screened and buffered by evergreen plantings or a fence. **The plantings or fence shall be at least as tall as the generator enclosure and located to screen the view of the generator from the street and surrounding properties.**
- i. The noise level of generators shall not exceed 70 decibels at any property line. Any generator less than 23 feet from the property line shall have an evergreen buffer **planted directly around three sides of** the generator to aid in sound reduction. **The plantings shall be at least as tall as the generator enclosure.** All generators shall have a weatherproof sound attenuating enclosure.

SECTION 11. Section 40-34 of the Borough Code, entitled "Signs and Flag Poles," shall be amended and supplemented as indicated below:

40-34 SIGNS AND FLAG POLES

- D. Fees. The fees to be paid to the Borough of Tinton Falls **for the zoning permit application review of a complete sign package shall be \$150.** ~~for the erection of each new sign shall be:~~
 - 1. ~~For new signs regardless of their size: \$50 per sign.~~
 - 2. ~~For the alteration or relocation of any existing sign, or to change the wording, color, or illumination of an existing sign: \$50 per sign.~~

- M. The following signs and the standards and conditions that govern such signs are set forth below. All other signs are expressly prohibited.
 - 1. Signs in Residential Districts

- c. One ground sign per development of a residential major subdivision and/or residential major site plan, provided that said sign does not exceed 24 square feet in size and the information contained thereon is limited to the name of the development and the name of the developer. Said sign, if permanent, shall be either located on a brick wall and landscaped, or set in a landscaped island. **The sign shall be set back a minimum of ten feet from the right-of-way line and outside of any required sight triangle.**

- 3. Signs in Nonresidential Districts Except the HCC Highway/Community Commercial District.

c. Signs for retail, commercial and service establishments shall be constructed under the following limitations:

(1) Wall signs, one wall sign per wall facing a public street, are permitted which shall comply with the following standard.

Setback of the Building from the Street Right-of-Way	% of Wall Area	Sign Height	Sign Area
Within 50 feet of street right-of-way	5%	4 feet	40 square
51 feet to 100 feet	7%	5 feet	60 square feet
101 feet to 200 feet	9%	6 feet	80 square feet
201 feet to 300 feet	11%	7 feet	100 square feet
More than 300 feet	12%	8 feet	120 square feet

(2) Tenant signs, in addition to wall signs, tenant signs **identifying the user of a multi-tenanted space are permitted up to an area of 10% of the wall area of the tenant's unit.** ~~up to six square feet per separate retail or services tenant on the premises shall be permitted.~~ Illumination is permitted.

(3) Lots having more than two tenants may have tenants' names aggregated into one directory sign located at or near the main entrance into the building and be either attached to the building or be freestanding not more than 10 feet from the entrance to the building, provided the resulting directory sign does not exceed four square feet per business or 36 square feet in aggregate, whichever is less, and provided further that said sign is not located and designed to be read by drivers traveling the adjacent street.

(4) Ground signs, in addition to wall signs, a ground sign which shall not exceed 50 square feet in size, shall be permitted. Ground signs shall be constructed so that no void is present between the sign and the ground. Ground signs shall not exceed six feet in height and shall be located a minimum of 20 feet away from all property lines. Illumination is permitted.

(5) Freestanding signs, in addition to wall signs and in lieu of a ground sign, a freestanding sign which shall not exceed 25 square feet in size, shall be permitted. Freestanding signs shall not exceed eight feet in height with a minimum ground clearance of three feet and shall be located a minimum of 10 feet away from all property lines. Illumination is permitted.

4. Signs HCC Highway/Community Commercial District.

a. Freestanding Pylon Signs. One freestanding pylon sign shall be permitted per highway frontage on which an access is provided and shall conform to the following standards. Freestanding pylon signs shall not be permitted on local roads or on frontages without access. Illumination is permitted.

Location	Size (square feet)	Height (feet)	Setback (feet)
State Highway	400	35	10
County Road	200	20	20
Local Road	Not Permitted	Not	Not

- b. Wall Signs. One wall sign per wall facing a public street is permitted and shall not exceed 10% of the wall area to which the sign is to be attached. Each such sign shall be attached to the front wall only, except when the building to which it is attached is a corner building of a shopping center, then an attached sign shall be permitted on both the front and side wall (not applicable to freestanding building, freestanding buildings are limited to one wall sign per wall facing a public street). Each wall sign shall be designed so as to be consistent in design with all other wall signs if in a shopping center and no wall sign shall have letters larger than 12 feet in height and no wall sign shall have an area exceeding 600 square feet. Illumination is permitted.
- c. Tenant signs, in addition to wall signs, each tenant sign in the shopping center shall be allowed one pedestrian-oriented tenant identification sign in addition to an attached fascia wall sign. ~~Such~~ **The pedestrian-oriented** tenant sign shall be located at the front of the building and be a minimum height of eight feet above the walkway and shall be placed only on or under a canopy or sidewalk cover and shall not exceed six square feet in area. **Each tenant is permitted one wall identification sign up to an area of 10% of the front wall area of the tenant's unit.** Each tenant in the shopping center shall be allowed one identification sign over its rear entrance or loading bay and shall not exceed ~~two~~ **six** square feet in area. Illumination is permitted.
- d. Ground Signs. In addition to wall signs and in lieu of a freestanding pylon sign, a ground sign which shall not exceed 60 square feet in size, shall be permitted. Ground signs shall be constructed so that no void is present between the sign and the ground. Ground signs shall not exceed six feet in height and shall be located a minimum of 20 feet away from all property lines. Illumination is permitted.

- O. Temporary Signs. Temporary signs may be erected and maintained without either action of the Board or a construction permit, provided that said sign(s) adhere to the applicable regulations of this Chapter.
 - 1. Temporary signs advertising the sale or rental of the premises upon which said sign has been erected or a sign indicating that said premises have been sold or rented, provided that:
 - a. Such temporary signs shall be erected only on the premises to which they relate. They shall not be permitted on any other property or within the public right-of-way.
 - b. The area of any such temporary sign **associated with an individual single-family** lot shall not exceed six square feet and three feet in height. **Temporary signs associated with developments approved by the Planning Board or Zoning Board that are under construction shall not exceed thirty-two square feet and six feet in height.**

SECTION 12. Section 40-35 of the Borough Code, entitled "Certain Permitted Uses," shall be amended and supplemented as indicated below:

40-35 CERTAIN PERMITTED USES

F. Self-Storage Facilities

1. Self-storage facilities shall have perimeter walls of a finished material (painted or unpainted cinder block or concrete block is not permitted).
- ~~2. The perimeter walls and ends of buildings shall have mansard or peaked roof design (interior portions may be flat, or pitched, or any other design).~~
- ~~3.~~ **32.** The perimeter walls shall be solid with no means of access to individual storage units (all entrances to the storage areas shall be from the interior of the site). Up to three common exterior doors are permitted to allow common access to the interior of the building.
- ~~4. There shall be no driveway around the perimeter of the site running around the outside the buildings, or on the side(s) that abut a residential zoning district.~~
- ~~5.~~ **53.** All material being stored shall be stored inside the building(s) including boats, motor vehicles, trailers, bulk items, and any and all other material.
- ~~6. All lighting shall be inside the perimeter of the buildings, except wall mounted, perimeter security lighting may be permitted provided it is shielded from shining outward and is designed and mounted as "up lighting" or "down lighting".~~
- ~~7.~~ **74.** No building shall exceed a height of ~~12~~ **40** feet ~~except the perimeter roof design shall not exceed 20 feet.~~
- ~~8.~~ **85.** There shall be a minimum seventy-five-foot buffer area along any residential zoning district and 25 feet elsewhere.

SECTION 13. Section 40-36 of the Borough Code, entitled "Supplemental Standards," shall be amended and supplemented as indicated below:

40-36 SUPPLEMENTAL STANDARDS

- H. Inclusionary Zones (R-3 or R-4) Requirements. Inclusionary (R-3-~~I~~ or R-4-~~A~~ Inclusionary) Zones development shall meet the following requirements.

