

Municipal Code of Edison Township

**Chapter 17.08**

**GENERAL DESIGN AND USE REGULATIONS**

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**Section 17.08.010 Application of district regulations.**

This title shall apply to the construction, nature and extent of uses of all buildings and structures and to the nature and extent of the uses of land. No building, structure or land, or any part thereof, shall be used or occupied and no building or structure shall be erected, constructed, reconstructed, moved, repaired, extended, converted, altered, maintained or used unless in conformity with all the regulations of this title specified for the district in which it is located. All regulations set by this title within each of the districts shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided. (Prior code § 86-6(A))

**Section 17.08.020 Application to township.**

Regardless of whether the township or any duly constituted township board, agency or department is acting in or pursuant to the performance of a governmental or proprietary function, any municipally owned, operated or controlled building, structure, facility or use, either existing or proposed, shall be permitted in any class of zone as set forth in this title, it being the intention of this section that whatever the township may authorize to do shall constitute a function of government and that whenever the township shall act pursuant to granted authority, it acts as government and not as a private entrepreneur. (Prior code § 86-6(B))

### **Section 17.08.030 Yards.**

A. No yard or any other open space or off-street parking or loading space required about or in connection with any building or buildings on a lot for the purpose of complying with this title shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.

B. No existing yard or existing lot shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created hereafter shall meet at least the minimum requirements established by this title.

C. Except as hereinafter specified in this section, yards and courts required under this section shall be entirely free of buildings or parts thereof and parking and storage.

D. Cornices and eaves may project not to exceed two feet over any required yard or court.

E. Sills, leaders, belt courses and similar ornamental or structural features may project only four inches into any required yard. Any open fire balcony, fire escape or fire tower may project into a required yard not more than eight feet.

F. The requirements of this section respecting yards shall not apply to any necessary retaining wall or steps or to any fence or wall which is less than six feet high. In addition to the above, the following shall control the location, height and design of fences:

1. In any residential zone, no fence shall be permitted in the front yard area which will restrict visibility and be over four feet high. No fence shall exceed six feet in height. On a corner lot, the fencing along the street frontage coincident with the architectural front door, or main dwelling entrance, shall be subject to the same restrictions as for a front yard area. On a corner lot, the fencing along the street frontage not coincident with the architectural front door, or main dwelling entrance, shall be permitted to extend into the frontyard setback area for a distance equal to one-half of the required front yard setback distance. On a through lot, the fencing along both street frontages shall be subject to the same restrictions as for a front yard area. For the purposes of this section, a "through lot" shall be defined as: an interior lot which fronts upon two streets which do not intersect at the boundaries of the lot, and which runs unobstructed from one street to another. A corner lot shall not be considered a through lot.

2. No fence shall be constructed of any material or in any manner which may be dangerous to persons or animals.

3. The finished side of any fence shall face the adjoining properties.

4. In any nonresidential zone, fences shall be permitted in the front, side and rear yards. A fence in the side and rear yard of an industrial zone only may exceed six feet but shall not exceed ten feet in height.

5. All fences, shrubs, trees, etc., must be installed within the property lines of the lot.

6. On any corner lot, no fence, wall or other structure shall be permitted within a triangle formed by two sides measured twenty-five (25) feet from the point of intersection of the street right-of-way lines and the connecting of the two points twenty-five (25) feet in distance from the intersecting point of the street right-of-way lines.

7. No fence shall be permitted on or about a lot created by subdivision and/or site plan approval for any townhouse as defined by this title in any residential district or any single detached dwelling located on a lot which was created as a result of approval of a planned residential development with the R-A (PRD) zone, except and unless such fencing was specifically authorized by site plan and/or subdivision plan approval of a townhouse or planned residential development. Fencing within such development may be permitted only after approval of a plan as provided in Section 16.20.010.

8. The provision of this sub section notwithstanding, a fence may be erected in a residential zone up to eight (8) feet in height along the rear property line of the residential lot when said rear property lot line borders a non-residential zone other than the OSC zone.

