

TOWNSHIP OF ROCKAWAY

ORDINANCE NO. 13-17

AN ORDINANCE TO AMEND CHAPTER 54 ENTITLED “LAND USE AND DEVELOPMENT REGULATIONS” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROCKAWAY AS IT PERTAINS TO SELECTIVE PROVISIONS

BE IT ORDAINED by the Township Council of the Township of Rockaway, County of Morris, State of New Jersey, that the following amendments and revisions are made to the Revised General Ordinances of the Township of Rockaway, Chapter 54 entitled “Land Use and Development Regulations.”

SECTION 1. Section 54-4, Definitions and Word Usage; the following definitions are hereby added and/or amended as follows:

§ 54-4.1. Definitions.

For the purposes of this chapter, the following phrases and words shall have the meanings indicated.

ACCESSORY BUILDING OR STRUCTURE – A building or structure occupied or devoted exclusively to an accessory use and on the same lot with and subordinate to a principal building or structure. More particularly, but not by way of limitation, an accessory building in a residential zone shall be construed to include detached garages, greenhouses, sheds, gazebos, and other roofed structures. Accessory structures shall be construed to include decks and swimming pools, but shall not be construed to include paving or at-grade patios. Where an “accessory building” is attached to a principal building by a breezeway, roof, wall, or the like, such “accessory building” shall be considered part of the principal building.

ALTERATION OF BUILDING – A change in the supporting members of a building, an addition to or diminution of a building, a conversion of a building or part thereof, removal of a building from one location to another, or a change in use.

AWNING, CANOPY OR MARQUEE – A non-enclosed structure, permanently affixed to the wall of a building which is intended to serve as a covering over the ground below and the objects thereon. For purposes of calculating setbacks, canopies or marquees shall be construed to be a part of the building to which they are affixed.

BUILDING COVERAGE – The percentage of a lot covered by all principal and accessory buildings, exclusive of uncovered and unenclosed decks, patios and porches attached thereto. Cantilevers and overhangs shall not be included in the calculation of building coverage if they do not extend more than two (2) feet from a building and are at least four (4) feet above the grade directly adjacent to the projection. Bay and bow windows shall not be included in the calculation of building coverage if they are constructed no lower than two (2) feet from the level of the finished floor of a residential structure and are no larger than sixteen (16) square feet.

CHANGE OF USE – The use of the building or land which is in any manner different from the previous use by way of function, operation, extent, products sold or manufactured or the like, including a change from one permitted use to another permitted use in the same zone.

COMMERCIAL VEHICLE – Every type of vehicle used for commercial purposes, including but not limited to vehicles used to transport persons or property for compensation or used in the furtherance of and/or performance of a specific job or work function. This definition shall include any vehicle bearing commercial license plates and/or displaying advertisements or business insignia thereon, but not vehicles used for private or personal transportation, recreational vehicles or farm vehicles.

CONSTRUCTION EQUIPMENT – Any equipment used in construction work, building or excavating, usually of substantial size, which is operated in conjunction with a commercial or industrial business, similar to but not normally registered as a vehicle (synonymous with "machinery").

CONSTRUCTION VEHICLE – Every type of vehicle used in conjunction with construction work, building or excavating, including transportation or material, which is operated in conjunction with a commercial or industrial business.

DECK – An unroofed structure of wood, masonry, metal, stone, asphalt, or other substance, the floor level of which is supported by pillars or posts and elevated above finished grade more than one (1) foot. A deck may either be freestanding or attached to a building.

GARDEN CENTER – A commercial establishment selling plants and garden products, seeds, fertilizer, tools, topsoil, mulch, stone, and other related items primarily at retail to the public.

GAZEBO – A freestanding accessory structure with a roof but no walls.

IMPERVIOUS COVERAGE – The percentage of a lot covered by all impervious surfaces, including, but not limited to, buildings, structures, pavement, and other land improvements that are highly resistant to infiltration by water, but not including above-ground pools, paver patios, paver walkways, and paver driveways.