- J. ~~RET Zone Large Scale Planned Retail Overlay Zone.~~

1. ~~Per the Borough of Tinton Falls 2007 Master Plan, "The Rehabilitation/Planned Development overlay is intended to be an option within the area identified on the Land Use Plan map. The primary purpose of this land use category is to encourage the comprehensive replanning and development of the area north and south of Route 18. Currently, the area is a haphazard mix of heavy industrial uses, commercial and residential uses, which is intersected by Route 18, a rail line and Shafto Road. In order to use this option, a minimum of 100 acres would be required. A key component of this option is the relocation of the two heavy industrial uses (i.e. Marpal and the concrete plant) from their existing locations on the north side of Route 18 to an MFG zone (implemented as MFG2 in this Chapter) on the south side of Route 18. Principal permitted uses in this MFG area (implemented as MFG2 in this Chapter) would include asphalt and concrete plants and recycling facilities. The area identified as retail on the concept plan is proposed for large scale planned retail."~~
2. ~~Therefore, the RET — Large Scale Planned Retail Overlay Zone shall be in effect when both:~~
 - a. ~~The relocation or ceasing of operation and availability for development of the Marpal Waste Transfer Station (Block 113, Lots 1.01 & 2).~~
 - b. ~~The relocation or ceasing of operation and availability for development of the Clayton Concrete Manufacturing Plant (Block 109, Lots 9.01, 12.01, 13.01, 15, 18, 19, 20, 21, 22, 23, 24, & 29.02).~~
3. ~~Until such time as both conditions under paragraphs 2a and 2b above are complete, the zoning for the area described Block 113, Lots 1.01 & 2 and Block 109, Lots 9.01, 12.01, 13.01, 15, 18, 19, 20, 21, 22, 23, 24, & 29.02 shall remain IOP.~~
4. ~~Permitted Use in the RET — Large Scale Planned Retail Overlay Zone shall be regional shopping centers, subject to the bulk and design standards of this Chapter.~~

SECTION 14. Section 40-37 of the Borough Code, entitled "Conditional Uses," shall be amended and supplemented as indicated below:

40-37 CONDITIONAL USES

B. Requirements for Specific Uses

4. Townhouses, Duplexes or Other Plex Units. Townhouses, duplexes or other plex units, as defined in this Chapter, may be located, when approved as conditional uses, in the zone as specified in Schedule A subject to the following:
 Editor's Note: Schedule A is included as an attachment to this chapter.
 - a. No parking shall be permitted between the front building line and the street right- of-

- way.
- b. Parking must be provided on site as required by this Chapter.
- c. All yard areas shall be attractively landscaped with grass lawns, trees and shrubs or other vegetation or material as the Planning Board may approve or require.
- d. Compliance with all bulk requirements as indicated below:

Use	Minimum Lot Requirements			Minimum Yard Requirements				Maximum Building Height		Maximum Density-Dwelling Units per Acre	
	Lot Area	Width		Front	Side		Rear	Maximum Lot Coverage	Stories		Feet
		Interior	Corner		One	Total					
Town-houses, duplexes or other plex units	6,000 2,000 square feet per unit	50 20 feet per unit	60 30 feet per unit	45 feet	0 feet interior 20 feet exterior	40 feet	35 feet	50%	2.5	30 feet	6.5 units per acre

- e. **A minimum setback of 25 feet between buildings is required.**

22. Cannabis Facilities. Cannabis Class uses (other than Alternative Treatment Centers) shall be permitted as a conditional use if in compliance with the following conditions:

- f. Bulk Requirements. All bulk requirements shall be in accordance with Section 40-28E, Schedule B, **with the exception of any bulk variances previously granted by the Planning Board or Zoning Board during prior site plan approval for the site.**

SECTION 15. Section 40-38.2 of the Borough Code, entitled “Small Wind and Small Solar Energy Systems,” shall be amended and supplemented as indicated below:

40-38.2 SMALL WIND AND SMALL SOLAR ENERGY SYSTEMS

- C. Small Solar Energy Systems. (110% Production) will be created and shall state the following:
 - 1. Rooftop solar arrays for small solar energy systems are permitted as an accessory use in all zones subject to the following requirements.
 - a. Rooftop solar arrays shall not exceed a height of 12 inches from the existing roof surface of a peaked roof and not exceed a height of four feet from the existing roof surface of a flat roof.
 - b. In no event shall the placement of the solar energy system result in a total height **of the building plus panels and mounting equipment higher** than what is permitted in the zoning district which the subject energy system is located.

SECTION 16. Section 40-39 of the Borough Code, entitled "Off Street Parking and Loading," shall be amended and supplemented as indicated below:

40-39 OFF STREET PARKING AND LOADING

A. Location of Parking and Loading Areas

* * *

- 4. Other than driveways for detached single-family homes, ~~uses having parking lots for more than six (6) vehicles or having at least one (1) loading space shall have all aisles and spaces set back at least twenty five (25) feet~~ **all parking aisles and spaces shall be set back at least 20 feet** from any lot line and street right-of-way.
- 5. Drive-Up Window Services. Any use having drive-up window services shall provide at least one (1) by-pass lane **for the full length of the drive-thru lane** and each window shall have an access lane long enough to accommodate at least six (6) vehicles in addition to the vehicle at the window. These access lanes shall be separate from all interior driveways and aisles serving other on-site circulation and parking areas.
- 6. No loading area shall be located in a front yard.
- 7. There shall be no loading in a ~~yard abutting, or in,~~ a public right-of-way.

B. Minimum Required Off-Street Parking Schedule for Nonresidential Uses. The number of off-street parking spaces required for any nonresidential use shall be determined by reference to Parking Schedule 1 below. "GFA" shall mean "gross floor area."

* * *

- 3. Fractional Spaces. Whenever the application of Parking Schedule 1 standards results in the requirements of a ~~major fraction of a space in excess of one-half (0.5),~~ a full space shall be required.

Parking Schedule 1

Parking Requirements for Nonresidential Uses

Use	Minimum Number of Off-Street Parking Spaces
Automobile Car Wash	10 spaces/washing lane and 2 spaces/vacuum or similar machine <u>2 spaces per service lane, plus one space per employee at maximum shift</u>
Automobile Fueling Stations	1 space/fueling pump
Any Associated Retail	4 spaces/1,000 sq. ft. GFA
Automobile Oil Change and Lubrication Shop	8 spaces/service lane and 2 spaces/vacuum or similar machine
Automobile Repair Shop	4 spaces/service bay

Assisted Living Residence	0.5 space/unit
Banks and Fiduciary Institutions	1 space/250 sq. ft. GFA
Bowling Alley	2 spaces/lane or alley
Car and Truck Dealers	1 space/300 sq. ft. showroom area, sales area and office area
Child Care Center	As specified in Section 40-35A
Church	1 space/5 seats
Community Center	1 space/800 sq. ft. GFA
Communication/Radio Tower	2 spaces minimum
Continuing Care Retirement Community	0.9 space per independent living unit to be distributed to meet the particular needs of individual buildings on-site
Contractors/Landscaping Yards	1 space/300 sq. ft. display area, sales area and office area
Delicatessens/Specialty Food	1 space/1,000 sq. ft. GFA
Family Day Care Home	2 for the dwelling unit + 2 for clients
Farm Stand	3 spaces minimum
Fitness Centers, Weight Rooms, Gyms	1 space/200 sq. ft. GFA
Flex Space Buildings	1 space/800 sq. ft. GFA
Golf Course	
full-size	3 spaces/green
par-3	3 spaces/green
miniature golf	2.2 spaces/hole
pitch and putt	2.2 spaces/hole
driving range	1.4 spaces/tee
Home Occupation	3 spaces minimum
Hospital	1.5 spaces/bed
Hotel	
Guest Room	1 space/guest room
Employee	1 space/employee on largest shift
Restaurant/Lounge/Banquet/Conference	1 space/3 seats in restaurant, lounge & conference/banquet space
Library	1 space/300 sq. ft. GFA
Light Industrial/ Fabrication/ Assembly	1 space/800 sq. ft. GFA
Lumber and Contractor's Yard	1 space/5,000 sq. ft. storage area and 1 space/250 sq. ft. retail GFA