G. No building or structure shall be located on a corner lot nearer to a street boundary line than the required front yard as set forth in the schedule (see Chapter 17.96). (Prior code § 86-6(C))

(O.1291-2002, Amended, 01/24/2002, added to section [F]8; 1268-2001, Amended, 06/27/2001, Added section (F)(8))

**Section 17.08.040 Accessory buildings.**

No accessory buildings permitted by this chapter shall be placed in any required yard except as specified hereinafter in this section.

A. Within any residential zone, the aggregate ground area covered by accessory buildings, including the ground area covered by any projections hereinabove permitted, shall not exceed ten percent of the total lot area or thirty-five (35) percent of the rear yard area, whichever is the lesser. Within any other zone, the aggregate area covered by any accessory building(s) shall not exceed fifty (50) percent of the rear yard area.

B. No accessory building within any residential zone or business zone shall be more than fifteen (15) feet or one and one-half stories, whichever is the lesser, in height. In all other zones, no accessory building, including tanks, silos or similar structures, shall exceed the height of the principal building to which same is accessory. No building permit for any accessory building shall be issued in any residential zone until a permit for a dwelling or other permitted principal structure has been issued and construction started.

C. No accessory building shall be located within the required front yard area.

D. On through lots (any lot running from one street to another), no accessory building erected in the rear yard shall be nearer the street line than the minimum distance specified for a front yard setback on that part of the street which the yard abuts.

E. Any accessory building attached to the main building shall be considered part of the main building. (Prior code § 86-6(D))

**Section 17.08.050 Lot frontage.**

A. On any lot running through from one street to another, the front of the lot shall, for the purposes of this chapter, be considered that frontage upon which the majority of the buildings in the same block front, but, in case there has been no clearly defined building frontage established, the owner may, when applying for a building permit, specify which lot line is to be considered the front lot line for the purposes of this chapter.

B. In the case of lots fronting on the turnaround of a cul-de-sac street or fronting upon any other curved street, lot frontage (as distinguished from lot width) may equal but shall be no less than two-thirds of the required lot width as set forth in the schedule (see Chapter 17.96), and further provided that no lot shall have a frontage of less than fifty (50) feet. (Prior code § 86-6(E))

**Section 17.08.060 Reduction of open space prohibited.**

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

B. Where a lot is formed from part of another lot and occupied by a building, such division shall be effected in such a manner as not to impair any of the requirements of this title with respect to the existing building or yards and open spaces in connection therewith. No permit shall be issued for the erection of a new building on a new lot thus created, unless it complies with all the provisions of this title.

C. Off-Street Parking. Off-street parking space shall be provided as specified in Chapter 17.88 or as otherwise may be required in this title.

D. Access Driveways. Any access driveway to any use shall be deemed to be accessory to such use. No driveway that is accessory to a business or industrial use shall be established in any residential zone.

E. Ingress or Egress. No ingress or egress over private roads or private driveways of Edison Township through districts zoned for residential uses shall be permitted to or from nonresidential properties. (Prior code § 86-6(F))

**Section 17.08.070 Measurement of building height.**

A. The measurement shall be made from the mean finished grade of the lot immediately adjacent to the building foundation.

B. Height limits in this title shall not apply to transmission or aerial towers, masts, flagpoles or chimneys, provided that the horizontal area of such parts does not exceed one and zero-tenths percent of the ground area covered by the main building, nor shall the limits apply to parapet walls not over four feet high for buildings located in non-residential zones, and further provided that height limits shall not apply to roof-mounted heating, airconditioning or other mechanical equipment, except that such equipment shall not be visible while standing at ground level and shall be screened by a wall, cover, parapet, fencing or by other means equal to the height of the equipment to be screened and such screening shall be in keeping with the architectural motif of the building. (Prior code § 86-6(G))

(O.1344-2003, Amended, 01/23/2003)