MINOR SITE PLAN – The development plan of one (1) or more lots which does not involve planned development, any new street, alteration of existing traffic patterns, or extension of any off-tract improvement which is to be prorated pursuant to N.J.S.A. 40:55D-42, and which is limited to the following classes of development:

- A. Interior renovations of an existing building; or
- B. Building additions and the construction of any accessory structure, provided that such uses are specifically permitted in the zone district and that such alteration or construction does not exceed two thousand (2,000) square feet in ground coverage; or
- C. Alteration or improvement of the exterior façade of an existing building, such as new windows, doorways, or siding material; or
- D. The improvement of existing site facilities (i.e., parking, drainage, generators or similar equipment)

MINOR SITE PLAN COMMITTEE – A committee of at least three (3) Planning Board members appointed by the Chairman of the Board for the purpose of reviewing site plan applications for proper compliance with this chapter and reporting back to the Planning Board as to its findings. Nothing herein shall be construed as granting power to the Site Plan Committee to give any approvals or agree to any modifications of the preliminary site plan requirements. Notwithstanding any other provision of this

chapter, the Committee's power and authority shall be limited to recommendation to the entire Board for action or final decision.

MINOR SUBDIVISION – A subdivision of land for the creation of not more than four (4) lots, including the parent lot, and fronting on an existing public street or private street approved by the Planning Board; provided that such subdivision does not involve a planned development, any new street, or the extension of any off-tract improvement, the cost of which is to be prorated pursuant to N.J.S.A. 40:55D-42. Notwithstanding the above, in the event that more than one (1) minor subdivision application is submitted for any tract of land or part thereof within a five (5) year period from the date of approval of the first minor subdivision, and if both subdivisions combined would meet the definition of a “major subdivision,” the subsequent subdivision shall be construed as a major subdivision and processed accordingly.

MINOR SUBDIVISION COMMITTEE – A committee of at least three (3) Planning Board members appointed by the Chairman of the Board for the purpose of reviewing subdivision applications in accordance with the provisions of this chapter and such other duties relating to land subdivision which may be conferred on this Committee by the Board and the Board's by-laws. Notwithstanding any other provision of this chapter, the Committee's power and authority shall be limited to recommendation to the entire Board for action or final decision.

NONRESIDENTIAL ZONES/DISTRICTS – Those zone districts established in this chapter and known as B-1, B-2, R-B, O-1, O-2, O-3, OB-RL, PED, I and M zone districts. In addition, those portions of the OR-3, *ORI-EH* and R-P districts which are used for nonresidential purposes shall be construed to be nonresidential zone districts.

OUTDOOR STORAGE – The accumulation, collection, stockpiling or warehousing of vehicles, merchandise, materials, and machinery outside the enclosed confines of a building, including, but not limited to, sand, gravel, dirt, asphalt, lumber, pipes, plumbing supplies, metal, concrete, insulation, construction equipment, construction vehicles, delivery/service vehicles, household equipment, other vehicles, and containers utilized for storage purposes. The term “outdoor storage” shall not include the outdoor display of merchandise for sale on the premises.

PATIO – An unroofed structure of wood, masonry, metal, stone, asphalt, or other substance, the floor level of which is at or within one (1) foot of the finished grade.

PORCH – A roofed, above-grade structure that may be open or enclosed and is attached to or accessible from the principal building or structure.

RECREATIONAL VEHICLE – A vehicular-type portable structure without permanent foundation, which can be towed, hauled or driven and is primarily designed as a temporary living accommodation for recreational, camping and travel use and includes, but is not limited to, travel trailers, truck campers, camping trailers, self-propelled motor homes, boats and boat trailers.

RESIDENTIAL ZONES/DISTRICTS – Those zone districts established in this chapter and known as R-20AC, R-5AC, R-88, R-40, R-20, R-13, RMF-5, RMF-8, and RMF-15.

SHED – An unheated and/or non-air-conditioned building, whether on a permanent or temporary foundation, designed and intended for storage, but not for storage of an automobile, and accessory to the permitted use on the premises.

TEMPORARY STORAGE CONTAINER – A portable containerized property storage facility or unit intended to be temporarily utilized upon the exterior of residential premises only as provided and

regulated at Section 54-30.8.b.6 (a) for the purpose of storing all types of items of personal and household property either to facilitate movement of such property to commercial storage facilities or to facilitate the moving of persons from household unit to household unit.