Manufacturing	1 space/800 sq. ft. GFA
Mortuary	10 spaces/viewing room and/or chapel
Office (Non - Medical)	1 space/250 sq. ft. GFA
Office Park	1 space/300 sq. ft. GFA
Office (Medical and Dental)	
Less than 5,500 sq. ft. GFA	6 spaces/1,000 sq. ft. GFA
5,500 sq. ft. to 10,000 sq. ft. GFA	5.5 spaces/1,000 sq. ft. GFA
More than 10,000 sq. ft. GFA	5 spaces/1,000 sq. ft. GFA
Pharmacy	3 spaces/1,000 sq. ft. GFA
Pro Shop	1 space/300 sq. ft. GFA
Research/Testing/Experimentation	1 space/800 sq. ft. GFA
Restaurant	
Sit-down	1 space/3 seats
Take-out	1 space/ <u>employee at maximum shift plus 1 space/250 sq. ft. GFA</u> 40 sq. ft. GFA
Mixed	1 space/ <u>employee at maximum shift plus 1 space/2 seats</u> 3 seats plus 1 space per 40 sq. ft. of floor area
Retail Sales and Services	
Less than 400,000 sq. ft. GFA	4.0 spaces/1,000 sq. ft. GFA
400,001 to 600,000 sq. ft. GFA	4.5 spaces/1,000 sq. ft. GFA
600,001+ sq. ft. GFA	5.0 spaces/1,000 sq. ft. GFA
Retail Warehouse	5.5 spaces/1,000 sq. ft. GFA
Schools	
Elementary (Pre-K thru 8)	1.2 spaces/classroom; min. 1/staff
Middle (5-8)	1.2 spaces/classroom; min. 1/staff
High School (9-12)	2.0 spaces/classroom; min. 2/staff
Scrap Metal	1 space/employee
<u>Self-Storage</u>	<u>1 space/8,000 sq. ft. GFA</u>
Shipping/Receiving	1 space/5,000 sq. ft. GFA
Shopping Centers	Same as Retail Sales and Services
Swim Club	1 space/30 sq. ft. water surface
Tavern	1 space/2.5 seats

Tennis Club	2 spaces/court
Theater	1 space/4 seats
Training and Instructional Classes, Dance and Rehearsal Studios	1 space/250 sq. ft. GFA
Veterinary Clinic/Hospital	6 spaces/doctor
Warehousing	1 space/5,000 sq. ft. GFA
Wireless Telecommunications Equipment	1 space minimum

* * *

- D. Minimum Required Off-Street Loading Schedule for Nonresidential Uses. The number of off-street loading spaces required for any nonresidential use shall be determined by reference to Loading Schedule 2 below.

* * *

3. Fractional Spaces. Whenever the application of Loading Schedule 2 standards results in the requirements of a ~~major~~ fraction of a space ~~in excess of one-half (0.5)~~, a full space shall be required.

SECTION 17. The Appendix for Chapter XL of the Borough Code, Land Use, located at the end of Chapter XL in the Borough Code, shall be amended and supplemented as indicated in the revised Schedules below:

SCHEDULE A - DISTRICT USE REGULATIONS –RESIDENTIAL USES

District	Permitted Principal Use	Permitted Accessory Uses	Permitted Conditional Uses
RA RESIDENTIAL AGRICULTURE	<ol style="list-style-type: none"> 1. Single Family detached dwellings 2. Public Library, parks and playgrounds 3. Borough uses, firehouses and first aid stations 4. Utility services 	<ol style="list-style-type: none"> 1. Fences and walls 2. Patios and decks 3. Barns for keeping of sheet, cattle, pigs and other livestock. 4. One (1) accessory building for household goods and equipment such as a barn, tool shed, storage shed, or garden shed, accessory to a detached single-family dwelling 5. Gazebos, pergolas, greenhouses, atriums, orangeries and other such roofed structures 6. One (1) detached garage and associated driveway provided there is no attached garage. 7. One (1) swimming pool and hot tub with related decking and coping 8. One (1) amateur radio and television transmitting and receiving tower 	<ol style="list-style-type: none"> 1. Agricultural use and farms 2. Cemetery, with or without mausoleum or crematory. 3. Churches and places of worship. 4. Schools

<p>R-1 SINGLE FAMILY RESIDENTIAL</p>	<ol style="list-style-type: none"> 1. Single family detached dwellings 2. Public Library, parks and playgrounds 3. Borough uses, firehouses and first aid stations 4. Utility Services 	<ol style="list-style-type: none"> 1. Fences and walls 2. Patios and decks 3. One (1) detached garage and associated driveway provided there is no attached garage. 4. One (1) swimming pool and hot tub with related decking and coping. 5. One (1) accessory building for household goods and equipment such as a barn, tool shed, storage shed, or garden shed, accessory to a detached single-family dwelling 6. One (1) amateur radio and television transmitting and receiving tower 	<ol style="list-style-type: none"> 1. Cemetery, with or without mausoleum or crematory. 2. Churches and places of worship. 3. Schools
<p>R-2 SINGLE FAMILY RESIDENTIAL</p>	<p>Any principal use permitted in the R-1 Single Family Residential District</p>	<p>Any accessory use permitted in the R-1 Single Family Residential District</p>	<p>Any conditional use permitted in the R-1 Single Family Residential District</p>
<p>R-3 Residential</p>	<ol style="list-style-type: none"> 1. Single Family detached dwellings 2. Public Library, parks and playgrounds 3. Borough uses, firehouses, and first aid stations 4. Utility services 	<p>Any accessory use permitted in the R-1 Single Family Residential District</p>	<ol style="list-style-type: none"> 1. Townhouses 2. Garden Apartments 3. Churches and places of religious worship 4. Schools
<p>R-4 Residential</p>	<p>Any principal Use permitted in the R-3 Residential District</p>	<p>Any accessory use permitted in the R-1 Single Family Residential District</p>	<p>Any conditional use permitted in the R-3 District</p>

<p>AR Age Restricted Housing</p>	<p>1. Active adult community of single family detached dwelling units with at least one resident with a minimum age of fifty-five (55)</p>	<p>1. Fences and walls 2. Patio and decks 3. Club house with meeting rooms, social rooms, indoor and outdoor recreation area.</p>	<p>1. Townhouses</p>
<p>CCRC Continuing Care Retirement Community</p>	<p>1. Continuing Care Retirement Community (CCRC) with a minimum age of fifty-five (55). 2. Townhouses 3. Garden Apartment 4. Apartment Buildings. 5. Assisted Living/Skilled Nursing Facilities.</p>	<p>1. Fences and walls 2. Health Center 3. Club house with meeting rooms, social rooms, indoor and outdoor recreation areas 4. Cafeterias and eating areas 5. Lecture halls, libraries, places of worship, post office, banks, news and entertainment centers, and swimming pools. 6. Operation and maintenance facilities related to the principal use such as, administrative office, food and record storage areas, property maintenance facility, radio and satellite dish antennas, non-age restricted day care center for relatives of employees, security operations and off-street parking as surface parking or garages</p>	

<p>R-3-I, R-4-1 <u>R-4-A</u> Residential</p>	<ol style="list-style-type: none"> 1. Single family detached dwellings 2. Townhouses 3. Public Libraries, parks and playgrounds 4. Borough uses, firehouses and first aid stations 4. Utility Services 	<ol style="list-style-type: none"> 1. Fences and walls 2. Patio and decks 3. Community Clubhouse 4. One (1) detached garage and associated driveway provided there is no attached garage 5. One (1) swimming pool and hot tub with related decking and coping 6. Outdoor recreation facilities such as a putting green, bocce courts, tennis courts, etc. 	<ol style="list-style-type: none"> 1. Any conditional use permitted in the R-3 Residential District
<p>AH Affordable Housing</p>	<ol style="list-style-type: none"> 1. Single family detached dwellings 2. Townhouses 3. Garden Apartments 4. Apartment Buildings 	<ol style="list-style-type: none"> 1. Fences and walls 2. Patio and decks 3. Community Clubhouse 4. One (1) detached garage and associated driveway provided there is no attached garage 5. One (1) swimming pool and hot tub with related decking and coping 6. Outdoor recreation facilities such as a putting green, bocce courts, tennis courts, etc. 	<ol style="list-style-type: none"> 1. Churches and places of worship 2. Schools
<p>CECOM Redevelopment Area</p>	<p>Pursuant to the district use standards of the CECOM Redevelopment Plan</p>		
<p><u>FMRA Fort Monmouth Redevelopment Area</u></p>	<p><u>Pursuant to the standards of the Fort Monmouth Reuse and Redevelopment Plan and the Fort Monmouth Economic Revitalization Authority Land Use Rules (N.J.A.C. 19:31C-3)</u></p>		