**Section 17.08.080 Minimum lowest floor level.**

The lowest floor level in a cellar, basement, crawl space or other structure in any building or structure shall not be less than specified by the New Jersey Department of Environmental Protection or other flood elevation established by the township engineer. (Prior code § 86-6(H))

**Section 17.08.090 Flood hazard protection area delineation.**

The standards for control and regulation of land within flood hazard areas as promulgated by the New Jersey Department of Environmental Protection are incorporated in this title. (Prior code § 86-6(I))

**Section 17.08.100 Site plan requirement.**

A. Except as hereinafter provided, no building permit shall be issued for a building or use or enlargement of any building or use unless a site plan is first submitted and approved, and no certificate of occupancy shall be given unless all construction conforms to the approved plan, except that site approval shall not be required for single-family or two-family dwellings or for permitted accessory uses incidental to single-family dwellings.

B. No change of occupancy permit pursuant to Section 16.20.010(B) for any nonresidential use shall be authorized or permitted until approved by the planning board committee for change of occupancy.

C. The planning board committee, for a change of occupancy, may require, as a condition of permit approval, the installation of landscaping, paving, fencing, lighting and building facade renovation.

D. Site plan application and approval shall be required for all parking areas not accessory to a single-family or two-family dwelling. (Prior code § 86-6(J))

**Section 17.08.110 Conditional uses.**

Notwithstanding compliance with specific conditional use standards hereinafter set forth, no conditional use will be permitted if the use at the proposed location would be detrimental to the health, safety and general welfare of the community. (Prior code § 86-6(L))

**Section 17.08.120 Sight triangles.**

On a corner lot, with a triangular area, no wall or fence or other structure shall be erected of a height in excess of three feet, and no hedge, shrub or other growth shall be maintained at a height in excess of three feet, except that trees whose branches are trimmed away to a height of at least

ten feet above the curb level shall be permitted. Such triangular area shall be determined by the intersecting center lines of the streets and a diagonal connecting points on each street center line seventy-five (75) feet from the intersection of such street center lines. (Prior code § 86-6(M))

**Section 17.08.130 Prohibited uses.**

A. All uses not specifically permitted by zone or by state or federal law are prohibited, inclusive of, but by no means limited to, refineries, cement manufacturing, slaughterhouses, explosive manufacturing, adult bookstores, movies and the like and as further prohibited by this title.

B. Drive-through windows or other physical appurtenances designed or used to serve food to customers.

C. Chemical manufacture for storage or sale of extremely toxic chemicals, such as but not limited to phosphine, phosgene, stibine, arsine, hydrogen selenide, methyl isocyanate, chlorine dioxide, chlorine trifluoride, diborane, mercury and chloroform.

D. Hazard or toxic waste disposal, storage and transfer facilities designed or used for the incineration, disposal, storage or transfer of hazardous or toxic waste produced off-site.

E. In any approved lot in a zone which permits the construction of a single-family dwelling as the principal structure, it shall be prohibited to construct more than one such principal structure on that lot. (Prior code § 86-6(N))

**Section 17.08.140 On-site trailers.**

The use of trailers or modular office buildings as accessory buildings shall be temporarily permitted at a site for which a building permit has been issued for development of land as defined by the Municipal Land Use Law. Upon completion of the approved project, such trailer or other modular structure shall be removed from the site unless specifically authorized by site plan and/or subdivision application approval by the Edison Township planning board. No trailer or modular structure not permanently affixed to the ground shall be permitted unless approval is granted in accordance with the land subdivision and site plan ordinance of Edison Township (Title 16 of this code). Trailers or modular buildings used as an accessory building must be approved in accordance with the land subdivision and site plan ordinance of Edison Township. This section does not apply to recreation or house-type trailers. (Prior code § 86-6(O))