TRAILER - A container which may be transported over the road by traction and which is used or may be used for purposes of hauling goods, objects or materials of any kind.

SECTION 2. Section 54-5.4, Planning Board Committees, shall be deleted in its entirety and replaced with the following:

§ 54-5.4 Planning Board Committees.

A Minor Site Plan Committee and Minor Subdivision Committee may be established by the Planning Board Chairperson in accordance with § 54-8 and § 54-9, respectively, for the purpose of reviewing, reporting, and making recommendations to the full Board regarding site plan and subdivision applications pending before the Board. The Planning Board Chairperson may also appoint from among the members of the Board such other committees as the Chairperson may deem advisable in carrying out the functions of the Planning Board.

SECTION 3. A new section 54-8 entitled "Minor Site Plan Committee; Tenancy Review" shall be created as follows:

§ 54-8 Minor Site Plan Committee; Tenancy Review

§ 54-8.1 Minor Site Plan Committee.

- a. Establishment: An advisory committee, to be known as the "Minor Site Plan Committee," is hereby established for the purpose of reviewing site plan applications for proper compliance with this chapter and reporting back to the Planning Board as to its findings, but without power to take official action required of the Planning Board.
- b. Membership; Terms.
 1. The Minor Site Plan Committee shall consist of at least three (3) Planning Board members, who shall be appointed by and serve at the pleasure of the Planning Board Chairperson.
 2. All appointments of members, except to fill vacancies, shall take effect upon the first of January of each year, for the length of his/her official tenure as a member of the Planning Board. If a vacancy shall occur otherwise other than by an expiration of term, it shall be filled by appointment, as above provided, for the unexpired term.
- c. Powers and Duties: The Minor Site Plan Committee shall follow the provisions of this chapter and shall accordingly exercise its power as follows:
 1. All applications for minor site plan approval filed with the Planning Board shall be reviewed by the Minor Site Plan Committee prior to those applications being presented to the Board in order to determine compliance with the ordinances of the Township of Rockaway and the statutes of the State of New Jersey as they pertain to land development.

2. Within thirty (30) days of receipt of the site plan, the Committee shall issue to the Planning Board a written report which will advise the Board whether or not the Committee, in its opinion, determines that the application is in compliance with the ordinances of the Township of Rockaway and the laws of the State of New Jersey as they pertain to land development.
 3. Further, the Committee shall offer its opinion as to the acceptability of the plan of land development presented by the applicant.
 4. Nothing herein shall be construed as granting power to the Minor Site Plan Committee to give any approvals or agree to any modifications of the preliminary site plan requirements. Notwithstanding any other provision of this chapter, the Committee's power and authority shall be limited to recommendation to the entire Board for action or final decision.
- d. Employment of Counsel, Experts and Staff. Subject to the prior approval of the Planning Board, the Minor Site Plan Committee may employ, or contract for, and fix the compensation of legal counsel, who shall not be the Township Attorney, as well as such other experts, staff and services as it may deem necessary. The Committee shall not authorize expenditures which exceed, exclusive of grants, the amount appropriated by the Planning Board for its use.

§ 54-8.2 Tenancy Review.

- a. Tenancy applications for a change in occupancy or for a change from a permitted use to another permitted use which does not generate or result in any need for variance relief or involve any exterior alterations for an existing nonresidential building shall be reviewed administratively by the Zoning Officer.
- b. The Zoning Officer may, as appropriate, refer the application to one (1) or more of the following Township employees or consultants: Construction Code Official; Traffic Safety Officer; Police Department; Township Engineer; Utility Superintendent; Health Officer; Fire Official; and/or Township Planner.

SECTION 4. A new section 54-9 entitled "Minor Subdivision Committee" shall be created as follows:

§ 54-9 Minor Subdivision Committee.

§ 54-9.1 Establishment.

An advisory committee, to be known as the "Minor Subdivision Committee," is hereby established for the purpose of reviewing subdivision applications for proper compliance with this chapter and reporting back to the Planning Board as to its findings, but without power to take official action required of the Planning Board.