SCHEDULE A - DISTRICT USE REGULATIONS – NONRESIDENTIAL USES

District	Permitted Principal Use	Permitted Accessory Uses	Permitted Conditional Uses
<p>NC Neighborhood Commercial</p>	<ol style="list-style-type: none"> 1. Retail sales (excluding drive-thru service) such as, consumables, apparel, hardware, lawn & patio equipment, appliances, household goods, and confections. 2. Retail services such as, repair of appliances and shoes, cleaners, tailors, barbershops, and beauty salons. 3. Offices such as professional, medical, veterinary and financial services. 4. Restaurants (excluding drive-thru service) and taverns. 5. Fitness centers, training and instructional classes, and instructional centers such as dance and rehearsal studios. 6. Delicatessens and specialty food/drink facilities such as, ice cream, bagels, bakery, pizza, ices, and sodas (excluding drive- thru service). 7. Public Library, parks, and playgrounds. 8. Borough uses, firehouses, and first aid stations. 9. Utility services. 10. Child Care Centers 11. Assisted Living/Skilled Nursing Facilities. 	<ol style="list-style-type: none"> 1. Off-street parking and loading areas. 2. Fences and walls. 	<ol style="list-style-type: none"> 1. Automobile fueling stations. 2. Automobile repair shops. 3. Automobile car wash. 4. Automobile oil change and lubrication shops. 5. Second floor residential units on floors above office or retail uses. 6. Churches and places of religious worship. 7. Schools. 8. Convenience Store with Gas

District	Permitted Principal Use	Permitted Accessory Uses	Permitted Conditional Uses
HCC Highway/ Community Commercial	<ol style="list-style-type: none"> 1. Retail sales such as, consumables, apparel, hardware, lawn & patio equipment, appliances, household goods, and confections. 2. Retail services such as, repair of appliances and shoes, cleaners, tailors, barbershops, and beauty salons. 3. Delicatessens and specialty food/drink facilities such as, ice cream, bagels, bakery, pizza, ices, and sodas (including drive- thru service). 4. Shopping centers 5. Pharmacies (including drive- thru service) 6. Banks (including drive- thru service) 7. Offices such as professional, medical, veterinary and financial services. 8. Office Parks 9. Research facilities. 10. Hospitals. 11. Mortuary. 12. Theaters, bowling alleys, gymnasiums, weight rooms, fitness centers, training and instructional classes, and instructional centers such as dance and rehearsal studios. 13. Restaurants (including drive- thru service) and taverns. 	<ol style="list-style-type: none"> 1. Off-street parking and loading areas. 2. Fences and walls. 3. Parking garages 	<ol style="list-style-type: none"> 1. Automobile Fueling stations. 2. Automobile Repair shops. 3. Automobile car wash. 4. Automobile oil change and lubrication shops. 5. Car and truck dealers. 6. Hotels 7. Swim clubs, tennis clubs 8. Golf driving range, miniature golf and par-3 golf course 9. Churches and places of religious worship. 10. Schools. 11. Convenience Store with Gas 12. Retail Warehouse 13. Transportation services

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|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
| | <ol style="list-style-type: none">14. Assisted Living/Skilled Nursing Facilities.15. Public Library, parks, and playgrounds.16. Borough uses, firehouses, and first aid stations.17. Utility services.18. Child Care Centers. | | |
|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|

District	Permitted Principal Use	Permitted Accessory Uses	Permitted Conditional Uses
IOP Industrial Office Park	<ol style="list-style-type: none"> 1. Offices such as professional, medical, veterinary, and financial services. 2. Office parks. 3. Research facilities. 4. Hospitals. 5. Veterinary hospitals without outside kennels or runs. 6. Light Industrial facilities such as warehousing, shipping and receiving, fabrication and assembly operations within an enclosed building. 7. Landscaping/ construction contractors and landscaping/ construction contractor storage yards. 8. Theaters, bowling alleys, gymnasiums, weight rooms, fitness centers, training and instructional classes, and instructional centers such as dance and rehearsal studios permitted only as indoor facilities. 9. Flex space buildings of a light industrial type. 10. Retail warehouse. 11. Public Library, parks, and playgrounds. 12. Borough uses, firehouses, and first aid stations. 13. Utility services. 14. Childcare Centers 15. Recreation and Sports Fields. 	<ol style="list-style-type: none"> 1. Off-street parking and loading areas. 2. Supply and equipment storage within accessory structures 3. Cafeterias and eating areas accessory to permitted use facilities. 4. Fences and walls. 5. Parking garages 6. Wireless telecommunications equipment wholly installed within existing structures and utilizing fully screened antennas installed on top of or exterior to existing structures. 	<ol style="list-style-type: none"> 1. Hotels 2. Swim clubs and tennis clubs 3. Golf driving range, miniature golf and par-3 golf course. 4. Wireless telecommunications equipment utilizing new monopoles subject to the conditional use standards of the Wireless telecommunications equipment chapter. 5. Churches and places of religious worship. 6. Schools. 7. Convenience Store with Gas 8. Cannabis facilities

	<p>16. Assisted Living/Skilled Nursing Facilities.</p> <p>17. <u>Retail sales such as, consumables, apparel, hardware, lawn & patio equipment, appliances, household goods, and confections.</u></p> <p>18. <u>Retail services such as, repair of appliances and shoes, cleaners, tailors, barbershops, and beauty salons.</u></p> <p>19. <u>Delicatessens and specialty food/drink facilities such as ice cream, bagels, bakery, pizza, ices, and sodas (including drive-thru service)</u></p> <p>20. <u>Restaurants (including drive-thru service) and taverns.</u></p> <p>21. <u>Self-Storage facilities</u></p>		
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District	Permitted Principal Use	Permitted Accessory Uses	Permitted Conditional Uses
MFG Manufacturing	<ol style="list-style-type: none"> 1. Offices such as professional, medical, veterinary and financial services. 2. Research facilities. 3. Light Industrial facilities such as warehousing, shipping and receiving, fabrication and assembly operations within an enclosed building. 4. Landscaping/ construction contractors and landscaping/ construction contractor storage yards 5. Hospitals. 6. Veterinary hospitals without outside kennels 7. Manufacturing within an enclosed building. 8. Flex space buildings of a light industrial type. 9. Public Library, parks, and playgrounds. 10. Borough uses, firehouses, and first aid stations. 11. Utility services. 12. Child Care Centers 13. Assisted Living/Skilled Nursing Facilities. 	<ol style="list-style-type: none"> 1. Off-street parking and loading areas. 2. Supply and equipment storage within accessory structures 3. Cafeterias and eating areas accessory to permitted use facilities. 4. Fences and walls. 5. Wireless telecommunications equipment wholly installed within existing structures and utilizing fully screened antennas installed on top of or exterior to existing structures 	<ol style="list-style-type: none"> 1. Commercial radio towers. 2. Wireless telecommunications equipment utilizing new monopoles subject to the conditional use standards of the Wireless telecommunications equipment chapter. 3. Churches and places of religious worship. 4. Schools. 5. Single stream recycling facilities 6. Convenience Store with Gas 7. Cannabis facilities

District	Permitted Principal Use	Permitted Accessory Uses	Permitted Conditional Uses
MFG 2 Manufacturing 2	<ol style="list-style-type: none"> 1. Offices such as professional, medical, veterinary and financial services. 2. Research facilities. 3. Light Industrial facilities such as warehousing, shipping and receiving, fabrication and assembly operations within an enclosed building. 4. Landscaping/ construction contractors and landscaping/ construction contractor storage yards 5. Manufacturing within an enclosed building. 6. Concrete Manufacturing Plants 7. Asphalt Manufacturing Plants 8. Waste Transfer Stations 9. Flex space buildings of a light industrial type. 10. Public Library, parks, and playgrounds. 11. Borough uses, firehouses, and first aid stations. 12. Utility services. 13. Child Care Centers 14. Assisted Living/Skilled Nursing Facilities. 	<ol style="list-style-type: none"> 1. Off-street parking and loading areas. 2. Supply and equipment storage within accessory structures 3. Cafeterias and eating areas accessory to permitted use facilities. 4. Fences and walls. 	<ol style="list-style-type: none"> 1. Commercial radio towers. 2. Wireless telecommunications equipment utilizing new monopoles subject to the conditional use standards of the Wireless telecommunications equipment chapter. 3. Resource Recycling Facilities. 4. Churches and places of religious worship. 5. Schools. 6. Convenience Store with Gas 7. Cannabis facilities