**Section 17.08.150 Decks and patios.**

A. All decks or patios as described in this Chapter shall comply with accessory building yard requirements for accessory buildings and with lot coverage regulations as set forth in the schedule in Chapter 17.96 except that for the purposes of this Chapter, decks in the R-AA, R-A, R-A (PRD), R-BB and R-B zone districts shall have their own lot coverage requirements, separate and apart from the requirements for lot coverage as set forth in Section 17.96.010 and the schedule attached thereto. The following maximum lot coverage requirements in the R-AA, R-A, R-A (PRD), R-BB and R-B zone districts shall apply to decks:

Zone District	Maximum Deck Lot Coverage
R-AA	2%
R-A	3%
R-A [PRD]	3%
R-BB	3%
R-B	4%

(O.1317-2002, Amended, 07/24/2002)

**Section 17.08.160 Repealed**

(O.1279-2001, Repealed, 11/28/2001)

**Section 17.08.170 Private swimming pools.**

Pools shall be located in conformance with the side yard requirements of the principal structure and shall be located no less than twenty (20) feet from the rear lot line in the R-AA and R-A zones. In the R-BB and R-B zones, no pool shall be located less than six feet from any side or rear lot line. No pools shall be located in the required front yard area. (Prior code § 86-6(R))

**Section 17.08.180 Private, nonprofit school.**

Such uses shall be located on a tract of land of no less than five acres; and further provided that for each one hundred (100) students permitted by license of New Jersey Department of Institutions and Agencies or New Jersey Board of Education, an additional one acre shall be required. (Prior code § 86-6(S))

**Section 17.08.190 Stables.**

No structure used for the feeding, care and housing of hooved animals shall be located within seventy-five (75) feet of a property line. (Prior code § 86-6(T))

**Section 17.08.200 Buffer area requirements.**

All construction, alteration or enlargement of nonresidential structures or multifamily structures shall require a planted buffer area when such use adjoins single-family dwellings. The purpose of the buffer area is to provide a visual screen to separate the impacts of nonresidential use and/or disproportionate building bulk to adjoining single-family residents. The buffer area may consist of preservation of existing natural mature plant growth, new plant materials, fencing or any combination of the same to ensure proper separation of one use from the other. This regulation shall apply to all districts unless specifically regulated elsewhere by zone district. (Prior code § 86-6(U))

**Section 17.08.210 Interference with pipelines.**

A. Definitions. Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of this chapter:

"Distribution line" means a pipeline other than a gathering or transmission line.

"Gathering line" means a pipeline that transports gas from a current production facility to a transmission line or main.

"Pipeline" means any conduit through which natural gas, petroleum, oxygen or other flammable or combustible products or any of their products is conveyed or intended to be conveyed. The definition of "pipeline" shall include compressor plants and other facilities integrated with pipeline operations.

"Service line" means a distribution line that transports natural gas from a common source of supply to a customer meter or the connection to a customer's piping, whichever is farther downstream, or to the connection to a customer's piping if there is not a customer meter. The "customer meter" is the meter that measures the transfer of gas from an operator to a customer.

"Transmission line" means a pipeline subject to pressures of one hundred twenty-five (125) or more pounds per square inch gauge, other than a gathering line, that:

1. Transports gas from a gathering line or storage facility to a distribution line in a storage facility to a distribution center or storage facility;
2. Operates at a hoop stress of twenty (20) percent or more of SMYS (specified minimum yield strength);
3. Transports gas within a storage field.

B. No building or land disturbance shall be permitted within seventy-five (75) feet of any distribution, gathering or transmission line, as defined in subsection A of this section.

C. No building or structure or part thereof which is used for the manufacturing, processing, generation or storage of corrosive, highly toxic, oxidizing, pyrophoric, water-reactive, highly combustible, flammable or explosive materials that constitute a high fire, explosion or health

hazard, including loose, combustible fibers, dust and unstable material, shall be constructed within one hundred twenty-five (125) feet of any distribution, gathering or transmission line.