§ 54-9.2 Membership; Terms.

- a. The Minor Subdivision Committee shall consist of at least three (3) Planning Board members, who shall be appointed by and serve at the pleasure of the Planning Board Chairperson.

- b. All appointments of members, except to fill vacancies, shall take effect upon the first of January of each year, for the length of his/her official tenure as a member of the Planning Board. If a vacancy shall occur otherwise other than by an expiration of term, it shall be filled by appointment, as above provided, for the unexpired term.

§ 54-9.3 Powers and Duties.

The Minor Subdivision Committee shall follow the provisions of this chapter and shall accordingly exercise its power as follows:

- a. All applications for minor subdivision approval filed with the Planning Board shall be reviewed by the Minor Subdivision Committee prior to those applications being presented to the Board in order to determine compliance with the ordinances of the Township of Rockaway and the statutes of the State of New Jersey as they pertain to land development.
- b. Within thirty (30) days of receipt of the plat, the Committee shall issue to the Planning Board a written report which will advise the Board whether or not the Committee, in its opinion, determines that the application is in compliance with the ordinances of the Township of Rockaway and the laws of the State of New Jersey as they pertain to land development.
- c. Further, the Committee shall offer its opinion as to the acceptability of the plan of land development presented by the applicant.
- d. Notwithstanding any other provision of this chapter, the Committee's power and authority shall be limited to recommendation to the entire Board for action or final decision.

§ 54-9.4 Employment of Counsel, Experts and Staff.

Subject to the prior approval of the Planning Board, the Minor Subdivision Committee may employ, or contract for, and fix the compensation of legal counsel, who shall not be the Township Attorney, as well as such other experts, staff and services as it may deem necessary. The Committee shall not authorize expenditures which exceed, exclusive of grants, the amount appropriated by the Planning Board for its use.

SECTION 5. Section 54-21.9, Minor Site Plans, shall be deleted in its entirety and replaced with the following:

§ 54-21.9 Minor Site Plans.

In addition to the procedures for filing, completeness determination and review provided by this section, the following provisions shall apply to minor site plans:

- a. Upon a determination that the application is complete, an application for minor site plan approval filed with the Planning Board shall be referred to the Minor Site Plan Committee, which shall make recommendations to the full Board in accordance with § 54-8. Following receipt of the Minor Site Plan Committee's report, the Planning Board shall take action on the application within the time periods prescribed pursuant to § 54-21.6.d.
- b. Notwithstanding the above, an applicant may apply to the Minor Site Plan Committee for a waiver from notice and public hearing on a minor site plan application, in accordance with the following:

1. In order to qualify for a waiver, the minor site plan must conform to the definition of "minor site plan," as set forth in § 54-4.
 2. The Minor Site Plan Committee, in determining whether or not a waiver should be granted, shall, as appropriate, refer the application to one (1) or more of the following Township employees or consultants: Zoning Officer; Construction Code Official; Traffic Safety Officer; Police Department; Township Engineer; Utility Superintendent; Health Officer; Fire Official; and/or Township Planner.
 3. The Minor Site Plan Committee may grant or deny the request for waiver or may refer the request to the full Board if there is any question as to the action that should be taken.
 4. An applicant may appeal any denial of a waiver by the Minor Site Plan Committee to the full Planning Board.
 5. If an application lies outside the scope of this procedure or if the application is denied, the applicant may apply for minor site plan approval.
- c. Minor site plan approval shall be deemed to be final approval of the site plan by the Board, provided that the Board may condition such approval on terms ensuring the provision of improvements pursuant to N.J.S.A. 40:55D-38, D-39, D-41 and D-53.
 - d. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor site plan approval was granted, shall not be changed for a period of two (2) years after the date of minor site plan approval.

SECTION 6. Section 54-21.10, Minor Subdivisions, shall be deleted in its entirety and replaced with the following:

§ 54-21.10 Minor Subdivisions.