<p>RET—Large Scale Planned Retail Overlay Zone (Requires certain requirements be met prior to application per 40-36 J)</p>	<ol style="list-style-type: none"> 1. Regional Shopping Center 2. Public Library, parks, and playgrounds. 3. Borough uses, firehouses, and first aid stations. 4. Utility services. 5. Child Care Centers 	<ol style="list-style-type: none"> 1. Off street parking and loading areas. 2. Fences and walls. 3. Parking garages 	<ol style="list-style-type: none"> 1. Churches and places of religious worship. 2. Schools. 3. Convenience Store with Gas
<p>OS/GU Open Space/Government Use</p>	<ol style="list-style-type: none"> 1. Open space. 2. Borough and Government uses. 		<ol style="list-style-type: none"> 1. Churches and places of religious worship. 2. Schools. 3. Convenience Store with Gas
<p>Route 66 Redevelopment Area</p>	<p>Pursuant to the district use standards of the Route 66 Redevelopment Plan</p>		
<p><u>FMRA Fort Monmouth Redevelopment Area</u></p>	<p><u>Pursuant to the standards of the Fort Monmouth Reuse and Redevelopment Plan and the Fort Monmouth Economic Revitalization Authority Land Use Rules (N.J.A.C. 19:31C-3)</u></p>		

SCHEDULE B – DISTRICT BULK REGULATIONS – RESIDENTIAL USES

District	Minimum Lot Requirements			Minimum Yard Requirements						Maximum Building Height		Maximum Floor Area	Maximum Density – Dwelling Units Per Acre
	Lot Area (sf)	Width (ft)	Depth (ft)	Front (ft)	Side		Rear (ft)	Maximum Coverage (%)		Height in Stories	Height in Feet		
					Each (ft)	Both (ft)		Lot	Bldg.				
RA RESIDENTIAL AGRICULTURE													
DETACHED SINGLE FAMILY RESIDENTIAL	80,000	150	250	40	25	-	40	15	5	2.5	30	-	0.5
R-1 SINGLE FAMILY RESIDENTIAL													
DETACHED SINGLE FAMILY RESIDENTIAL (STANDARD SUBDIVISION)	60,000 (W/SEPTIC) & 40,000 (SEWER AND WATER SERVICE REQUIRED)	200	200	40	25	-	40	28	8	2.5	30	-	1
DETACHED SINGLE FAMILY RESIDENTIAL (LOT SIZE AVERAGE/CLUSTER)	60,000 (W/SEPTIC) & 30,000 (SEWER AND WATER SERVICE REQUIRED)	200	150	40	25	-	40	28/37	10	2.5	30	-	1.2
R2 SINGLE FAMILY RESIDENTIAL													
DETACHED SINGLE FAMILY RESIDENTIAL (STANDARD SUBDIVISION)	60,000 (W/SEPTIC) & 30,000 (SEWER AND WATER SERVICE REQUIRED)	200	150	40	25	-	40	28	10	2.5	30	-	1.5

DETACHED SINGLE FAMILY RESIDENTIAL (LOT AVERAGING/CLUSTER) – PERMITTED ONLY WHEN BOTH A SANITARY SEWER AND A CENTRAL SOURCE OF POTABLE WATER ARE PROVIDED	20,000 (SEWER & WATER SERVICE REQUIRED)	100	200	40	25	-	40	28/37	12	2.5	30	-	1.5	
R-3 RESIDENTIAL														
DETACHED SINGLE FAMILY DWELLINGS	11,500 ^{1,2}	90	125	35	10	35	25	38	25	2.5	30	-	3.2	
R-4 RESIDENTIAL SINGLE FAMILY DWELLINGS														
DETACHED SINGLE FAMILY DWELLINGS	8,000 ^{1,2}	80	100	25	10	35	25	38	25	2.5	30	-	6.4	
AR AGE RESTRICTED HOUSING	Note: Master Plan recommends that zoning should reflect current approvals of Lennar Project and Twin Brook Golf Club													
DETACHED SINGLE FAMILY RESIDENTIAL	8,000 ^{1,2}	80	100	35	-	35	25	35	20	2.5	30	-	2.5	
CCRC CONTINUING CARE	Note: See Section 40-36E for additional requirements													
CCRC	100 acres (entire tract) 25 acres (each phase)	-	-	-	-	-	-	50	-	7	85	.60	-	
APARTMENTS	10 ACRES	250	250	15	15	30	15	70	-	4	50	8.5		
AH AFFORDABLE HOUSING (INCLUDING AGE RESTRICTED)														
APARTMENTS/ TOWNHOUSES	TRACT	30 ACRES	-	-	50	50	-	50	70	35	3	45	-	8.5
	INDIVIDUAL BUILDINGS	-	-	-	25	-	30	30	-	-	3	45	-	-
R-3-I R-3-I RESIDENTIAL INCLUSIONARY	Note: Subject to COAH Mediation and Tinton Falls Third Round Affordable Housing and Fair Share Plan													
R-4A R-4-A														
DETACHED SINGLE FAMILY DWELLINGS	8000	80	100	45	10	35	25	35	20	2.5	30	-	6.4	

TOWNHOUSES	2,000 6,000 PER UNIT	20 60	100	45	0 interior, 20 exterior	- 40	35	50	40	2.5	35	-	6.5
APARTMENTS	2 ACRE & 4,000/UNIT	280	200	60	75	150	75	25	35	2.5	35	-	10
AARZ ACTIVE ADULT REDEVELOPMENT	Pursuant to the district bulk standards of the Route 66 Redevelopment Plan												
<u>CECOM REDEVELOPMENT AREA</u>	<u>Pursuant to the district bulk standards of the CECOM Redevelopment Plan</u>												
<u>FMRA FORT MONMOUTH REDEVELOPMENT AREA</u>	<u>Pursuant to the standards of the Fort Monmouth Reuse and Redevelopment Plan and the Fort Monmouth Economic Revitalization Authority Land Use Rules (N.J.A.C. 19:31C-3)</u>												

¹ Regardless of zone or district, if central water and sewer service are not available, the minimum lot size shall be 60,000 square feet.

² Existing developed single-family lots and isolated undersized lots shall be grandfathered as conforming lots as to lot size after the effective date of this ordinance July 2008. No new lots shall be created by subdivision except by the lot size standards enumerated in the chart above.

SCHEDULE B – DISTRICT BULK REGULATIONS – NON-RESIDENTIAL USES

District	Minimum Lot Requirements			Minimum Yard Requirements						Maximum Building Height		Maximum Floor Area	Maximum Density – Dwelling Units Per Acre
	Lot Area (sf)	Width (ft)	Depth (ft)	Front (ft)	Side		Rear (ft)	Maximum Coverage (%)		Height in Stories	Height in Feet		
					Each (ft)	Both (ft)		Lot	Bldg.				
NC NEIGHBORHOOD COMMERCIAL													
All principal permitted uses	20,000	100	200	25	10	-	40	65	-	-	35	0.30	-
HCC HIGHWAY COMMUNITY COMMERCIAL													
Retail Sales, Retail Services, Specialty Food, Offices	20,000	100	120	50	10	-	40	65	-	-	35	0.30	-
Shopping Centers	5 acres (max. 15 acres)	300	300	80	80	-	80	65	-	-	35	0.20	-
Pharmacies, Banks, Restaurants	1 acre	100	120	25	10	-	40	65	-	-	35	0.30	-
Office Parks, Research Facilities	3 acres	200	300	80	60	-	60	60	-	-	70	0.33	-
Hospitals, mortuary	4 acres	150	250	80	50	-	80	40	-	-	35	0.20	-
Theaters, bowling alleys, gymnasiums, weight rooms, fitness centers, training and instructional uses	2 acres	200	200	80	60		60	60	-	-	35	0.20	
Public Uses, Borough uses, Utility	-	-	-	-	-	-	-	-	-	-	-	-	-
Childcare Centers	12,000	100	120	25	10	-	40	65	-	-	35	0.30	-
All Other Uses	20,000	100	120	50	10	-	40	65	-	-	35	0.30	-
IOP INDUSTRIAL OFFICE PARK													
Offices	20,000	100	120	50	10	-	40	65	-	-	35	0.30	-
Office Parks, Research Facilities	3 acres	200	300	80	50	-	60	60	-	-	70	0.33	-
Hospitals, Veterinary Hospitals	4 acres	250	250	80	50	-	80	40	-	-	35	0.20	-
Landscaping / Construction Contractors and Landscaping/Construction Yards	2 acres	225	225	70 but not less	30 but not less	-	30 but not less	40	-	-	35	0.20	-