D. Exceptions and Exemptions. This section shall not apply to:

1. Any building, land disturbance or construction involved in the crossing of a pipeline to provide access to a property when no other reasonable access is permitted and the crossing of a pipeline to provide utility services to a parcel of land;

2. Any work done to any building, land disturbance or construction on a pipeline by or on behalf of the owner or operator of any pipeline.

E. The approving board may permit the encroachment upon the buffer area provided for in this section upon a demonstration that the strict application of this section would result in particular and exceptional practical difficulties or undue hardship caused by reason of exceptional narrowness, shallowness or shape of the property or by reason of exceptional topographic conditions or physical features uniquely affecting a property or by reason of extraordinary and exceptional situations uniquely affecting a property or the structures lawfully existing thereon. (Prior code § 86-6(V))

**Section 17.08.220 Community residences for developmentally disabled and community shelters for victims of domestic violence.**

A. In accordance with N.J.S.A. 40:55D-66.1, no community residence for the developmentally disabled and no shelter for victims of domestic violence shall house more than six persons, excluding resident staff, unless a conditional use permit has been issued by the planning board for the use or conversion to use of a dwelling unit to such a community residence or shelter.

B. An applicant for a conditional use permit shall file an application for development which shall be the subject of a public hearing at the planning board following the required notice and service requirements of an application for development as more particularly set forth in Sections 18.28.050 and 18.28.060. In each case, the decision of the planning board shall be reasonably related to the health, safety and welfare of the residents of the zoning district in which the proposed use is to be located. Before granting such a conditional use permit, the planning board shall make specific findings of fact including, but not limited to the following:

1. The proposed area shall be sufficient for the intended purpose;
2. Adequate parking facilities shall be provided;
3. Means of ingress and egress shall be adequate to prevent traffic hazard, congestion or excessive interference with normal traffic movement on adjacent public streets and thoroughfares;
4. The building and use shall be appropriately located and designed and will meet a community need without adversely affecting the neighborhood;
5. In accordance with N.J.S.A. 40:55D-66.2, no more than fifteen (15) persons other than resident staff shall be permitted in the residence;
6. The applicant shall satisfy the planning board as to the adequacy of all items required in an application for site plan approval, including but not limited to, drainage, illumination, sewerage, landscaping and all other items required for site plan approval. (Prior code § 86-6(W))

**Section 17.08.230 Performance standards and procedures.**

All uses and activities shall comply with performance standards as set forth in this section.

A. General Intent. As a condition to approval and as a condition to continuance of any building, process, installation, production or other use in an industrial district, the applicant shall supply evidence, satisfactory to the planning board or to its designated representative, that the proposed building, process, installation, production or other use will conform fully to all the applicable performance standards. As evidence of compliance, the board may require certification of tests by appropriate government agencies or by recognized testing laboratories,

any costs to be borne by the applicant. The planning board may require that specific types of equipment, machinery or devices be installed or require specific operating procedures or methods in order to assure compliance with the applicable performance standards.

B. Liquid Wastes. No liquid waste shall be discharged into any watercourse in the municipality.

C. Industrial Waste. No industrial waste shall be discharged into the public sewage collection and disposal system unless the appropriate officials of the township sewer utility or Middlesex County Sewerage Authority, whichever has jurisdiction, shall have first investigated the character and volume of such waste and shall have certified that it will accept the discharge of the waste material into the system. The applicant shall comply with any requirements of the utility, including the pretreating of such wastes, control of pH and other methods of improving such wastes prior to discharge, as a condition to acceptance by the utility.

D. Noise and Vibration. All uses and activities shall comply with applicable noise and vibration standards of the state and federal government, provided that no use shall cause an increased vibration beyond the limits of the property on which it is located nor increase the ambient noise levels present at boundaries of the site nor cause intermittent or point audible noise or noise vibration to adversely impact adjoining property.

E. Heat. No process or use shall be permitted that produces heat to the extent that the temperature has an adverse effect of any kind upon adjoining properties and uses.