In addition to the procedures for filing, completeness determination and review provided by this section, the following provisions shall apply to minor subdivisions:

- a. Upon a determination that the application is complete, an application for minor subdivision approval filed with the Planning Board shall be referred to the Minor Subdivision Committee, which shall make recommendations to the full Board in accordance with § 54-9. Following receipt of the Minor Subdivision Committee's report, the Planning Board shall take action on the application within the time periods prescribed pursuant to § 54-21.6.d.
- b. Notwithstanding the above, an applicant may apply to the Minor Subdivision Committee for a waiver from notice and public hearing on a minor subdivision application, in accordance with the following:
 1. In order to qualify for a waiver, the minor subdivision must conform to the definition of "minor subdivision," as set forth in § 54-4.
 2. The Minor Subdivision Committee, in determining whether or not a waiver should be granted, shall, as appropriate, refer the application to one (1) or more of the following Township employees or consultants: Zoning Officer; Construction Code Official; Traffic

Safety Officer; Police Department; Township Engineer; Utility Superintendent; Health Officer; Fire Official; and/or Township Planner.

3. The Minor Subdivision Committee may grant or deny the request for waiver or may refer the request to the full Board if there is any question as to the action that should be taken.
 4. An applicant may appeal any denial of a waiver by the Minor Subdivision Committee to the full Planning Board.
 5. If an application lies outside the scope of this procedure or if the application is denied, the applicant may apply for minor subdivision approval.
- c. Minor subdivision approval shall be deemed to be final approval of the subdivision by the Board, provided that the Board may condition any such approval on terms ensuring the provision of improvements pursuant to N.J.S.A. 40:55D-38, D-39, D-40 and D-53.
 - d. Approval of a minor subdivision shall expire one hundred and ninety (190) days from the date on which the resolution of Township approval is adopted unless within such period a plat in conformity with such approval and the provisions of the "Map Filing Law", or a deed clearly describing the approved minor subdivision, is filed by the developer with the County Recording Officer, the Township Engineer and the Township Tax Assessor. Any such plat or deed accepted for such filing shall have been signed by the Chairperson and Secretary of the Board before it will be accepted by the County Recording Officer.
 - e. The Board may extend the one hundred ninety (190) day period for filing a minor subdivision plat or deed if the developer proves to the reasonable satisfaction of the Board: 1) that the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities, and 2) that the developer applied promptly for and diligently pursued the required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the Board. The developer may apply for the extension either before or after what would otherwise be the expiration date.
 - f. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision approval was granted, shall not be changed for a period of two (2) years after the date on which the resolution of minor subdivision approval is adopted, provided that the approved minor subdivision shall have been duly recorded with the County Recording Officer.

SECTION 7. Section 54-30.6.f.4. General Provisions, Yards, Projections and Encroachments is hereby deleted in its entirety and replaced with the following:

4. Projections and Encroachments. Unless otherwise permitted by this chapter, no part of any building shall extend beyond the foundation into any required yard or court, except as follows:
 - (a) Roof overhangs, cornices and eaves may project a maximum of two (2) feet over any required yard or court.
 - (b) Sills, leaders, belt courses and similar ornamental or structural features may project a maximum of six (6) inches into any required yard or court.

- (c) An open fire balcony or fire escape may project into a required yard not more than four (4) feet.
- (d) Ground story bay windows or oriels may project not more than three (3) feet into any required yard in any residential district.
- (e) Chimneys with or without fireplaces may project not more than two (2) feet into any required yard in any residential district; provided the total area of encroachment shall not exceed twelve (12) square feet.
- (f) No steps shall extend into any street right-of-way in any district. Unenclosed steps may extend a maximum of five (5) feet into any required front or rear yard.
- (g) Awnings, canopies and marquees shall not extend into any street right-of-way in any district. Such awnings, canopies and marquees may project a maximum of five (5) into any required yard.