				than 3x bldg ht.	than 2x bldg ht.		than 2x bldg ht.						
Light Industrial Facilities, Flex Space Buildings	2 acres	225	225	70 but not less than 3x bldg ht.	30 but not less than 2x bldg ht	-	30 but not less than 2x bldg ht	60	-	-	40	0.30	-
Theaters, bowling alleys, gymnasiums, weight rooms, fitness centers, training and instructional uses	2 acres	225	225	80	60	-	60	60	-	-	35	0.20	-
Child Care Centers	20,000	100	200	25	10	-	40	65	-	-	35	0.30	-
All Other Uses	20,000	100	200	50	10	-	40	65	-	-	35	0.30	-
MFG MANUFACTURING													
Offices	20,000	100	120	50	10	-	40	65	-	-	35	0.30	-
Research Facilities	3 acres	200	300	80	50	-	60	60	-	-	70	0.33	-
Landscaping/Construction Contractors and Landscaping/Construction Yards	2 acres	225	225	70 but not less than 3x bldg ht.	30 but not less than 2x bldg ht	30 but not less than 2x bldg ht	40 30 but not less than 2x bldg ht	- 40	-	35 :	0.20 35	- 0.20	-
Light Industrial Facilities, Flex Space buildings	2 acres	225	225	70 but not less than 3x bldg ht.	30 but not less than 2x bldg ht	30 but not less than 2x bldg ht	60 30 but not less than 2x bldg ht	- 60	-	40 :	0.30 40	- 0.30	-
Hospitals, Veterinary Hospital	4 acres	150	250	80	50	-	80	40	-	-	35	0.20	-
Manufacturing only within an enclosed building	2 acres	250	250	75 but not less than 3x bldg ht.	30 but not less than 2x bldg ht	-	30 but not less than 2x bldg ht	60	-	-	40	0.20	-
Public Uses, Borough uses, Utilities	-	-	-	-	-	-	-	-	-	-	-	-	-
Childcare Centers	12,000	100	120	25	10	-	40	65	-	-	35	0.30	-
All Other Uses	20,000	100	120	50	10	-	40	65	-	-	35	0.30	-
MFG 2 MANUFACTURING 2													
Offices	20,000	100	120	50	10	-	40	65	-	-	35	0.30	-
Research Facilities	3 acres	200	300	80	50	-	60	60	-	-	70	0.33	-
Landscaping/Construction Contractors and Landscaping/Construction Yards	2 acres	225	225	70 but not less	30 but not less	30 but not less	40 30 but not	- 40	-	35 :	0.20 35	- 0.20	-

				than 3x bldg ht.	than 2x bldg ht	than 2x bldg ht	<u>less</u> <u>than 2x</u> <u>bldg ht</u>						
Light Industrial Facilities, Flex Space buildings	2 acres	225	225	70 but not less than 3x bldg ht.	30 but not less than 2x bldg ht	30 but not less than 2x bldg ht	<u>60</u> <u>30 but</u> <u>not</u> <u>less</u> <u>than 2x</u> <u>bldg ht</u>	- <u>60</u>	-	40 :	0.30 <u>40</u>	- <u>0.30</u>	-
Manufacturing only within an enclosed building	2 acres	250	250	75 but not less than 3x bldg ht.	30 but not less than 2x bldg ht	-	30 but not less than 2x bldg ht	60	-	-	40	0.20	-
Concrete Manufacturing Plants, Asphalt Manufacturing Plants and Waste Transfer Stations	10 acres	300	300	100	100	200	100	65	-	-	80 for silos/40 all other	0.20	-
Public Uses, Borough uses, Utilities	-	-	-	-	-	-	-	-	-	-	-	-	-
Childcare Centers	12,000	100	120	25	10	-	40	65	-	-	35	0.30	-
All Other Uses	20,000	100	120	50	10	-	40	65	-	-	35	0.30	-
RET LARGE SCALE PLANNED RETAIL OVERLAY													
Regional Shopping Center	25 acres	300	300	80	80	-	80	65	-	2	45	0.40	-
Public Uses, Borough uses, Utilities	-	-	-	-	-	-	-	-	-	-	-	-	-
Childcare Centers	12,000	100	120	25	10	-	40	65	-	-	35	0.30	-
All Other Uses	20,000	100	120	50	10	-	40	65	-	-	35	0.30	-
OS/GU OPEN SPACE/GOVERNMENT USE													
Public Uses, Borough uses, Utilities	-	-	-	-	-	-	-	-	-	-	-	-	-
ROUTE 66 REDEVELOPMENT AREA	Pursuant to the district bulk standards of the Route 66 Redevelopment Plan												
<u>FMRA FORT MONMOUTH</u> <u>REDEVELOPMENT AREA</u>	<u>Pursuant to the standards of the Fort Monmouth Reuse and Redevelopment Plan and the Fort Monmouth Economic Revitalization Authority Land Use Rules (N.J.A.C. 19:31C-3)</u>												

Schedule D E
BOROUGH OF TINTON FALLS
LAND DEVELOPMENT APPLICATION CHECKLIST

Name of Application _____

Application No. _____

Block _____ Lot _____

Date Filed _____

An application shall not be considered complete until all the materials and information specified below have been submitted, unless upon receipt of a written waiver request from the applicant, a specified requirement is waived by the municipal agency. The waiver request shall be granted or denied within 45 days of receipt of said request. In an item is considered by the applicant to be "Not Applicable", a waiver request should be made.

Item Number	Minor		Major				Variance			Item Description	Applicant Mark	Status	Borough Mark	Comments
	GDP	Subdivision	Site Plan	Prelim	Final	40:55D-70	(a) & (b)	(c)	(d)					
1	●	●	●	●	●	●	●	●	●	Calculation of the application fee and the review escrow	Complies	Waiver		
2	●	●	●	●	●	●	●	●	●	Individual checks made out to Tinton Falls Borough in the amount calculated for the application fee and the review escrow.	Complies	Waiver		
3	●	●	●	●	●	●	●	●	●	A completed Checklist (latest revision) with written explanations for all requested completeness waivers.	Complies	Waiver		
4	●	●	●	●	●	●	●	●	●	Completed Tinton Falls Borough application forms.	Complies	Waiver		
5	●	●	●	●	●	●	●	●	●	Completed Escrow Agreement signed by owner and applicant.	Complies	Waiver		
6	●	●	●	●	●	●	●	●	●	Ownership Disclosure Affidavit	Complies	Waiver		
7	●	●	●	●	●	●	●	●	●	Contribution statement pursuant to Borough ordinance NO. 05-1153	Complies	Waiver		
8	●	●	●	●	●	●	●	●	●	Tax Collector Certification from the Tinton Falls Borough Tax Collector that all taxes and assessments on the property are paid in full.	Complies	Waiver		
9	●	●	●	●	●	●	●	●	●	Certified list of property owners within 200' of the property as prepared by the Tinton Falls Borough Tax Assessor.	Complies	Waiver		
10	●	●	●	●	●	●	●	●	●	Completed Monmouth County Planning Board application. Copy of a check made payable to "Monmouth County".	Complies	Waiver		
11	●	●	●	●	●	●	●	●	●	Completed Freehold Soil Conservation District (FSCD) application. Copy of a check made payable to "FSCD".	Complies	Waiver		
12	●	●	●	●	●	●	●	●	●	Completed Monmouth County Freehold Area Health Department application. Copy of a check made payable to "Monmouth County Freehold Township ".	Complies	Waiver		