F. Glare. Any process producing intense glare or flashing of lights shall be performed within a completely enclosed building in such manner that no discomfort glare shall be disseminated beyond the building. No sky-reflected or indirect glare shall be permitted if any operation is to be conducted in any area outside of a building except where required for safety purposes. Lighting of any interior roadway or driveway shall conform to American Standard Practice for Roadway Lighting, ASAD 12.1-1963, sponsored by the Illuminating Engineering Society and published by the United States American Standards Institute. Lighting of any parking area or of any loading and unloading area shall conform to the strictest standards described in Recommended Practice for Outdoor Parking Area Lighting, published by the Illuminating Engineering Society, with spacing and type of luminaire such that spill light shall be kept at a minimum objectionable glare to any point beyond the lot line. Parking and loading and unloading areas that are in use after dark shall be so situated as to provide maximum shielding and concealment of lighting from adjoining properties. Lighting of any sign, building exterior, fountain or decorative fixture shall be placed in such a manner that it is directed toward the object to be lighted and does not disseminate glare. The section shall not be construed to prohibit lighting required by police or other enforcement agencies for the safety and protection of employees and of the general public.

G. Additional Standards and References. In order to satisfy itself that the applicant will comply fully with all of the applicable performance standards, the planning board or its designated representative may examine and refer to any or all of the available standards, codes, regulations and requirements of federal, state, county, this township and recognized professional organizations, associations and societies.

H. Testing Procedures and Technical Assistance. In all cases where the planning board shall deem it advisable to determine whether or not the facility will be in conformity with the applicable performance standards or other provisions of this chapter, the planning board or its designated representatives shall require adequate testing procedures and shall utilize the expert assistance at the expense of the applicant. (Prior code § 86-6(K), 86-26)

#### **Section 17.08.240 Architectural appearance.**

A. In all single-family residential developments, no dwelling shall be similar, alike, coincide or the same in architectural appearance as any other dwelling within that development, or within 300 feet [sight outside] of that dwelling [development].



B. The proposed residential unit shall be of such character, quality or architectural design and construction materials as will assure that the proposed structure will be keeping with the general character of the neighborhood in which it is located, and that the proposed structure will have a harmonious visual relationship with the neighboring residential structures.

C. The floor plans of the affected dwellings need not be different, however, the dwellings shall differ substantially in the following features:

1. Orientation of house on the lot (e.g., garage location);
2. Landings, porches or other prominent ornamentation on street façade;
3. Color of all exterior wall veneers to include but not be limited to siding, stucco and brick;
4. The relative location or type of windows and doors on street elevation;
5. Color and design of front entry doors;
6. Color and design of window treatments, such as shutters, keystones, arches and panels;
7. The type of pitch of roof, including roof lines and roof appurtenances such as dormers, parapet, belfries, skylights and roof windows;
8. The type of roofing material, or the color thereof, or the pattern.

D. Reversing the layout of the same dwelling without substantial architectural changes as set forth above does not satisfy the requirements of this section.

E. A building permit will be denied to a proposed development consisting of two (2) or more houses where the proposed development will create a building or buildings of such dissimilar character and appearance to those prior existing structures and/or buildings as to destroy the character of the existing neighborhood.

F. In a multi-unit development, there shall be a minimum of two [2] models of dwellings that differ in layout as it refers to footprint, setbacks, elevation, perimeter and room configuration.

G. In any proposed development of two (2) or more attached or detached single-family homes, there shall be a variety of separate basic house designs. In no event shall there be less than the following separate basic designs:

<b>Total Number of Houses in the Development</b>	<b>Minimum Number of Separate Basic House Designs</b>
2-10	2
11-20	3
21-30	4
31-40	5
41 and over	5 plus 1 additional basic house design for every additional 25 housing units

H. Architectural plans shall be submitted when applying for a zoning permit for appropriate review by the zoning officer to determine compliance with this section.

(1259-2001, Added, 07/25/2001, added section 17.08.240)