SECTION 8. Section 54-30.8.a. Accessory Structures and Uses, General Requirements in Residential Districts is hereby deleted in its entirety and replaced with the following:

- a. Requirements for Accessory Buildings in Residential Districts. The following requirements shall apply to all accessory buildings in all residential districts:
 1. No accessory buildings, structures, or combination of accessory buildings and/or structures, shall cover a ground area more than twenty (25%) percent of the lot's rear yard area in the R13 and R20 Zones or more than fifteen (20%) percent of the lot's rear yard area in all other residential zones.
 2. No accessory building shall exceed the height of the principal building or sixteen (16) feet, whichever results in the lesser height.
 3. No accessory building shall be permitted in any front yard. Accessory buildings on corner lots shall comply with the minimum front yard requirements for principal buildings in the district for all street frontages.
 4. Accessory buildings shall be set back a minimum distance of three (3) feet from any property line
 5. All accessory buildings shall be located at least five (5) feet from any principal building located on the property or on any adjacent property, excluding overhangs. Where an accessory building is attached to a principal building by a breezeway, roof, wall, or the like, such accessory building shall be considered part of the principal building.
 6. Garages for single family dwellings shall not contain space for more than (3) motor vehicles.

SECTION 9. Section 54-30.8.b.1. Accessory Structures and Uses, Requirements for Certain Structures in Residential Districts, Garages is hereby deleted in its entirety and replaced with the following:

1. Decks, patios and porches. Decks, porches, elevated patios and like structures which are attached to the principal building shall be permitted as accessory structures in all residential districts, subject to the following requirements:
 - (a) Decks, porches, elevated patios and like structures which are attached to the principal building shall be excluded from the calculation of building coverage, provided that such structures are neither roofed nor enclosed.
 - (b) Decks, porches, elevated patios and like structures which are attached to the principal building shall be subject to the minimum yard requirements for the principal building, except that such structures shall be permitted to encroach a maximum of twenty-five (25%) percent into the required rear yard, provided the principal building meets the rear yard setback requirements.
 - (c) Also see Section 54-30.8.a.1.

SECTION 10. Section 54-30.8.b.4. Accessory Structures and Uses, Requirements for Certain Structures in Residential Districts, Outdoor Storage is hereby deleted in its entirety and replaced with the following:

4. Parking and Storage of Commercial Vehicles, Non-Passenger Vehicles, and Recreational Vehicles. The outdoor storage or parking in the open of commercial vehicles, other non-passenger vehicles, and recreational vehicles in residential districts shall only be permitted as follows:
 - (a) Commercial and other non-passenger vehicles:
 - (1) No more than one (1) commercial vehicle shall be permitted on a single lot in any residential district.
 - (2) The only commercial vehicles permitted to be stored outdoors in the RMF, R13, R20 and R40 zone districts are pickup trucks/vans without attachments registered for sixteen thousand (16,000) pounds or less.
 - (3) No commercial vehicle to be stored outdoors in all other residential zone districts shall exceed a gross weight of twenty-six thousand (26,000) pounds.
 - (4) No commercial vehicle to be stored outdoors in any residential zone district shall exceed a length of twenty-five (25) feet or a height of nine (9) feet.
 - (5) Commercial vehicles shall only be permitted on a driveway.
 - (6) All commercial vehicles shall be owned by or registered to the resident of the property or the resident's employer.
 - (7) Notwithstanding the provisions of paragraph (a) above, in all residential zones only one (1) commercial towing truck registered for twenty-six thousand (26,000) pounds or less may be stored in a residential driveway during those times when that particular tower is on call for response to Township emergency towing needs.

(b) Recreational vehicles:

- (1) No more than two (2) recreational vehicles located outside shall be permitted on a single lot in any residential district.
- (2) No recreational vehicle to be stored outdoors in any residential zone district shall exceed a length of forty (40) feet, a width of nine (9) feet, or a height of thirteen (13) feet.
- (3) Recreational vehicles shall only be permitted in the side and rear yards, or on a driveway. Said vehicles not located on a driveway shall be set back a minimum of three (3) feet from the side and rear property lines.
- (4) All recreational vehicles shall be owned or leased by the resident of the property.
- (5) In no event shall unhitched trailers used for storage be permitted in residential districts, unless said trailer meets the definition of "temporary storage container," as defined at Section 54-4.1, which shall be permitted only as provided and regulated at Section 54-30.8.b.6.(a).
- (6) At no time shall a recreational vehicle parked or stored on any lot be used for living, sleeping, or housekeeping purposes; provided, however, that recreational vehicles may be permitted, on a temporary basis, for residential purposes while repairs are being made to a dwelling damaged by fire or natural disaster which has been deemed by the Administrative Officer to be temporarily uninhabitable, and subject to the following:
 - [a] Application for permit. A permit must be obtained prior to habitation. Application for a permit shall be made in writing to the Administrative Officer and shall contain the following information:
 - [1] The name and address of the owner of the recreational vehicle.
 - [2] The owner and location of the site where the trailer is to be located.
 - [3] A sketch showing the location of the trailer on the site, as well as roadway access, utility connections, and other such considerations.
 - [4] A letter from the Department of Community Services approving the proposed utility connections.
 - [5] An estimate from the contractor making the repairs of the time necessary to complete the repairs.
 - [6] A certification by the owner of the property that no use will be made of the damaged building until a certificate of occupancy is issued.
 - [b] Fee. A fee of fifty dollars (\$50.00) shall accompany each application.