Item Number	Minor		Major				Variance			Item Description	Applicant Mark	Status	Borough Mark	Comments	
	GDP	Subdivision	Site Plan	Prelim		Final		(a) & (b)	(c)						(d)
				Subdivision	Site Plan	Subdivision	Site Plan								
13	●	●	●	●	●	●	●	●	●	●	Copies of all easements, covenants and deed restrictions including metes and bounds descriptions, on or affecting the property in question.	Complies			
												Waiver			
14	●	●	●	●	●	●	●	●	●	●	Twenty (20) Fifteen (15) copies of a current Property Survey not more than three years old prepared by a New Jersey Licensed Land Surveyor. (5 4 copies full size, 15 11 copies half size)	Complies			
												Waiver			
15	●	●	●	●	●	●	●	●	●	●	Twenty (20) Four (4) full size black or blue line prints prepared by a New Jersey Licensed Engineer or a Licensed Land Surveyor. Each sheet must be signed and sealed by the appropriate professional. Eleven (11) more half size copies to be submitted upon determination of completeness. (5 copies full size, 15 copies half size)	Complies			
												Waiver			
16	●	●	●	●	●	●	●	●	●	●	An electronic PDF copy of the full application package, including application, letters, reports, plans, etc. plan set, including surveys or architectural plans.	Complies			
												Waiver			
17		●	●	●	●	●	●				Public utility "will serve" letters.	Complies			
												Waiver			
18	●			●	●	●	●				Fifteen (15) copies of a Traffic Impact Assessment.	Complies			
												Waiver			
19	●			●	●	●	●				Fifteen (15) copies of an Environmental Impact Assessment.	Complies			
												Waiver			
20		●		●	●						Two (2) copies of the Stormwater Management Report in accordance with NJAC 7:8, including pre- and post-development calculations and drainage area maps. Eleven (11) more copies to be submitted upon determination of completeness.	Complies			
												Waiver			
21		●	●	●		●					Certification from the Tinton Falls Borough Tax Assessor approving the block and lot designations.	Complies			
												Waiver			
22				●							Certification from the Borough of Tinton Falls approving the road names and subdivision name.	Complies			
												Waiver			
23			●		●					●	An affirmative statement in writing indication how all applicable conditional use standards are met.	Complies			
												Waiver			
24				●							A conceptual development plan of the property in accordance with the "conventional lot" requirements of the Borough Land Use Ordinance (yield plan)	Complies			
												Waiver			
25						●	●				An engineer's estimate of all the improvements identified on the approved preliminary plan, which remain to be completed at the time of final plat.	Complies			
												Waiver			

Item Number	Minor		Major				Variance			Item Description	Applicant Mark	Status	Borough Mark	Comments	
	GDP	Subdivision	Site Plan	Prelim		Final		40:55D-70							
				Subdivision	Site Plan	Subdivision	Site Plan	(a) & (b)	(c)						(d)
26						●	●				Complies				
											Waiver				
27						●	●				Complies				
28	A site plan/use variance application for any manufacturing or industrial use shall be accompanied by the following:														
a			●		●						A description of any proposed machinery operation, products, by-products and processes to be contained on the site, including a description of raw materials from which products are to be manufactured.	Complies			
												Waiver			
b			●		●						A statement containing estimates of daily water consumption, volume and nature of sewage, waste and water to be disposed of, descriptions of water supply and sewage treatment facilities.	Complies			
												Waiver			
c					●						A statement on the anticipated number of shifts and number of employees per shift.	Complies			
												Waiver			
29								●			As-built drawing depicting all the proposed site improvements approved during the preliminary site plan application and any deviations noted in the actual constructed improvements.	Complies			
												Waiver			
30								●	●	●	Photograph(s) of the subject premises that may prove useful in helping the Board make a more informed decision on the application.	Complies			
												Waiver			

Plans shall show or include the following:

31	●	●	●	●	●	●	●	●	●	●	Map scale not less than 1 inch = 100 feet showing the entire tract on one sheet not exceeding 24" x 36".	Complies	
												Waiver	
32	●	●	●	●	●	●	●	●	●	●	A Key Map showing the entire site, the surrounding area (at least 1,000 feet from the property) and any and all zone district boundary lines in the surrounding area.	Complies	
												Waiver	
33	●	●	●	●	●	●	●	●	●	●	Site or Subdivision name.	Complies	
												Waiver	
34	●	●	●	●	●	●	●	●	●	●	Scale and references meridian. The reference source (i.e. deed, filed map, etc.) of the meridian shall be identified.	Complies	
												Waiver	
35	●	●	●	●	●	●	●	●	●	●	Name, address, and phone number of the professional responsible for preparing the plans.	Complies	
												Waiver	

Item Number	Minor		Major				Variance 40:55D-70			Item Description	Applicant Mark	Status	Borough Mark	Comments	
	GDP	Subdivision	Site Plan	Prelim		Final		(a) & (b)	(c)						(d)
				Subdivision	Site Plan	Subdivision	Site Plan								
36	●	●	●	●	●	●	●	●	●	●	Name address, and phone number of the Owner of the property, including a notarized signature block for the Owner.	Complies			
												Waiver			
37	●	●	●	●	●	●	●	●	●	●	Name, address, and phone number of the Applicant, including a notarized signature block for the Applicant.	Complies			
												Waiver			
38	●	●	●	●	●	●	●		●	●	Date of the plans and revision block identifying any and all revisions.	Complies			
												Waiver			
39	●	●	●	●	●	●	●		●	●	Approval signature block for Board Chairman, Secretary and Borough Engineer.	Complies			
												Waiver			
40	●	●	●	●	●	●	●		●	●	The name and address of the owner and the block and lot designation of any and all property located within 200 feet of the tract.	Complies			
												Waiver			
41	●	●	●	●	●	●	●		●	●	The tax map sheet. The block and lot numbers of the subject property and any and all properties within 200 feet of the tract.	Complies			
												Waiver			
42	●	●	●	●	●	●	●		●	●	All existing streets, roads, watercourses and water bodies on the property and within 500 feet of the property.	Complies			
												Waiver			
43	●	●	●	●	●	●	●		●	●	Lot line dimensions, including metes and bounds. Original boundary survey used to prepare the plan should be provided with the application.	Complies			
												Waiver			
44	●	●	●	●	●	●	●		●	●	Location and use of all existing structures on the property, and within 100 feet of the tract. Property lines of adjacent properties shall be shown.	Complies			
												Waiver			
45	●	●	●	●	●	●	●		●	●	Location of all proposed streets, property lines, lot lines and areas. All lot areas to be shown in acres and square feet. The area within the maximum depth of measurement should be identified if different from entire area.	Complies			
												Waiver			
46	●	●	●	●	●	●	●		●	●	Dimensional ties from existing structures to property lines. Ties from proposed structures to property lines for site plans. A minimum of two ties per structure.	Complies			
												Waiver			
47	●	●	●	●	●	●	●		●	●	Building envelope of each proposed lot as defined by the minimum yard setbacks required by the zoning ordinance.	Complies			
												Waiver			
48	●	●	●	●	●	●	●		●	●	Schedule of applicable zoning regulations.	Complies			
												Waiver			
49	●	●	●	●	●	●	●		●	●	Existing wells and septic system on the property and within 100 feet of the property.	Complies			
												Waiver			

Item Number	Minor		Major				Variance			Item Description	Applicant Mark	Status	Borough Mark	Comments	
	GDP	Subdivision	Site Plan	Prelim		Final		(a) & (b)	(c)						(d)
				Subdivision	Site Plan	Subdivision	Site Plan								
50	●	●	●	●	●	●	●	●	●	●	Complies				
											Waiver				
51	●	●	●	●	●	●	●	●	●	●	Complies				
											Waiver				
52		●	●	●	●				●	●	Complies				
											Waiver				
53		●	●	●	●				●	●	Complies				
											Waiver				
54		●		●	●				●	●	Complies				
											Waiver				
55		●	●	●	●					●	Complies				
											Waiver				
56		●		●	●					●	Complies				
											Waiver				
57			●	●	●	●	●			●	Complies				
											Waiver				
58		●		●	●						Complies				
											Waiver				
59	●			●	●	●	●				Complies				
											Waiver				
60				●	●						Complies				
											Waiver				
61				●	●						Complies				
											Waiver				
62				●	●						Complies				
											Waiver				
63	●		●	●	●	●	●				Complies				
											Waiver				
64	●		●	●	●	●	●				Complies				
											Waiver				
65			●		●		●	●	●	●	Complies				
											Waiver				
66	●			●	●						Complies				