[c] Term of permit. A permit issued under this section shall be valid for a period of six (6) months. Thereafter, the homeowner must apply to the Administrative Officer for an extension of said permit. Only one said extension shall be permitted.

[d] Revocation of permit. Any permit issued under this section shall be revoked if the Administrative Officer of Health Officer determines that the presence of the recreational vehicle is causing or is likely to cause a threat to the health, safety, or welfare of its occupants, or any other residents of the Township.

(c) Nothing contained herein shall be construed to permit the outdoor storage of unlicensed, unregistered, abandoned, inoperable, wrecked, partially stripped or dismantled vehicles or vehicle parts of any kind in any residential district.

(d) Nothing contained herein shall be construed to prohibit the temporary storage or parking outdoors of construction vehicles and equipment connected with a permitted construction project, which are regulated at Section 54-30.8.h.

SECTION 11. Section 54-30.8.b. Accessory Structures and Uses, Requirements for Certain Structures in Residential Districts, is hereby amended to include the following new subsection:

6. Outdoor Storage. In all residential zoning districts, outdoor storage shall be a prohibited use, except to the extent provided below:

(a) Temporary storage containers shall be permitted as follows:

(1) Temporary storage containers shall only be kept on a developed, single-family residential lot as a temporary structure accessory to the existing dwelling.

(2) No more than one (1) temporary storage container shall be permitted per property.

(3) Said container shall be placed on a paved surface and shall be set back a minimum of three (3) feet from all property lines and the street right-of-way.

(4) Said container shall be set back a minimum of five (5) feet from any building.

(5) Said container shall be no larger than ten (10) feet wide, twenty (20) feet long and ten (10) feet high.

(6) Said container shall be permitted for a period not to exceed ninety (90) days, with one (1) extension up to ninety (90) days.

(7) A permit for said container shall be obtained from the Administrative Officer. A fee of fifty dollars (\$50.00) shall be charged for the initial permit, with an additional fee of the same amount for any extension which may be granted by the Administrative Officer.

- (b) Parking and storage of commercial vehicles, non-passenger vehicles, and recreational vehicles shall be permitted as set forth at Section 54-30.8.b.4.
- (c) Nothing contained herein shall be construed to restrict the outdoor storage of items customarily incidental to a residential use, including, but not limited to, firewood intended for use on the premises and refuse and recycling materials which are temporarily stored in closed containers and awaiting collection. However, discarded furniture, household appliances, accumulation of household items or other debris, salvaged materials, junk or wastes of any kind are expressly prohibited.
- (d) Nothing contained herein shall be construed to limit the outdoor display and sale of farm produce, storage of farm machinery or vehicles for use on a farm, or storage of the products of agricultural uses for a farm, which are regulated at Section 54-31.
- (e) Outdoor storage is only permitted in the side and rear yards and driveway. The item stored outside may not protrude beyond the projection of the driveway or the front of the dwelling into the front yard.

SECTION 12. Section 54-30.8.d. Accessory Structures and Uses, Outdoor Storage in Nonresidential Districts, is hereby deleted in its entirety and replaced with the following:

- d. Outdoor Storage in Nonresidential Districts. Unless otherwise specified in this chapter, outdoor storage shall be permitted as an accessory use in all nonresidential zoning districts, subject to the following requirements:
 - 1. Outdoor storage shall be permitted only in conjunction with the principal use conducted on the property.
 - 2. Outdoor storage must be located to the rear of the principal building to which it is accessory.
 - 3. Outdoor storage shall be set back a minimum of twenty-five (25) feet from all property lines, unless a greater setback is required for principal buildings, in which case the greater setback shall apply.
 - 4. A barrier shall be erected along the storage setback line to prevent encroachment by storage material. Such barrier shall consist of curbing, fencing, guard rail, and/or substantial landscaping, as required by the approving Board.
 - 5. No outdoor storage articles shall exceed a height of sixteen (16) feet.
 - 6. All outdoor storage shall be screened from adjoining properties and streets by means of fencing and landscaping, as required by the approving Board.
 - 7. Outdoor storage of nursery stock, accessory to a garden center, which cannot ordinarily be accommodated indoors, is permitted within the front and side yard setbacks of the principal building, subject to the following:
 - (a) Nursery stock shall be set back a minimum of twenty-five (25) feet from all property lines and the street right-of-way.

(b) Nursery stock shall occupy no more than fifty percent (50%) of the yard in which it is located.

(c) Nursery stock shall consist exclusively of plant material.

8. Nothing contained herein shall be construed to permit any manufacturing, compounding, processing, fabrication, or assembly of goods to be conducted outdoors. Such uses or operations, where permitted, shall be conducted wholly within a completely enclosed building.
9. Nothing contained herein shall be construed to limit the parking of vehicles at loading docks during the course of loading and unloading, as regulated at Section 54-30.12.

SECTION 13. Section 54-30.8. Accessory Structures and Uses, is hereby amended to include the following new subsections:

- g. Outdoor Display of Merchandise in Nonresidential Districts. Unless otherwise specified in this chapter, the outdoor display of merchandise shall be permitted as an accessory use in all nonresidential zoning districts, subject to the following requirements:
 1. The merchandise to be displayed outdoors shall be for sale on the premises and by the principal business conducted on the property.
 2. The merchandise to be displayed outdoors shall be located no closer than fifteen (15) feet from any property line and twenty-five (25) feet from any street right-of-way and residential district.
 3. The area devoted to the outdoor display of merchandise shall be no greater than ten percent (10%) of the gross floor area of the principal building.
 4. The area devoted to the outdoor display of merchandise shall not encroach into any required walkway, off-street parking or loading area, or public sidewalk, street or right-of-way and shall in no way obstruct any required emergency access lanes.
 5. Said merchandise shall be permitted to be displayed outdoors only during normal business hours and shall not otherwise be used as an outdoor storage area.
- h. Temporary Structures on a Construction Site. Transportable or wheel-based structures or other temporary structures used for sales, office, storage, or other purpose incidental to and in connection with a permitted construction project may be placed on a construction site in any zone district, subject to the following requirements:
 1. In order to ensure that the location, placement and site conditions relating to such structures will not adversely impact any adjoining property or street, nor create any adverse environmental condition, such structures shall require the approval of the Construction Official.
 2. Any such structures shall be removed from the site prior to the issuance of the last certificate of occupancy for the permitted construction project.

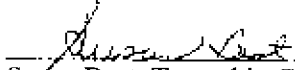
SECTION 14. All ordinances, resolutions, and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency.

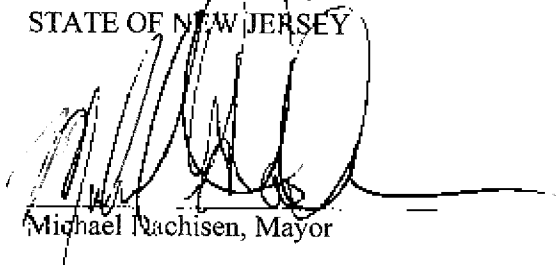
SECTION 15. If any section, paragraph, article, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, article, subdivision, clause or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 16. This Ordinance shall take effect upon final passage and approval in accordance with law.

ATTEST

TOWNSHIP OF ROCKAWAY
COUNTY OF MORRIS
STATE OF NEW JERSEY


Susan Best, Township Clerk


Michael Nachisen, Mayor