Item Number	Minor		Major				Variance			Item Description	Applicant Mark	Status	Borough Mark	Comments
	GDP	Subdivision	Prelim		Final		40:55D-70							
			Subdivision	Site Plan	Subdivision	Site Plan	(a) & (b)	(c)	(d)					
										way, including use of signals, channelization and all other traffic alterations.		Waiver		
67	●	●	●	●					●	Use of existing and proposed buildings by floor area. Floor area and ground area of existing and proposed buildings in square feet.		Complies		
												Waiver		
68		●	●	●					●	Parking requirement calculations and the location of the parking area. The actual spaces should be designated for existing parking areas. Show dimensions from parking spaces to the property lines, street and structures.		Complies		
												Waiver		
69		●	●	●						Elevations at the corners of all proposed buildings, paved areas and property corners, if new buildings or paved areas are proposed.		Complies		
												Waiver		
70		●	●	●						Location of any solid waste and recyclable storage facilities.		Complies		
												Waiver		
71		●	●						●	Preliminary architectural plans for proposed buildings or structures, including floor plans and elevations.		Complies		
												Waiver		
72	●	●		●						All certifications and signature lines in accordance with the Map Filing Law.		Complies		
												Waiver		
73	●	●		●						Location and description of all monuments, whether found or to be set in accordance with the Map Filing Law.		Complies		
												Waiver		
74	●	●		●						The tract boundary lines, right of way lines and easement areas shall be defined with accurate dimensions including bearing and distances, curve data including central angle, radius, arc and accurate dimensions to the actual street intersections.		Complies		
												Waiver		
75				●						A certification from the applicant's engineer stating that the final plat conforms to the preliminary plat as submitted and approved.		Complies		
												Waiver		
76	●			●						The entire tract on one sheet at the same scale as the Tax Map sheet it appears on.		Complies		
												Waiver		
<u>77</u>			●	●	●					<u>A Tree Preservation and Removal Plan</u>		<u>Complies</u>		
												<u>Waiver</u>		

Application Incomplete pending the Board's determination regarding the following written waiver requests:

By: _____ Date: _____

Application Incomplete with the following information to be submitted or written waiver requests provided:

By: _____ Date: _____

**Schedule F G – Borough of Tinton Falls
Land Use Fee Schedule**

APPLICATION TYPE	ADMINISTRATIVE FEE	ESCROW/PROFESSIONAL FEE
Informal Hearing/Concept Plan Review Minor Subdivision All Others	\$250 \$250	\$750 \$1,500
Appeals & Interpretations	\$300 plus any other costs incurred by Board during review process	\$1,500
Certificate of Non-Conforming Use From the Administrative Officer From the Zoning Board of Adjustment	\$50 \$250	N.F. \$350 per review required by the Borough agency of legal, engineering, planning, etc.
Capital Review	\$150	\$350 \$450 per review required by the Borough agency of legal, engineering, planning, etc.
Architectural Review Residential Non-residential	\$150 \$300	\$350 \$450 per review required by the Borough agency of legal, engineering, planning, etc.
Subdivision Minor Preliminary Final	\$500 \$500 \$1,000 + \$50 per lot \$250 \$500 + \$50 per lot	\$3,500 \$5,000 \$4,000 \$5,000 + \$115 per lot \$2,500 + \$75 per lot
Site Plan Minor Residential Preliminary Final Non-residential Preliminary Final	\$500 \$500 \$1,000 + \$50 per dwelling unit 50% of Preliminary Fee \$1,000 \$1,500 + \$50 per acre of disturbance + \$0.05 per SF of proposed building area 50% of Preliminary Fee	\$3,500 \$5,000 \$1,000 per acre of disturbance (Minimum \$5,000 \$10,000) N.F. \$100 per 1,000 SF of disturbance (Minimum \$5,000 \$10,000) N.F.
Conditional Use	\$300 plus fees as designated under site plan	\$2,000
Waiver (Submittal Requirement or Design Waiver)	N.F.	\$500
Bulk "C" Variance	\$300 for 1 + \$50 for each additional variance	\$750 for single-family residential \$1,000 for all other residential & non-residential
Use "D" Variance Single Family	\$300	\$1,500 \$3,000

All other Residential & Non-residential	\$600 plus fees as designated under Site Plan	\$4,500 <u>\$6,000</u>
General Development Plan Initial Submission	\$500	\$100 per 1,000 SF of disturbance (Minimum \$5,000)
Administrative Change Determined to be Minor by Borough Engineer	\$150	\$350 <u>\$450</u>
Plan Amendment	\$250	\$100 per 1,000 SF of disturbance (Minimum \$5,000)
Timing Schedule Amendment	\$250	\$350 <u>\$450</u> per review required by the Borough agency of legal, engineering, planning, etc.
Amendment of Approvals Administrative change, determined by Borough Engineer to be minor	\$150 <u>\$500</u>	\$750 <u>N. F.</u>
Amendment of preliminary or final plat or site plan previously approved, determined to be minor by Borough Engineer or Agency	\$250	\$750 <u>\$1,500</u> per review required by the Borough agency of legal, engineering, planning, etc.
Amendment of preliminary or final plat or site plan previously approved, determined to be substantial by Borough Engineer or Agency	Full fees as required by this section	75% of the full fees as required by this section
Application for extension of time of site plan or subdivision approval pursuant to MLUL	\$500 plus any other costs incurred by the Board during review process	\$350 <u>\$450</u> per review required by the Borough agency of legal, engineering, planning, etc.
Application for signs requiring Board approval	\$150 plus any other costs incurred by the Board during review process	\$750 <u>\$1,500</u>
Tax Map Revision Fee Single Family Lots 1-2 lots 3-10 lots 11-25 lots 26-100 lots 101 lots plus	\$200 \$500 \$1,000 \$2,000 \$2,500	N.F. Note: Tax Map Revision Fee to be submitted as a separate check.
Condominiums and/or Singly Family New Sheet (Up to 200 Units)	\$2,500 per sheet	
Condominiums only New Sheet (Over 200 Units)	\$3,500 per sheet	

Commercial Revision to Existing Sheet New Tax Map Sheet	\$250 \$1,500	
G.I.S. Fees Zoning Board Variance, non-development application	\$13 per variance	N.F.
Planning or Zoning Board, development application	\$56 per application plus \$13 per variance	N.F.
Publication Fee Single Family	\$20 per decision rendered	N. F.
All other Residential & Non-residential	\$30 per decision rendered	N. F.
Certified List of Property Owners	\$10 or \$0.25 per name, whichever is greater	N. F.
Special Meetings	\$1,750 per special meeting	N. F.
Tree Removal	\$150 (no fee with subdivision or site plan approval) Per §17-8	N. F.
Fire Prevention (Site Plan or Major Subdivision)	\$100	N. F.
Zoning Permit Residential New Home	\$250 \$350	N. F.
Grading New Home	\$175 \$250	N. F.
Revised Grading New Home	\$100 \$200	N. F.
Residential Property Addition	\$75	N. F.
Non-residential New Building Use	\$350	N. F.
Site Plan	\$500	N. F.
Non-residential Minor Addition	\$100	N. F.
Improvements		
Above-ground Pool	\$100	N. F.
In-ground Pool	\$175	N. F.
Commercial Use	\$100	N. F.
Sign (commercial)	\$50 per sign \$150	N. F.
Single Family Residential Tree Removal	\$5 \$25	N. F.
Special Event	\$25	N. F.
All Other	\$75	N. F.

SECTION 18. Repealer.

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

SECTION 19. Severability.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 20. Effective Date.

This Ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

Introduced:

Adopted:

RISA CLAY
COUNCIL PRESIDENT

VITO PERILLO
MAYOR

ATTEST:

MICHELLE HUTCHINSON
BOROUGH CLERK

APPROVED AS TO FORM:

KEVIN N. STARKEY, ESQ.
DIRECTOR OF LAW